



Somaliland Electoral Law Imperils Inclusive Representation

By Mohamed Ibrahim Gani



30 years after declaring independence from Somalia in 1991, Somaliland can take pride in an impressive but not flawless democratisation record. Since 2002, the people of Somaliland have participated in six multi-party elections: three presidential elections (2003, 2010 and 2017) and two district council elections (2002 and 2012), but only one parliamentary (2005), and none for the House of Elders (*Guurti*). At last, combined local council and parliamentary elections will take place on 31 May 2021, respectively four years and eleven years after they were due.

The repeated postponements of elections have at times caused political tensions and uncertainty. This has undermined Somaliland's democratisation process, weakened public confidence in democracy, stalled institution-building and reforms, and damaged the country's relationship with the international community.

The main obstacle to holding parliamentary elections has been the difficulty in reaching a political compromise on the allocation of the 82 seats in the House of Representatives to Somaliland's regions - and by extension, their clans - without a reliable national census. The 2005 parliamentary election could only take place because the National Electoral Commission (NEC) brokered a compromise on seat distribution just weeks before the polls.

However, the five-year mandate of the House of Representatives came to an end in 2010 without a reliable national census having been carried out, or a political solution put in place to resolve the issue of seat distribution. Disagreement on this issue delayed the holding of parliamentary elections for the next 10 years. Whenever the issue was raised, the only solution proposed was to return to the 2005 compromise formula. However, this has elicited strong opposition from people in Awdal region (western Somaliland), particularly from the Samaroon clan, who felt that the 2005 arrangement did not allocate them enough seats. Leaders from the clan threatened to boycott any future polls if a revised seat allocation formula was not agreed.

The national clan arithmetic and balance were at the centre of this stand-off. Expectations in Awdal region were anchored in a demand to allocate half of the seats of the House of Representatives to non-Isaaq clans (including Samaroon, Isse, Harti). The argument was based on the need to protect minority rights against majority rule and promote equitable clan representation rather than representation based on population. Among the leaders of the populous Isaaq clans in particular, the proposal was perceived as unreasonable and provocative. It was also seen as an attempt to win the other non-Isaaq clans, such as the Harti, over to the Samaroon cause.

Given the overwhelming public support in Awdal for stronger representation, and the fear of alienating other non-Isaaq constituencies, Somaliland's political leaders refrained from addressing this divisive issue, contributing to the continued postponement of Somaliland's parliamentary elections. But growing internal and external pressure forced President Musa Bihi to act. In September 2020, he endorsed a new electoral law, which stipulated that parliamentary seats would again be distributed according to the 2005 arrangement. The law was passed in early October, despite strong opposition from MPs and elders in Awdal region, paving the way for the NEC to prepare parliamentary elections.

Women's candidacy and representation

The change in 2002 from the clan-based system of representation to electoral democracy with universal suffrage gave women in Somaliland the right to stand for election and to vote. There was hope among women that recognition of their political rights would improve women's participation and representation in Somaliland's politics unlike in the clan-based system of nominations, which discriminated against women.

However, the first test of the new system — the local council elections held in 2002 — demonstrated that formal recognition of the political rights of women was rarely respected in practice and was not enough to significantly improve their political participation. Clan influence remained extremely strong and most Somalilanders voted along clan lines, which tends to exclude women. The patriarchal clan system meant that very few women were put forward for election. In 2002, this resulted in only two women being [elected](#) among a total of 379 local councillors.

Even when the law allows it, few women run for office in Somaliland. And women too generally vote along clan lines, often under the direction of the men in their family. In the run-up to the parliamentary elections of 2005, women's groups and other civic organisations campaigned hard to have provisions included in the electoral law that would establish a quota for women candidates. However, the initiative was rejected by parliament. Once more, female candidates were largely excluded from the electoral process due to the strong clan influence in the nomination process and voting patterns. As a result, out of the 246 candidates in the parliamentary elections, only seven were women and [of the 82 MPs elected, only two were women](#).

Efforts to amend the electoral law to set a quota for women continued and in 2007, constant pressure and lobbying from women's groups and other civic organisations eventually persuaded the

government and parliament to include provisions in the electoral law that would grant a quota for female candidates. But although the proposal was endorsed by the House of Representatives, it was rejected by the House of Elders due to opposition from religious groups. The proposal was put to a vote again in 2020, but both Houses rejected the amendments under external pressure.

In the absence of a quota or a framework for promoting women's representation, female candidates for the upcoming parliamentary elections on 31 May 2021 have sought support and endorsement from their respective clans. Seven women reportedly pursued the backing of their clans. Only one of them won the full support of her clansmen, setting a precedent as this was the first time in Somaliland's history that clan elders, intellectuals, the diaspora, youth, opinion makers, and businessmen publicly endorsed a woman's candidacy. Securing her clan backing furthered her candidacy. Resources were mobilised and a database was established to support her and to ensure high turnout in her clan constituency during the voter registration exercise. In contrast, a female candidate who failed to secure the support of her clansmen has faced strong and consistent resistance and opposition from her clan leadership and politicians.

Marginalised communities

The most marginalised groups in Somaliland are the *Gabooye*, who constitute the traditional occupational castes ("low caste") known as *Tumaal*, *Midgaan* and *Yibir*. (In casual speech, these groups are often referred to as *Beelaha Gabooye*, although members of the various sub-groups do not necessarily accept this appellation. For the purposes of brevity, the term *Beelaha Gabooye* is used to refer to the *Gabooye*, *Tumaal*, and *Yibir* together.) For the *Gabooye*, the challenge of representation is more a question of their social status rather than their numbers; they have a significant number of voters to pick up seats in Hargeisa and other urban centres. But their internal divisions and especially their lack of political, social, and economic clout as a result of years of marginalisation hinder the nomination and electoral success of *Gabooye* candidates. To rectify this, *Gabooye* representation had also been discussed as part of the failed attempts to establish quotas.

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In the absence of quotas, the *Gabooye* now compete with candidates from the "noble" sub-clans of Somaliland, both to get nominated by the parties and to win seats in the parliamentary and local elections. Local observers believe that at least one [Gabooye candidate in Hargeisa](#) has a good chance of winning a parliamentary seat because he is a prominent and outspoken member of a political party and enjoys public support.

Harti candidacy and representation

In the eastern regions of Sool, Sanaag and Togdheer that are the object of contest between Somaliland and Puntland, the Dhulbahante and Warsangeli clans — which are sub-clans of the Harti clan federation which includes the Majerteen of Puntland — have long been divided in their attitudes towards Somaliland. In the run-up to the 2005 parliamentary elections, there were security concerns about holding elections in some of these contested areas. Exclusion of these territories from the poll would have reduced Harti representation in the new parliament. A provision was therefore made in the electoral law for eight reserved, uncontested seats for these Harti sub-clans - six for the Dulbahante and two for the Warsangeli.

In spite of this, Harti representation decreased from 14 to 10 following the 2005 parliamentary election. Of these seats, 8 were from the uncontested list, while 2 were elected. In contrast, the

number of Samaroon seats from Awdal region increased from 10 to 13. Candidates from the Isaaq clans won 57 seats, gaining 10 seats at the expense of the Harti and minority representation. Members from Isaaq clans now controlled 70 per cent of the House, up from 63 per cent before the polls.

Ensuring the active participation of the Harti clans in the upcoming parliamentary election remains a challenge. There was an understanding between some Harti MPs and the president that the provision granting uncontested seats for the non-voting Sool, Sanaag, and Togdheer regions would remain. However, the plan met with strong opposition from some Isaaq MPs in these three regions who hope to win these seats in an electoral contest. They pressured the government to back off and passionately lobbied other Isaaq MPs to vote against reserved seats for the Harti. All Samaroon parliamentarians and most of the Harti MPs boycotted the parliamentary debate on the electoral law in protest against the proposed seat allocation. In the end, the law was narrowly approved by Isaaq MPs in parliament, and no seats were reserved for Harti constituencies.

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Those opposed to the special arrangement argued that the Harti communities could organise themselves as a political group to register enough voters to compete successfully in the elections. This sentiment is shared by some members of the Harti, particularly those from the areas controlled by Somaliland, such as Sool region. Efforts by the competing candidates from the Dulbahante clan in Sool, government officials from these areas and the political parties have all considerably improved participation in voter registration. The Dulbahante districts now account for more than 57 per cent of the registered voters in the region, which would enable Dulbahante candidates to win 6 or 7 of the 12 electoral seats if there is high voter turnout. By contrast, the Warsangeli candidates (mostly in Sanaag) were far less successful because large sections of the area are not sufficiently under the control of the Somaliland government. The two predominantly Warsangeli districts have registered only about 10,000 voters. Together with about 16,500 other voters in the capital district of Eiragabo, Warsangeli candidates stand a chance to win only 2 out of 12 electoral seats in Sanaag. The refusal by parliament to allocate uncontested seats could inflict substantial damage on political representation in Somaliland if the Harti constituencies fail to gain sufficient numbers in the House.

Reinforcing exclusion

The absence of legal commitments and special arrangements to promote the representation of women, minorities, and clans from Somaliland's contested regions in the upcoming parliamentary election will reinforce an exclusionary majoritarian voting system. This will clearly produce segments of winners and losers and will ultimately lead to less inclusive representation.

The most obvious losers will be women. Already, few women are running for parliament due to the prevailing social barriers. At best, women are likely to have only one representative in parliament. This will mean that women continue to be denied equal legislative rights, which will also have a negative impact on public policy.

Harti representation in parliament could reduce further after the upcoming election, thereby increasing their sense of marginalisation within Somaliland. It is also foreseeable that Isaaq clans will increase their share of seats at the expense of the Harti, while Samaroon representation will probably remain unchanged, thereby increasing Isaaq dominance in the parliament and further cementing their majoritarian rule.

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This article relies heavily on interviews and informal discussions with candidates and MPs from Awdal, Hargeisa, Sool, East Sanaag and West Sanaag conducted between 6 and 22 December 2020.

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