
Republic of Somaliland

**National Electoral Commission
Code of Conduct for Political Parties
Presidential Elections
Hargeisa 11/07/ 2009****Ref: XK/KDQ/723/09****PREAMBLE:**

The three political parties of Somaliland,

After holding a series of meetings in which the upcoming presidential election was discussed

Fully aware of the importance of the presidential election to the people of Somaliland;

Mindful that successful completion of the democratic process will further advance the cause of Somaliland;

Recognizing that free and fair elections will enhance the prospect for enlarged freedom and justice in Somaliland;

Cognizant of the inherent risks and threats to the nascent democracy in the transitional period

Fully aware of the urgent need to create an environment that is conducive to holding free and fair elections;

Mindful of the shortcomings of the Presidential and Local Council Law, amendments to the voter registration that needs to be concluded so that election takes place in a proper manner

Have agreed to abide by the letter and the spirit of this Code of Conduct which was jointly developed by the National Electoral Commission and the three political parties and which was signed by the parties and witnessed by the National Electoral Commission on **11 July 2009**

Objective

The objective of this code of conduct is to promote conditions that are conducive to free and fair elections including:-

- a) to be tolerant to one another in the political issues based on democracy
- b) to ensure free political campaigning and open public debate; and
- c) respect for human rights.

SECTION ONE
GENERAL PRINCIPLES

Compliance with the Code**1. Every Party and every candidate:**

- 1) is bound by this Code
- 2) Every candidate that was accepted by NEC should bring a signed letter declaring his acceptance of the code of conduct of the presidential elections and at the same promise that his supporters abide by it.
- 3) Educate the voters to abide and respect this code of conduct
- 4) will take all reasonable steps to inform officials, members as well as supporters of their political parties to abide by this code of conduct
- 5) Should strengthen permanent cooperation with NEC and the political parties
- 6) Take strong step to prevent any infringement of this code of conduct.
- 7) Take every possible step to discourage anything that will infringe this code
- 8) Condemn in front of the public any course action that can spoil free and fair election
- 9) Promise that he will accept the outcome of the election or to open a case about that at the Supreme Court

2. The Right for the Elections

Every party that is signatory to this code of conduct should be aware of their right election right concerning:

- a. Express free political expression in accordance with the laws of the country
- b. Debate the programmes and politics of the party
- c. Dissemination of literature that is not attacking anybody else
- d. Printing, dissemination of information literature or advertisement that are not attacking or defaming anyone.
- e. Erecting of placards for slogans
- f. Organize elections campaigns for free and fair election in accordance with the law, code of conduct and the agreements
- g. To support NEC or every national political party in address any violations during the elections

The Election Management**Every party must: -**

1. respect and value the rights and freedoms of other political parties to freely campaign and disseminate their political opinions and ideology.
2. to respect the rights and freedoms of the other political parties to raise posters with slogans, placards and party insignia/emblem etc
3. show behavior showing respect to the rights of other political parties, rights of the voters and the rest of the society
4. ensure all the rights of the media, electoral monitoring committee and observers.
5. follow the schedule for the election campaign
6. refrain from campaigning in the days allocated to the other parties

5. Things that are Prohibited for the Political Parties to do During the Elections

1. to engage in anything that can weaken or harm the security and stability of the country before, during and after the elections

2. to employ a language that is defamatory or slanderous that can cause violence during the elections
3. to threaten candidates, representatives, members and supporters of the political parties
4. to disturb or bother campaign of other political party.
5. to hinder or prevent the dissemination of literature or show of slogans by other party
6. to tear down, destroy or take any action that harms any communication that contain literature, slogans that belong to other party.
7. to prevent other party from making demonstration, assembly, marches or election campaigning
8. to prevent other party to make contact with the people
9. to prevent a person to take part in the demonstration of other party
10. to allow his supporters of his party to do anything that this code prohibits
11. to carry, use, and permit any kind of weapons in the political meetings, demonstrations or gathering of people
12. to launch a political campaign at time not permitted by the allocated schedule for the elections

Electoral Process

It is must for every party to:

1. to cooperate with the National Electoral Commission(NEC) to ensure that the election that takes place in secure and orderly manner and end voters to freely cast their vote without hindrance and fear
2. to comply with all the rulings of the law and to fulfill directives of the NEC
3. to develop permanent and good relationship with NEC and the other political parties
4. to take part in ensuring the safety of the electoral staff before, during and after the voting.
5. to avoid to illegally interfere the work of the electoral staff
6. to accord respect to Observers and Electoral Monitoring Committee
7. to respect the confidentiality of the voting
8. not use force or illegal means to occupy a polling station in order to get unlawful votes or prevent other party get legal votes

SECTION TWO

PUBLIC FUNDS/PROPERTY/ GOVERNMENT RADIO AND MEDIA

Article 26 of the House of Representatives Election Law¹ mandates the National Electoral Commission to ensure that the political parties have equal access both to the government owned mass media and to the use of the public assembly grounds during the election campaign. The article further states that no party may use for its own purpose the property of the nation. Article 64 gives NEC the power to impose administrative sanctions against

¹ The electoral law for the House of Representatives, explicitly states that shall be considered “an annex to Law 20/2001” therefore in matters not regulated by the oldest law, but pertinent to the presidential election, the dispositions of the first shall be applied.

anyone who commits acts that are contrary to the administration (of the election) or to the electoral law or procedures.

To effectively execute this mandate, the Commission shall put in place the following enforcement mechanisms to ensure compliance with the electoral law and procedures.

1. Use of Government Mass Media

a) Radio Hargeisa Broadcast And National TV station

Implementation Mechanism:

- Stages one: Monitoring during the campaign period
- Stage two: Allocation of time to the Political parties during the campaigning.

Stage one: Daily Monitoring of Radio Hargeisa Somali language Broadcast, as well as the government owned TV station.

The National Electoral Commission with the consultation of the Ministry of Information will monitor and record daily Radio Hargeisa Somali language broadcast. Similar monitoring will be established for National TV transitions

Stage two: Allocation of equal air time in Radio Hargeisa & National TV. for the three political parties

The National Electoral Commission will, in consultation with the Ministry of information, allocate equal airtime to the three political parties in line with the provisions of the airtime equal access schedule in annex 4

b) Maandeeq and Horn Tribune News Paper

The National Electoral Commission will make the following two arrangements in respect of Maandeeq.

1. Monitoring, on a daily basis, the content of Maandeeq and Horn Tribune newspapers
2. Allocation of equal space in Maandeeq and Horn Tribune to the parties

The details of this arrangement are in annex 5 of this Code.

c) Privately owned Media

The privately owned media shall also provide equal access of the media to the political parties who are prepared to purchase space in the private newspaper. No party shall be discriminated against in terms of this access. This provision shall also be included in the media Code of Conduct and the Media Guide shall clearly state the need for objective and balanced reporting on the part of the media.

2. PUBLIC FUNDS/PROPERTY

The Parliament electoral law 20/2/2005 (article 26) prohibits the use of public property by any party for its own sole purpose. This article further states that no party may use directly or indirectly property owned by foreigners, as such as that of foreign NGOs and that of UN agencies. Furthermore, article 64 grants NEC the authority to take administrative sanctions. To execute these articles, the National Electoral Commission:

- a) will ensure that the three parties have equal access to the Public funds, Government owned mass media and Public Assembly Grounds.
- b) during the election period, the government Ministers are not allowed to use government vehicles for campaigning for the party that they belong to.
- c) Civil Servants are not allowed, in accordance with the civil service law, to publicly campaign for a party, during his office hours or when discharging governmental duties. Doing this will be considered as a serious contravention of the election management process and NEC might initiate appropriate disciplinary action against the culprit(s).
- d) To enhance the trust and confidence among the parties and to create a conducive climate for the smooth and efficient conduct of the election, it is necessary that the government refrains from any action that might be construed as an abuse of power. Likewise, it is necessary that political parties refrain from any action that may be construed as being detrimental to the peace and stability.

In order to enable the NEC to effectively carry out their responsibilities, the following pre-requisites must be obtained.

- Presidential decree directing government officers to cooperate fully with NEC and any other body established by NEC to assist it in carrying out its national duties.
- Presidential decree officially prohibiting the use of government vehicles, etc for use of campaigning and affixing of party emblem, logos, slogan, etc on government offices, premises and vehicles

It shall be the responsibility of the National Electoral Commission to obtain from the President the above-mentioned decrees.

SECTION THREE SPECIFIC CASES.

1. The 2 political parties with equal number of votes

The remote but possible situation of having the two most voted political parties receiving the same number of votes, shall be resolved in the following way:

1. The National Electoral Commission will, consider and solve all the cases of disputed votes and the petitions of annulations of votes presented by the parties and recheck the spoiled ballot papers that were marked for the 2 political parties in a tie to see if there are any valid ballot papers that were inadvertently not counted as such, in order to determine the winning candidate.
2. In case that the previous step did not resolve the tie the National Electoral Commission will order, in the shortest period possible, a new electoral process in which only the 2 tied political parties will participate.

2. Regulations for public meetings.

Article 29 grants the mayor the right to ban the holding of demonstration if he is satisfied that they might damage the health, morals or public order. However, if such action, taken by a mayor, is considered unreasonable, the article does not specify the procedure for submitting complaints. To address this deficiency in the electoral law, the three parties have agreed to the following:

That the National Electoral Commission will prepare and publish, after consultation with the political parties, a schedule of planned rallies and demonstrations for the three political parties during the campaign period, assigning equal number of days to each of them.

If the Mayor consider to stop a party from rally or demonstration in its schedule of NEC, he will submit an application with the reasons of the stoppage to the district electoral authority of the Commission. If the district electoral authority of the Commission agree with the reasons that the Mayor the ask for the stoppage of the rally and demonstration it will inform the concerned party on the other day that substituted for them

3. Vehicles movement during the Election Day

Following the disposition of the Parliamentary election Law in Article 27, any vehicle of public transport, government or private use are forbidden to circulate on the election day, from 6:00 am until 8:00pm.

The Commission is the only authority that can issue permit for circulation in that day in order to attend basic public services and the efficient development of the election; NEC will provide these vehicles with an sticker, that the vehicle shall display during its movements the election day.

Any unauthorized vehicle circulating that day, shall be detained by the police and released the same day after 8:00pm.

4. Party agents

The Parliamentary Electoral Law, in Art. 29.5 establishes that the party agents shall be trained in their duties by NEC and allow the parties to change them as they wish; this implies that only trained agents can be poll watchers.

The parties have agreed to the following formula:

Parties may, if a need arises, substitute their agents provided that the substitutes are the reserve agents that were trained by NEC; the responsibilities of the Party agents will be spell out in an instruction issued by NEC; in all the other aspect of their roll, Art. 32 of the Presidential Electoral Law will be applied.

5. Marking of the ballot-

Article 47.3 is very specific and restrictive in terms of the where the voter can put his/her marking the ballot paper. Given the fact that a large percentage of the people are unable to read or write, the probability of disenfranchising a lot of voters due to high rate of illiteracy cannot be ruled out. To avoid this situation the parties have agreed to the following, which is in line with the practice that was used in earlier elections.

The voter is allowed to put his/ her mark on the ballot paper any where within the row that is designated for the candidate of his/her preference.

Any mark be it a dot, cross, line, sign and tick, , etc is acceptable so long as it is clearly within the row.

If a voter's mark spills over to an adjacent row clearly marking 2 or 3 rows the vote shall be counted as null. However, the vote shall be counted as valid if it is clear that the intention of the voter was to vote for a specific candidate, for instance, if the mark is clearly in one row and only marginally cross to the next.

6. Refusal of one or two party agents to sign the results.

Article 52.2. of the electoral law requires that all the party agents sign all the envelopes containing the electoral material at the end of the counting, this has been a source of conflict and of annulations of polling stations results in the past; nevertheless, the possibility exist that a party agents from one or two political parties, who have been present at the polling station, deliberately refuse the signature or disappear from the polling station before the signature of the outcome of the vote.

To remedy this, the parties have agreed on the following:

In order to avoid the loss of votes cast by the citizens, the signature of only two party agents and the signatures of the polling station Chairman and Vice-Chairman shall suffice.

However, the reasons for such an event shall be recorded.

The party agent who chooses not sign the envelope or should not send the envelope with the reason of why s/he is doing so, the NEC will forward him/her to the legal authorities for accusation of dereliction of duties.

7. The Procedures for the Production of the Electronic Final Voter List

1. The server will separate the voters who have no fingerprints and photographic data from those that have either finger print data or facial data. All those voters that have neither these two data will be considered void as stipulated by article 8 of the voter registration act.
2. Before the server starts matching the data, the technical committee of the voter registration will come together to reach consensus on the parameters to differentiate the valid registration from the double registration based on the recommendations of the technical expert working in the server.
A decision about the parameters with signatures will be forwarded to the Commission in writing by the technical committee for the final approval. The parameters will be considered as part of the code of conduct
3. The technicians will then feed into the server the parameters so as to match the all the registrants with fingerprint and photo in order to produce the provincial voter list.
4. [The data] will be organized by region, district and polling station and will be divided into valid registrants and non-valid registrants
5. Copy of the valid registrants will be given to the political parties, Ministry of interior and the National Electoral Commission
6. To ensure the parameters approved by the stakeholders is appropriately used in sorting out the valid and no-valid registrants, a group of technicians headed by a person from an international agency with experiences in these issues together with

representatives of the three political parties will evaluate about the technical side concerning the production of the voters' list.

7. The evaluation will give priority to the following:
 - a) To ensure that the programme for the production of the list is technically sound and is capable for this kind of work
 - b) Approval that the FVL reflect the approved parameters and that no instructions to misguide the server was made during its production
 - [c] The independent group will in a period of less than 14 days starting from the day they start the work produce a technical report as to what they encountered and they will submit that report to NEC, Interpeace and the voter registration task force.

8. Complaints

Any citizen, who thinks s/he is unjustly denied to vote, will be given a form based on article 9 of the voter registration amendment law which will be found in all the polling stations in the Election Day. The registrant denied to vote will write his/her complaint in that form and s/he should leave that form at the electoral district office between three to ten days after the Election Day

Part Four

Electoral Mediation Committee

Introduction

The creation of the Committee for the Electoral Monitoring is based on the following:

- a. The findings of the national mediation committee of the Political disagreements on 29th April, 2009
- b. Conditions of the democratization steering committee on the support for the Somaliland Democratization as written in their letter dated on 27th May 2009

2. The Reasons or Creating the Committee

The reasons for creating the committee for electoral mediation committee is to raise the possibility of free and fair election taking in the country in its scheduled time and ending without strife.

3. The Tasks of the Electoral Mediation Committee

- a) To monitor the process of adhering the electoral law and the code of conduct by the political parties and the National Electoral Commission.
- b) Settling of disputes and disagreements that can arise between two sides or more sides mentioned in clause "a" and meting out disciplinary actions to any sides this law concerns violating the electoral law/ code of conduct.
- c) Issuing reports on the how each side follow the electoral law and the code conduct at least two times before the election and the third one within one week after the election results are announced.

4. The Authority the Committee

- a. Resolving any disagreement between the sides that sign this agreement
- b. To ensure the implementation of the code of conduct of the political parties.
- c. Taking measures of any violations of this code of conduct that the representatives of the committee becomes aware
- d. The decisions of the committee are binding to the sides it concerns

The Number of the Committee and How They will be Selected

- a. The committee consist 5 intellectuals and one expert that the donors select from the international agencies specializing on the elections
- b. The committee will select Chairman among themselves
- c. The donors will select the international expert as soon as the NEC informs them about the agreement of the parties in engaging the committee.
- d. The task of the international expert will be one of advisory role and support in the work of the committee. He will be sitting in the meetings but will be having a vote.
- e. The 5 intellectuals from the Somali will be selected by the National Electoral Commission but will put in front of the national political parties for approval
- f. The committee will have two representatives in each of the regions of Somaliland. The NEC will select the representatives on the same procedures selected on the committee and agreed by the three political parties to be fulfilling the mandate of the committee

6. The criteria for selection

Apart from the citizenship issue mentioned above the members of the representatives of the committee must have the following criteria:

- a. Must be a person who has good reputation among the people
- b. Must have decision-making abilities, capability, knowledge and experience that enables him/her to execute the enormous responsibility that is bestowed on him/her
- c. Must be a person known for his/her political impartiality. .

7. Measures that the Committee can take against the code of conduct

- a. If the Committee will take the following measures against any violations of the Code of conduct:
 - I. Normal warning
 - II. Stopping from the candidate/candidates for limited period of time or permanently the use of the public media
 - III. Stopping political party for a limited period of time to assemble, demonstrate and political campaigning.
 - IV. The committee will report to the traffic police to stop any vehicles without permission of movement from the NEC and which are evidently engaged in campaigns contrary to this code of conduct.
 - V. The government transport cannot be used during the Election Day and for political campaigning. Anybody caught would his vehicle impounded.
 - VI. Take appropriate measure of disciplinary action [This does not seem to be a complete point]
To submit the name and information to the law enforcement agencies anyone who infringe on the tasks bestowed on the committee and to follow the steps that the law enforcement agencies take from that person
- b. For any Minister or official of the government who violates the electoral law and the code conduct, the committee will submit any penalty they find to the NEC in writing and will follow whether the necessary steps were taken by the NEC
- c. For any official or the staff of the political party, who violate the elector law and the code of conduct, the committee will submit any penalty they find to NEC in writing and will pursue whether the necessary steps were taken by the NEC.
- d. The committee will publicize in the media all violations about the electoral law/ code of conduct, who did it and the steps they have taken from that. The committee will

later on publicize whether the violations were stopped and how they were addressed

8. The term of the Committee

This committee will start its work as soon as their naming is completed and it will end when the Supreme Court announce the official results of the election.

9. The working relationship of the Committee and NEC

- a. The Committee have their independent for its work while often having consultations with NEC
- b. Any steps of penalty that the committee decides goes to NEC for implementation

Part 5

1. Steps that are going to be taken against violators of this law

For any party, party staff, party member, supporter of a party, candidate of party who taking part in the elections and who violates this law, the NEC will disciplinary action such as:

- a) Normal warning
- b) Stopping from the party for limited period of time or permanently the use of the public media
- c) Stopping political party for a limited period of time to assemble, rallies or go electoral region to campaign or mount placards, slogans or party insignia
- d) If the violations that happen are great and beyond the authority of the NEC to mitigate or the violation are of criminal nature NEC will turn the violators to the law enforcement agencies that it concerns
- e) NEC will find solution to disagreement or technical issue that is not to be found in the national constitution, electoral law and the code of conduct of the political parties.

2. Implementation and Amendment of this Law

- a) This code of conduct is in accordance with electoral laws of the country like the national constitution, presidential and local council law and the voter registration law.
- b) This code of conduct will be applied in the situation where the laws of the country concerning the elections have not addressed.
- c) This code of conduct will be applied in the central NEC, electoral headquarters of the region, districts and polling stations
- d) this code of conduct will be abided and implemented the three political parties and NEC
- e) The is code of conduct will be applied by the Supreme Court and the lower Courts
- f) Any amendments to this code of conduct can come after the signatories consult with one another and agree to what is going to be added to it and what is going to be taken out.

UCID PARTY

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NATIONAL ELECTORAL COMMISSION

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