

EXTRACTS FROM ISG REPORT RELATING TO THE OPENING OF POLITICAL ASSOCIATIONS

New Democratization and Peace-building Moves in Somaliland: The Opening of the political Parties Registration System [and the Widhwidh Peace Process]

The Independent Scholars Group (ISG), 14 JULY 2011

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Introduction

In their 29 June 2011 meeting the ISG members discussed: a) the Widhwidh (Sool) conference's implications for lasting peace and b) the Status of the implementation of the Recommendations of the National Consultative Committee for Political Associations. The meeting was sponsored by the Social Research and Development Institute (SORADI) and was moderated by its Director, **Dr. Mohamed Fadal**. The Somaliland Independent Scholar's Group (ISG) members are all long-term participants of Somaliland rebuilding and democratization process, who are considered to be highly competent to provide an objective analysis and strategy to address the issues at hand. The ISG members are:

Abdi-shakur Sh Ali-Jowhar (Psychiatrist and political analyst: warkamaanta.com), Amina Mohamoud Warsame (Independent scholar); Abdilkadir H Ismail Jirde (Ex-Deputy Speaker and Member of Parliament- now travelling), Shukri H. Ismail (Former National Electoral Commissioner and Member of African Democracy Forum and Chair of Candle Light); Ibrahim Jama Ali –Raite (Member of Parliament and Lawyer), Fawsi Sh. Yonis (Somaliland Lawyer's Association); Abdi Ahmed Nour (Director General of Ministry of Health), Bobe Y. Duale (Deputy Director, APD), Haroon H Ahmed Qulumbe (SORADI), Jafar Mohamed Gadaweyne (SONSAF); Mohamed Hassan Ibrahim (Researcher-APD), Su'ad Ibrahim Abdi (Researcher-APD); Wais Muse (Executive Director of Samatalis Coalition of Human Rights)), Dr. Yusuf Kariye (Researcher in Anthropology; Hinda Mohamed Jama (an Associate of Burao University); Dr. Aden Abokor (Independent Consultant); Hodan Elmi (Governance Expert- CARE International). Mohamed Farah (Lawyer/Researcher at APD)

I. The Significance of the Widhwidh Conference for Peace in the Sool Region.

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II. The Status of the implementation of the Consultative Committee Recommendations on The Political Associations

In the beginning, although the President has given the Committee a mandate which was relatively well defined, the makeup of the committee looked to be designed to fail. A committee of twenty persons was already a crowd and looked too cumbersome to be a functional body. Furthermore, the fact that, six members of the Committee were representing the existing three political parties, which declared their staunch opposition to

any change to the status quo, also raised questions. Therefore, for the sceptics, it was a futile exercise designed to get the President off the hook from his election promise to open political parties and to exonerate him from any blame. However, the majority of the people in the Committee were from different social strata of the society: From the two Houses of Parliament, the Presidency, intellectuals, universities, religious scholars, traditional leadership, civil society organizations including Human rights, youth and Women and the business community.

The Immediate problems the Committee encountered among its members as it tried to start work in the first two weeks pointed to a self-fulfilling prophecy. The Committee had to expel an uncooperative member from UDUB in a unanimous decision, which obviously angered the party so much so that it withdrew its remaining member and so boycotted the process. In fact this proved to be a blessing in disguise for the Committee, because its work rolled smoothly afterwards and that successful collective decision created a spirit of cohesion and bonding among the Committee members. As the work progressed, the trust among the members to represent the people wishes rather than those of any grouping strengthened.

The Committee decided not to confine itself in Hargeisa, but to cover all major regions of Somaliland to garner opinion from across the society strata, through the use of organized public debates and written questionnaire. The Committee opted for an unorthodox method of operation i.e. to travel to each region as one unit, in an effort to avoid the usual disagreements among such committees who split themselves to different geographical areas and later encountered difficulties to reconcile their different experiences. The only leg of the regional trips which the Committee split was between Laas Caanood and Ceerigaabo. In all other areas, such as in Boorame, Gebiley, Berbera and Burco, the Committee sat together in all meetings as one unit.

The most difficult aspect of the Committee's task was how to select the participants of the debates. In Hargeisa, the committee organized itself into groups to identify participants, for Committee approval, each group from a designated category of the city population to have their day to debate and express their opinion on the matter. They included the traditional leaders (Sultans and Caaqils separately), the religious scholars, the professionals and intellectuals, the universities (students and teachers), the youth, the women and the business community.

In other regions, the Committee decided to leave the selection of the participants and organization of the meetings to the regional authorities. The Regional Governors and Mayors cooperated with the Committee in an exemplary manner and have done a commendable job in balancing the different shades of the regional groupings and opinions. It demonstrated how these regional authorities are very much in touch with the pulse of their own constituencies. According to the different circumstances of the regions, meetings were organized either as large gatherings in one place as in Berbera, Gabley and Las Caanood or as separate meetings for the participants of different social strata as in Burco, Boorame and Ceerigaabo. The debates were very lively and objective. The participants were

given the opportunity to fill a “Yes or No” vote sheet, and asked to reason their choice and to give any advice. Those who wanted to speak were allowed 2-3 minutes time to further express their opinion. Participants used the opportunity to also express their approval or disapproval of the Government actions and to pass their messages. The Committee were satisfied that the process captured the general opinion trends of the population.

Most significant concerns from each of the “Yes” and “No” sides:

1. For the “No” side, the 1969 elections syndrome was evident in the debates: the experience of the anarchic proliferation of the political parties in 1969 election is still vivid in the minds of most elderly people and has obviously been passed on to the younger generation. We are aware of that, this was the main reason why the Somaliland Guurti elders kept Article 9(2) in the final version of the last Constitutional revision, defying the recommendation of the intellectuals, politicians and even the reigning veteran President Egal himself, when the latter group proposed to remove restrictions on the number of political parties in the Constitution. The same fear from the 1969 experience is still evident in large sections of the Somaliland public. In spite of that fear, participants widely expressed their disapproval with the present political parties system and pointed out its weaknesses which need to be addressed, but still many people argued to give them a chance to reform themselves and build their capacities, before subjecting them to any serious outside competition.
2. For the “Yes” side, the most significant concern that emerged from the across country debates and which also many “no” leaning voices shared with them was: the undemocratic culture of present political parties and the monopolistic character of the leadership positions. It was cited that there has never been any competition for the chairmanship and presidential candidacy of any of the three political parties. Their Congresses have never been democratic gatherings. The grass-root membership has no role or influence in the parties’ policy and decision-making processes and that they are capital-based, top-heavy and diaspora-dependent. Furthermore, instead of overcoming clan divisions in the society, the leadership of current parties perpetuate it and create a fertile soil for entrenched clan political interests, which are a recipe for social disharmony and conflicts. The conclusion of this voice trend was that the present political parties cannot grow or contribute to the democratic process without being subjected to open competition, which is also their only salvation, if they are to survive as engines of political and democratic development in Somaliland.

The Outcome of the Committee Work

The Committee reached its final decision through three key components of the process: a) the debated opinion trends b) the legal opinion of four commissioned lawyers and c) the voting tally of the “yes” and “no” numbers from a national sample of 1769 persons; this last item was considered to be the most important source of the decision.

The Key recommendations of the Committee, reached in a unanimous decision were as

follows:

1. To open the registration process of the political associations in the first local council election
2. To implement within the next 18 months the next local council election and registration of political associations.
3. To complete the amendments and filling the gaps in the laws and regulations of political parties, associations and the elections in time for next local council election.
4. To build a standing committee to register the political associations and to be responsible for the oversight of the national political parties' practice of internal democracy.
5. To address the flaws of the current registration system.

The President adopted the Committee recommendations and the process has passed fairly fast through the Presidency and was afterwards submitted to the Parliament to address it in its current session. Some of the controversial issues that appeared afterwards are whether to form a separate Standing Committee as the case was in the first trial or to give the mandate to the existing National Electoral Commission. The most important next step is to pass a law through the Parliament. The Law No 14 is being amended. Some of the issues to note will be:

- a. Whether the cycle of the Registration of the new Political Association will be every 5 years or on a longer period.
- b. Whether the conditions for registering new political associations allows fair competition with existing parties. This will include the amount of the mandatory deposit funds and the number supporting voters and from how many regions to submit for registration.
- c. Whether the principle of level playing field is observed: All competitors are equally subject to the criteria and conditions for registration and for qualifying as a party.
- d. Whether the registration body will also be mandated the responsibility for the oversight of three national political parties and whether it will have mandate to sanction violating parties.
- e. Whether this law will cover all requirement of a national Political Parties' Act, or it is confined to the registration of political associations and the local council elections.

Lessons to be learnt from the exercise

1. Committees when formed for specific tasks need to go to the people to garner their opinion, instead of talking among themselves in a closed room and reaching decisions. In the latter case seeking expert opinion could be a more appropriate route for the authorities.
2. The addition of Political Parties in this Committee undermined the credibility of the

Committee from the beginning. People argued that it is conflict of interest situation. But in the end all these fears were allayed due especially to behaviour of most political party representatives who took responsible national stands on the issues by accepting with the rest of the group to base their decisions on the people's verdict.

3. Committees should use the media to first educate the public on the issue at hand and the clear objective of the particular mission. This committee did not do that from the start and its work has been made more difficult because of that.

4. The influence of partisan group influences on the selection of the debate participants could be said to be more in the capital city than in the regions. The organized interests are more active in the capital city than in the regions.

4. Boycotting a national process is beneficial neither to the boycotting body nor to the public. UDUB had made the cardinal mistake of withdrawing and therefore had forsaken its chance to contribute to the process. It has to be observed that boycotting has not been a culture for Somaliland political parties, even during the difficult times when the Rayale's government employed heavy handed methods.

5. This exercise demonstrated that the Somaliland public in the regions needs to have dialogue with the Government and have public debates to participate and be informed in the national decision making process.

6. The process and its outcome removed a lot of uncertainties in the Somaliland democratization process and created hope for political transparency and dynamism.

7. Clan meetings will increase, but if the law is applied, they cannot translate themselves into increased clan political fragmentation. For political associations to register and for national political parties to emerge, there are adequate criteria and legal provisions which make impossible for clans and sub-clans to have their stand alone national political entities.

III. Recommendations

Part I. The Widhwidh and by Extension the Sool Process

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Part II. On The Implementation of Committee Recommendations

1. The ISG fully supports the recommendation of the Consultative Committee on the Political Associations and commends them for their landmark collective agreement on such difficult issue.

2. The ISG urges the Parliament to pass the law and to ensure the amendments of Law No 14 fully address its shortcomings and shall relieve the nation of any further confusion of the matter.

3. The ISG urges the lawmakers to ensure that the oversight mechanisms of the political

parties should include sanctions imposed on any political party which violates its internal democratic regulations and practices. The sanctions may include fines and can also result in revoking the license to operate as a party. Any organization charged with the oversight responsibility should be mandated to apply the sanctions.