

This is the text of the resolution of the Somaliland House of Elders passed on 10 April 2008. The House decided (on a vote of 61 for, 3 against and 1 abstaining) that, under Article 83(5), the term of the President (& Vice-President) which is to expire on 15 May 2008 shall be extended by one year to 06 May 2008.

The resolution sets out the reasons for the House decision. An unofficial translation of the resolution from unknown source, which has appeared in various Somaliland websites is added at the bottom of the official Somali version, but Somalilandlaw.com does not vouch for its accuracy.

Many believe that Article 83(5) allows a term extension ONLY if the election cannot be held because of security considerations and the three political parties and the National Electoral Commission have already reached a second agreement that the presidential election will be held on 31 December 2008 so as to allow for the voter registration process to be completed.

There is a reference in the resolution to a legal provision (not quoted) which sets out that elections must be spaced by a period of 6 months. No such provision exists in the Constitution or the electoral laws, and indeed the 2001 Election Law even envisages two elections being held on the same day. The Voter Registration Law, however, does refer to various confusing periods of 5 or 6 months when the NEC must start and finish the electoral registration. The NEC was aware of these periods when it completed its agreed schedules/timetables with the parties and, if some of the provisions pose any problem, it ought to be able to ask for suitable amendments of the Registration Law by parliament.

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(Source: House of Elders website - <http://www.guurti.org/>)

**JAMHUURIYADDA SOMALILAND
GOLAHA GUURTIDDA QARANKA**

GG/JSL/Kal-fadhi 35aad/Go'aan Lr. _____/04/2008 10/04/2008

**UJ: GO'AANKA KORODHSIIMADA MUDDADA XILKA EE MADAXWEYNAHA & KU-XIGEENKA
MADAXWEYNAHA JSL**

Golaha Guurtidda JSL, waxa u Guda-galay 8/04/2008, arrin Distooriya oo ku saabsan dhammaadka Muddada Xilka Xukuumadda iyo Muddada Doorashadda Madaxtooyadda is-waafajinteeda dhinaca Dastuurka & Sharciyadda.

Goluhu isaga oo yaqiinsan hawshaasi baaxadeeda, wuxu u magacaabay Guddi ka kooban 25, oo isugu jira Shir-Guddoonka, Xubno kale, oo intooda badani ay yihiin Guddoomiyayaashii Guddi-Hoosaadyada, Xubno kale iyo la-talliyaha Sharciga.

Haddaba, Guddigu isaga oo is-xusuusiyay in Dibu-dhac ku yimid Doorashooyinku ay ahaayeen asbaabo ujeedooyin kala duwan laha oo ay ugu Waynayd morankii ka dhashay Aasaaskii & Ansixitii Komishanka Qaranka ee Doorashooyinka iyo waliba Xisbiga Mucaaridka ee Kulmiye oo muddo dheer soo gudbin waayay Xubintii uu xaq u lahaa soo

magacaabisteeda.

Sidoo kale, qirsan in aan la qaban Karin Doorashooyin aan lahayn Diiwaan-gelinta cod-bixiyayaasha ee Goobta, ayay xubnuhu waxay hoosta ka xariiqeen in Diiwaan-gelintaasi qorshaheeda Miisaaniyadeed, helitaanka Dhaqaale & farsammooyinka casriga ah ee lagu meel-mariyaba ay yihiin amba ay ahaayeenba arrimo ka mid noqday sababaha ugu waaweyn ee Dibudhaca keenay la xidhiidha Doorashooyinka.

Dhinaca kale, waxa Goluhu rumaysan yahay, in ayna suurta-gal ahayn qabashooyinka Doorashooyin aan lahayn Diiwaan-gelinta cod-bixiyayaasha, maxa yeellay amni & nabadgelyo la'aan aya abuurmaya haddii la qabto Doorashooyin aan la hubin oon la sii qorin dadka ka dhiibanaya codkooda.

Sidaasi darteedna, waxa muddada korodhsiimo ee Madaxweynaha iyo ku-xigeenka Madaxweynaha loo cuskaday Asbaabtani oo waafaqsan Qoddobka 83aad faqradiisa 5aad ee Dastuurka Dalka JSL.

- 1) Duruufaha la xidhiidha dhinaca Nabad-gelyada ee Deegaamadda Gobolladda Bari ee Dalka JSL, oo haatani ay ka jiraan Amni xumo iyo xasilooni aan taam ahayn.
- 2) Culayka iyo faro-gelimaha Joogtadda ah ee kaga imanaya Maamulka weli damacsan inu dib ugu soo laabto Goobihii laga riixay ee Dhulka JSL, kuna jira is-abaabul.
- 3) Dadweynaha Gobolladda Bari ee Somaliland oo u baahan waqti loogu sammeeyo tur-xaan saar iyo Nabadayn dhexdooda ah, si ay u abuuranto jawi ay kagaga qaby-geli karaan Is-Diiwaan-gelinta codbixiyayaasha iyo Doorashooyinka D/Hoose iyo Madaxtooyadda oon hore uga qayb-gelin si toos ah Doorashooyinkii hore ee Dalka ka dhacay, waajib muqadas ah oo Dastuuri ahna ay tahay in ay Doorashooyinku ka wada qabsoomaan dhammaanba Gobolada iyo Degmooyinka Dalka JSL, si ay u sugnaato is raacsanaanta dhul ahaaneed ee JSL.
- 4) Arrimaha kale een hore u soo tilmaanay, lana xidhiidha duruufaha dibudhaca Doorashooyinka keenay oo suurta-gal ka dhigi waayay in la qabto Doorashooyinkii Wakhtigii u qorshaysnaa.

Sidaasi awgeedna,
Golaha Guurtidda JSL

Markii: U Daraasad iyo qiimayn mug leh ku sammeeyay xaaladaha maanta Dalka ka jira iyo asbaabaha dhaliyay dibudhaca Doorashooyinka;

Markii: U tix-geliyay Duruufaha Dibudhaca Doorashooyinka keenay, kana baaraan degay, fallan-qeeyay, kana dooday;

Markii U yaqiinsaday baahida ummada Reer Somaliland u qabto Doorashooyin xor iyo xalaal ah, oo si Nabad-gelyo iyo xasilooni ku dheehan tahay Dalka oo dhan si siman hal mar uga wada dhaca;

Markii: U arkay jaan-goynta qorshe ee Komishanka Doorashooyinka, isla markaana darsay, lana akhriyay Xeerka Doorashooyinka Dowladdaha Hoose iyo Madaxtooyadda Xeer Lr.

20/2001, Qoddobkiisa 8aad, sidoo kalana Xeerka Diiwaan-gelinta codbixiyayaasha ee Lr. 37/2007 Qoddobadiisa 13aad & 27aad;

Ayuu Goluhu isaga oo ka duulaya Qoddobka 83aad faqradiisa 5aad ee Distoorka Dalka JSL, taasi oo u dhigan “Hadii ay suurtoobi waydo duruufo la xidhiidha Nabad-gelyada darteed in la qabto Doorashada Madaxweynaha iyo ku-xigeenka Madaxweynaha marka muddada xilkoodu dhammaato, waxa Golaha Guurtidda waajib ku ah in ay muddada xilka u kordhiyaan Madaxweynaha iyo ku-xigeenka Madaxweynaha, iyago tix-gelinaya muddada lagaga gudbi karo, doorashaduna ku qabsoomi karto”.

Wuxuu soo saaray Go'aankani

I. Muddada korodhsiimada ee Xilka Madaxweynaha iyo ku-xigeenka Madaxweynaha.

1) In Muddada Korodhsiimo ee Xilka Madaxweynaha iyo ku-xigeenka Madaxweynaha ay ka bilaabanto dhammaadka muddadii hore oo ah 16/05/2008 kuna eegtahay 06/05/2009.

2) Doorashada Madaxweynaha iyo ku-xigeenka Madaxweynaha waxa la qaban doona bil ka hor dhammaadka muddada xilka sida ku cad Qoddobka 83aad, Faqradiisa 2aad ee Dastuurka Dalka JSL.

II. Hawlaha la qabanayo Muddadaasi.

Iyadoo ay Waajib tahay ka faa'adaysiga muddada korodhsiimada ee xilka xukuumada waxa lagama maar-maan ah in Hay'addahani kala duwan ee hoos ku tilmaamani mid kastaba xil gudashadeeda ku salayso sifo sharci ah, qabyooyinkoodana ku dhammaystiraan muddadaasi, waan sidani:-

1. Xukuumadda.

b) sugitaan rasmi ah ee amniga & xasiloona Gudaha ee Dalka JSL.

t) ka hortaga iyo faro-gelimaha dibadeed iyo wax kasta oo u muuqda falal argagixisnimo keeni karta, xasilooni daro, khal-khal gelin wax u dhimi karta geedi socodka Siyaasadda, Nabad-gelyada, Dhaqaalaha, Horumarka Bulshada ee dhinacyadiisa kala duwan leh iyo midnimada iyo wada jirka shacbiga Reer Somaliland si waafaqsan Dastuurka iyo Xeerarka kale ee Dalku ku dhaqmo.

j) Dhammaystirka Hawlaha la xidhiidha Diiwaan-gelinta cod-bixiyayaasha & Doorashooyinka wixii dhinacooga ah ee dhiman.

j) In Xisbiyada Siyaasiga ahi u sinaadaan Isticmaalka warbaahinta Qaranka iyo addeegyada kale ee loo baahan karo si waafaqsan Dasuurka iyo Xeerarka kale ee Dalka.

X) In si deg-deg ah looga taabo-geliyo loogana hir-geliyo maamul socod-siin leh kala dambayn, loona diyaariyo jawi suurta-geliyo in ay hirgalaan Diiwaan-gelinta cod-bixiyayaasha & tartanka Doorashooyinku.

2. Baarlamaanka (Labada Gole)

b) In ay de-dejiyaan wixii Mashaariic Xeerar ah ee la xidhiidha Arrimaha lagu hawlan yahay.

t) In ay ka qayb-qaataan wacyi-gelinta Dadweynaha, turxaan bixinta iyo nabaddaynta Degaamada Gobollada Bari.

- j) In ay gacan ka gaystaan Hawlaha kala duwan ee lagu meel marinayo habsami u socod-siinta Hawlaha Diiwaan-gelionta cod-bixiyayaasha iyo Doorashooyinka.
- x) Guud ahaanba Baarlamaanka, gaar ahaana Golaha Guurtiddu, in ay ka qaybqaataan xoojinta nabad-gelyada, xoojiyaana hawl-galadooda ku Aadan hawlahaasi.

3) Komishanka Doorashooyinka.

- b) Komishanka Doorashooyinka, waxa looga baahan yahay, waajibna ku ah ku shaqaynta Xeerarka kala duwan ee la xidhiidha hawlahooda, sida Xeerka Diiwaan-gelinta codbixiyayaasha Xeer Lr. 037/2008 iyo Xeerka Doorashooyinka Dowladaha Hoose iyo Madaxtooyadda, Xeer Lr 20/2001, maadaama ay yihiin Hay'ad sharciyad ku dhisan oo laga rabo xil gudasho dhex-dhexaadnimo ku salaysan.
- t) Waa in si madax-banaan u gutaan xilkooda & waajibaadkooda ay siiyeen Xeerarkaasi.
- j) Fullinta hawlahooda la xidhiidha Diwaan-gelinta codbixiyayaasha iyo Doorashooyinka, waxa saldhig u ah ku dhaqanka Xeerarka u degsan.
- x) Qorshahooda ku Aadan Hawlaha Diiwaan-gelinta codbixiyayaasha iyo Doorashooyinka soo socdaba waa in ay ahaadaan uguna tallo-gallaan in ay noqdaan qaar dhammaanba goob kasta oo ka tirsan Dalka JSLka hirgala, iyago ka taxadiraya in lagu hoggaamiyo dariiqii hore ee muwaadiniin xuquuqdoodii Doorasho iyo cod bixineedba lagu duudsiyay, gaar ahaana Gobollada Bari.

4) Axaabta Siyaasiga ah.

- b) In ay dhammaantood, afkaartooda, dhaqankooda iyo Maamulka nolol xisbiyeedka gaadhsiiyaan Deegaamadda aanay weli ku lahayn ay xafiisyo ka furtaan.
- t) Isu-abaabulaan, una dhaq-dhaqaaqaan, una dhiibtaanafkaartooda waafaqsan Dasuurtka iyo Xeerarka Dalka, iyagoo ka waantoobaya khal-khal gelin amni, Nabad-gelyo, wada-jirka iyo midnimada shacbiga.
- x) Gacan ka gaystaan, kana hawl-galaan horumarinta Bulshada, Arrimaha nabaddeynta Beelaha Deegamadda Gobollada Bari.

Go'aankani waxa lagu meel mariyay 61 cod, iyado kooramku aha 65,

1) Ogolaaday 61

2) Diiday 3

3) Aamusay 1

Guddoomiyuhna muu coddayn.

Ugu dambayntii, Golaha Guurtiddu wuxuu la socod-siinayaa dadweynaha Reer Somaliland gudo iyo dibedba in ay la socdaan waayaha Dalka, kana foajignaadaan, wax kasta oo wax u dhimaya, khal-khalna gelinaya nabad-gelyada, xasiloonida, wada-jirka iyo midnimada shacbida Somaliland.

Dhinaca kale, waxa laga codsanayaa in ay gacan ka gaystaan Hawlaha horumarinta Doorashooyinka iyo geedi-socodka Dimuqraadiyadda.

ALLAH MAHAD LEH

Shir-Guddoonka Golaha Guurtidda JSL

- 1) Sh. Axmed Sh. Nuux Furreh Ku-simaha Guddoomiyaha Golaha Guurtidda Ahna Guddoomiye ku-xigeenka 1aad.
 - 2) Siciid Jaamac Cali Guddoomiye ku-xigeenka 2aad
 - 3) Cabdillaahi Ibraahim Habane Xog-hayaha Guud ee Golaha Guurtidda JSL.
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English translation: Source unknown
(Somalilandlaw.com does not vouch for the accuracy of this translation)

Subject: Extension for Presidential and vice-presidential term

The House of Guurti of Somaliland has started their deliberations on 8/04/2008 on constitutional issue concerning to legally and constitutionally reconcile the ending of the government term and the presidential election.

The Guurti, realizing the enormity of the task named a committee of 25 [persons] including the Chairs, members who were mainly Chairs of the subcommittees, other members and legal consultants.

Whereas the Guurti realizing the elections not meeting their schedule because of different reasons, the biggest one of which was the disagreement on the creation and approving of NEC, as well as Kulmiye party not naming their rightful candidate for a long time.

Likewise, understanding the impossibility of holding elections without voter registration, the members of the [House] underline that the planning for the registration, budget, securing the funding, attaining of modern technical know-how remain were and remain the main reasons the election not meeting their deadline.

On the other hand the House believe the impossibility of holding elections without voter registration because of insecurity that might arise to hold elections without knowing and registering those casting their votes.

Therefore, the extension of the President and the Vice-president term was based on these reasons which are in agreement with article 33 Paragraph 5 of the constitution of Somaliland.

1. The conditions relating security in the eastern regions of Somaliland where there is insecurity and no full stability.
2. The pressure and constant interference coming from the authority that intend to come back to the areas in Somaliland that they were pushed from and are mobilizing themselves.
3. The population in the eastern regions need time for reconciliation among themselves so that an atmosphere that enable them to participate in the voter registration and local and presidential elections which they did not directly participate before be attained. It is constitutionally imperative and sacrosanct that elections take place in all the regions and districts of the Republic of Somaliland so that territorial integrity of the country is secured.
4. The other reasons I mentioned above concerning conditions of elections not meeting to take place in their planned time. [this point is not understandable]

The House of Guurti of Republic of Somaliland

Whereas: studying and making full evaluation of the country on the reasons of that caused delay of the elections.

Whereas: considering conditions that brought the delay of the elections which were

reflected upon, discussed and debated.

Whereas: realizing the need for the Somaliland people for free and fair elections that takes place in stable and secure [manner] equally in all over the country at one time.

Whereas: having seen the planning of the National Electoral Commission (NEC) and at the same time studying and reading the Presidential and local elections law, no. 20/2001, article 8 and Voter registration act no. 37/2007 articles 13, 27

That the House basing its ruling on article 83 paragraph 5 of the constitution of the country of Somaliland which states: "If on the expiry of the term of office of the President and the Vice-President, it is not possible, because of security considerations, to hold the election of the President and the Vice-President, the House of Elders shall extend their term of office whilst taking into consideration the period in which the problems can be overcome and the election can be held."

has reached the following decision:

The extension period of the term of the president and vice-president.

1. That the extension for the term of the president and vice-president starts with at the end of the previous time which was 16/05/2008 and ends on 06/05/2009
2. The elections for the President and vice-president would be held one month before their term finishes as stated in the article 83 paragraph 2 of the constitution of Somaliland.

II Tasks to be fulfilled in that period

Although it is imperative that to make use of the extension period of the government term, it is also necessary that different institutions mentioned below each fulfill its duties based on the law. They should conclude all the unfinished tasks in that period which is:

1. Government

- a). securing the security and stability inside the country of Somaliland.
- b) Preventing any foreign interference or all actions that can be seen as terrorism, instability, creating chaos that could harm the political process, security, economy, social development in its different sides and the unity of the Somaliland people in accordance with the practices laws and constitution of Somaliland.
- c) The conclusion of what is still lacking in the voter registration and elections.
- d) The political parties should have an equal access to the use of the national media and other services that might be needed in accordance with the constitution and other laws of the country.
- d) to create and implement speedy administrative method and prepare conditions that enable for the realization of the voter registration and elections.

2. The Parliament (the two Chambers)

- a) They have to expeditiously prepare laws concerning the task at hand.
- b) They have to take part in the awareness- raising to the population, conflict resolution and peace -making in the eastern districts and regions.
- c) They have to support the different tasks of the implementation of the voter registration process.
- d) The parliament an especially the Guurti should participate in the strengthening of peace towards their tasks.

3. NEC

- a) The NEC is expected and is mandatory for them to implement different laws concerning their work like the voter registration act no. 37/200[7] and the presidential and local council law no. 20/2001 as they are legally founded institution that is expected to execute its mandate neutrally.

- b) They should independently exercise their mandate and tasks given to them by these laws.
- c) For the Commission to implement of their tasks concerning the voter registration they should base them in the existing legislation for that.
- d) In their planning for the future tasks of voter registration and elections, [NEC] should plan them to take place in all places of Somaliland. They should be attentive to avoid the past practice of denying the rights of the citizens to vote especially by those in the eastern regions.

4. Political parties

- a) All of them [parties] should disseminate their opinions, political culture, and party management to the areas where they do not yet have offices.
- b) They should organize themselves and make their activities as well as express their opinions in accordance with constitution and the laws of the country while refraining from causing insecurity to peace and the unity of the people.

The motion had the approval of 61 votes, while the participants were 65 [persons]

1. For 61
2. Against 3
3. Abstention 1. The Chair did cast his vote

Conclusion

The House of Guurti inform the people of Somaliland inside the country and abroad that they should pay close attention to the situation of the country and be refrain from anything that will harm and create instability to the peace, tranquility and the unity of the people of Somaliland.

On the other hand, they are requested to contribute the developments of the tasks for the election and democratic process.

Praise be to Allah

The Chairmen of Guurti

1. Sheikh Ahmed Sheikh Nuh Furre, Acting Chair and 1st Deputy Chairman
2. Saeed Jama Ali, 2nd Deputy Chairman
3. Abdillahi Ibrahim Habane, Secretary General of the House of Guurti