

# PUNTLAND IN TRANSITION TO DEMOCRACY

## CHALLENGES AND THE WAY FORWARD

06 MARCH 2022

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### BACKGROUND

Somalia is recovering from the aftermaths of protracted conflict and state failure that have marred the nation for the last three decades. This recovery is very delicate and requires inclusive, deliberative, and long-term peace and state-building which are key to stability, reconstruction, sustainable development, and prosperity.

In Somalia, the trust in the officials and institutions of the state is low, which is often attributed to the legacy of the conflict, weak government institutions and the inability of the State to provide basic services, weak of citizen participation in decision making, absence of accountability and transparency and pervasive corruption. The low level of trust can have a profound impact on the authority and legitimacy of the governments, both at the Federal and State levels.

Citizen participation in politics and decision-making is crucial for rebuilding the relationship between Somali citizens and the state, promoting rule of law and good governance and strengthening the capacity of government institutions to deliver and distribute public goods and services equally and efficiently. To achieve greater citizen engagement, we need to reshape Somalia's political system, culture, and practice and make it more inclusive and democratic so as to restore the citizens' trust in the government and its institutions

Elections are formal and participatory processes of decision-making. Although the provisional constitution bestows the Somali citizens the fundamental right to elect and be elected, there have been no direct elections in Somalia (except Somaliland) for more than half a century prior to the early local government elections in three districts of Puntland State which were successfully conducted in October 2021.

I was elected to lead the third Transitional Puntland Electoral Commission (TPEC) which was established in August 2019. TPEC was tasked to coordinate the democratization process and regulate the first direct One-Person-One-Vote local government elections in the State. There have been two previous electoral commissions that invested time and resources in the program but were unsuccessful for various reasons to move the process forward. I led the Commission for two years and six months, and in that period, TPEC has scored remarkable achievements below in the introduction and institutionalization of a culture of democracy despite formidable challenges and constraints.

1. We completed the essential laws, regulatory frameworks, policies, and procedures for the democratization process and electoral system for Puntland State.
2. We oversaw the effective formation of nine political associations with political ideologies, agendas, strategies, and programs in Puntland State.
3. We have registered more than 46 thousand voters in the three districts of Qardho, Ufeyn, and Eyl which were selected for the early local government elections in Puntland.
4. We have pioneered and successfully conducted peaceful direct early local government elections in three districts of Qardho, Ufeyn, and Eyl for the first time in more than a half-century on 25 October 2021. As the turnout infers, 26 thousand voters cast their votes in this election.
5. Through our standards of conduct, work and outreach, we have restored the trust of the people and our international development partners and donors in the Puntland democratization process.
6. The successful conclusion of the early local government elections in the three districts of Puntland State has reshaped the democratization discourse in Somalia and demonstrated that peaceful, direct elections are feasible, setting a positive example for the rest of Somalia.

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### CHALLENGES

It is quite a feat to transition Somalia into a democratic political system and introduce direct elections after decades of a dictatorial regime, civil strife, and state failure. While most of the challenges were related to the technical implementation of the democratization process and addressed by the Commission within the planning and implementation of the activities, I have listed below some of the circumscriptions to highlight their complexity and existential impact on the democratization process.

- 1.The citizen's awareness and understanding of democracy and direct elections are poor due to the lacuna of democratic culture and elections in the last 50 years. Even most of the members of the Commission, despite their managerial and leadership proficiency and skills, lacked the relevant experience in conducting elections.
- 2.The majority of the voters lived in small villages and rural areas and most of them lacked the ability to read or write. They have confronted difficulties in understanding the message about democracy and how to vote in multi-party elections. This challenge compels further evaluation, strategic planning and more extensive awareness and voter education outreach to make the elections more accessible and expand citizen participation in the democratisation process.
- 3.The process commenced gradually due to the low momentum of trust and conviction among Somali citizens and our international development partners on the feasibility of the democratisation programme.
- 4.The absence of a constitutional court in Puntland State coupled with the expiry of current term of Puntland High Court Judges on 15 August 2021, created a constitutional, legal and judicial vacuum. There is no independent judicial body having jurisdiction over constitutional issues and elections in Puntland State.
- 5.The Commission was underfunded and unsupported. For instance, in 2020 the Commission received about 16% of its \$1,631,804 (one million, six hundred and thirty-one thousand, eight hundred and four) allocated budget from the treasury. This lack of funds has constrained the Commission's capacity and resources to expand its coverage and work in districts and mount an effective voter awareness and education campaigns and other outreach programmes.
- 6.Puntland government was reluctant to accelerate the completion and initialisation process of the district boundaries within the State. This work is vital for drawing constituency boundaries, identifying polling stations, registering voters and resolving disputes between neighbouring districts and communities.The Commission received a number of boundary complaints from the communities in adjacent districts of Qardho and Ufeyn during the early elections which is an indication that there will be a torrent of boundary disputes among the 42 districts in Puntland once the elections are extended to the whole State.
- 7.Citizen's awareness and understanding about democracy and election remains low in contrary to the recent PDRC study (July 2021) which rules that citizen's perceptions and beliefs towards the implementation of Puntland democratisation process was high.
- 8.Citizen's understanding and knowledge of the multi-party system is relatively slow as they are hesitant to financially support their desired political association. Hence, a small circle within the executives of the political associations bear the financial burden of bankrolling the associations.
- 9.Some of the political associations were reluctant in efforts to accelerate the present electoral process for unknown reasons. They were inciting difficulties and obstacles to undermine the process and circumvent the electoral mechanism all along. Some of them have even closed most of their offices to dissuade the citizen from pushing through the change and reshaping of politics in Puntland State.
- 10.The ambitions of Puntland President to compete in the Federal presidential elections have adversely affected Puntland democratisation process.Much needed support and input from Puntland government have been diverted to the president's campaign. The close friends of the President, who were harbouring heretical views about the democratisation programme and had invested private interest in the status quo which keeps the reins of power firmly in the hands of the few, began covertly and hideously mobilising efforts to sabotage the process.
- 11.Lastly but not least, the government's tactics to delay the handover process of the democratically elected council members of the three districts in order to elect the council leaders and mayors within 30 days as stipulated by article 43 of Puntland Local Government Law, indicate an insidious and deliberate attack on the democratization process of Puntland State and a major discernible shift in the government's determination to implement the multiple party-political systems in Puntland State.

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### RECOMMENDATIONS

While understanding the prospects and above challenges, I still contend that there are opportunities in realizing Puntland's democratization ambition and hold the remaining local government elections. I have put together the recommendations listed below to help different stakeholders seize the moment and champion genuine political reform to conduce towards a successful transition to democracy in Puntland State and the rest of Somalia.

- 1.The government must convene the first sitting of the new democratically elected councils of Qardho, Ufeyn, and Eyl and oversee a smooth handover of power and the election of district mayors fairly. If the government fails to do that, the elected council members have every right to assemble and assume their rightful obligations legally.
- 2.The government must appoint Puntland High Court judges and at the same time structure the Constitution Court in a bid to attain a judicial body whose sole mandate is to resolve election-related affairs.
- 3.The government must ensure the timely payment and transfer of the allocated budget for the Commission which was approved by the Council of Ministers and Parliament. The budget includes financial support towards capacity building and other aspects of assistance for the political associations.
- 4.The government must complete district boundary delineation and officialize it so as to avert the stimulation of boundaries-related disputes.
- 5.Puntland people must put pressure on the government to fulfill its pledge of realizing universal suffrage elections in Puntland State.
- 6.Political associations are the foundation of the Puntland democratization process, therefore they must take their role by galvanizing the public and urging the government to fulfill the democratization process.
- 7.Puntland Civil Society Organisation (CSOs) and Non-State Actors need to make relentless efforts to keep the democratization transition progressing and increase their monitoring and observation exercises in order to keep the pressure on the government not to diverge from the path to democracy.
- 8.The technical and financial support of our international partners and donors is central to the democratization process. I urge the continuity of such endeavors. On the other hand, they also need to work with and influence the government to meet its obligations and realize the democratic aspirations of the people.
- 9.Somalia has an appalling record in election rigging and process frustration as that is the main reason degrading the state-building process in Somalia. I urge the citizens and the government to collectively conserve the fledgling democratization process and further accelerate the universal suffrage elections in Puntland.

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