

# Somaliland Joint Parliamentary & Local Councils Elections 2021 The Promises and Priorities

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**POLICY BRIEF**

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## INTRODUCTION

**O**n May 31st 2021, Somaliland finally succeeded in conducting the long overdue elections for the House of Representatives (HoR) and Local council (LC) representatives<sup>1</sup>. This was a big win for the democratization process in the country, with local and international observers agreeing that it was a smooth and peaceful election<sup>2</sup>. The only downside to the elections was the inclusivity gap with a noted absence of women legislators and a decreased representation for Eastern Sool and Sanaag communities.

The people of Somaliland were waiting for these elections with much anticipation. One population group that was particularly hopeful that the elections would mark a new beginning was the youth. The Somaliland youth have been facing challenges such as soaring rates of unemployment which reduces their economic power, inadequate social-economic infrastructure, and corruption. Thus, the fact that the youth were well represented in the elections is an indication that young people's voices will be heard both in parliament and local council. The House of Representatives, in particular, is required to pursue further meaningful and inclusive participation of people in public decision-making processes

through the legislation it passes. The previous parliament performed poorly in its oversight and representation role for most of its 15 year-reign. This greatly necessitates structural changes for appropriate policy legislation to be initiated. There are also high expectations among the general public that local councils will improve service delivery by the local government.

To translate the success of the recent elections into value for the democratization process, the newly elected members of the House of Representatives, (hereafter HoR) and the Local Councils (hereafter LC) need to listen to the citizens' voices and be determined to reach out and communicate better and more frequently with the general public. Furthermore, citizens expect that the House of Representatives, through its relevant committees, will fight corruption through the legislation it passes, and through monitoring the conduct of parliamentarians and government officials, representatives of the judiciary, and public service officers at the national, regional, and district levels. The elimination of corrupt practices will ensure that resources allocated are utilized in ways that directly benefit the citizens.

<sup>1</sup> <https://guardian.ng/news/world/somaliland-votes-in-long-overdue-elections/>

<sup>2</sup> <http://sonsaf.org/2021/06/05/a-joint-press-statement-by-the-somaliland-civil-society-organizations-on-the-somaliland-elections2021/>

# KEY PRIORITY AREAS FOR THE NEWLY ELECTED MEMBERS OF THE HOUSE OF REPRESENTATIVES (HoR)

Measuring key priorities and promises of the newly elected members of the House of representative will be important in assessing the relationship between their political discourse and their actions. There is a limited information available to assess the priorities of the elected House of representatives and to determine whether they will keep their campaign promises.

One of the key themes of the campaign was the elimination of corruption which would in turn improve economic development. The candidates, some of whom are now elected MPs, proposed wide ranging solutions to the corruption menace, which accorded them wide public support. For the successful candidates, it is now time to start working on the delivery of their campaign promises. In addition to individual candidates' promises, the three political parties also made commitments to ensure the development and independence of the legislative arm of the government, with the aim of creating far more favorable conditions that encourage electing a knowledgeable candidate.

The three political parties sought to tap into the public's desire for a new and more youthful generation of politicians in the House of Representatives. This strategy was successful and attracted more young voters. Discussions and predictions of possible coalitions began shortly after the election results were announced. In addition, there were instances in which results were contested. These disputes should be appropriately managed to avoid situations that may distract the

new members of parliament from focusing on the desired political improvements and changes they pledged during the campaign. Below are the highlights and pledges made by the HoR candidates, and the areas in which the public expects immediate action by the newly elected HoR.

## Improved oversight role

This is one of the primary priority areas. A core function of the HoR is to provide the necessary checks and balances. The HoR has a legal mandate to conduct oversight on core national policies and laws. The new parliament is expected to employ many lessons learnt from their predecessors. Their first priority should be putting in place proper mechanisms for debates on state fiscal budget which have largely been absent in Somaliland. Secondly, they should eliminate the unscrupulous and rushed ratification of votes which were the norm in both houses, especially when the motions were geared towards extending their term in office and other beneficial motions. Elected MPs should also scrutinize national government projects and resource allocations for the different regions to ensure equitable resource distribution. The provisions for the oversight role are enshrined in the constitution and are usually supplemented by the Standing Rules. In addition, a significant function of the HoR is to propose strategies to raise funds for public projects, approve the national budget, and authorize the spending of public funds.

The newly elected members of the HoR need to establish strong and effective Non-partisan various House Committees, for example the committee for health, education, special groups, gender, and so on. Committees allow for the detailed examination of complex matters; they offer an opportunity for MPs to hear from citizens and experts on topics of national concern. Committees also ensure these representations are placed on the public record while providing a means for MPs to probe into the details of policies and programs, thereby developing expertise in specific areas.

## Legislative gaps

There are many legislation and policy issues that the new MPs pledged to address during campaign trail. These include key legislations such as; the election laws regarding regions and constituency based seat allocations, the association of political parties and opening the political space, review of the Hargeisa City Charter (to decide Capital legal status), and the amendment of standing rules i.e. whether the next House of Elders will either be selected or elected. Another standing key legislative element is the Conventional Banks' bill that faces crucial challenges in regard to the Islamic teachings concerning interest payments, and to leverage the existence of the Sharia Compliant Financial System, there should be a robust regulatory mechanism that can curb the Islamic Banks' huge margins on the citizens. Through consultations with all the various stakeholders, the HoR can work on various bills that address the concerns of all the stakeholders.

## Constitutional amendments

Another key task awaiting the newly elected parliament is to propose the first constitutional review to unequivocally interpret a number

of ambiguous articles that refer to "laws to be created". It's noteworthy that constitution-making takes broad consultation and time and thus needs to be approached with a high degree of caution and sensitivity. It should also reflect the aspirations of every citizen, including future generations.

## Fighting corruption

Corruption in Somaliland is extremely high, in public and private sectors. The outgoing parliament failed to introduce and implement effective anti-graft measures. They also failed to institute accountability and transparency policies, which further exacerbated the corruption vice. The public now expects that the new parliament will be focused on fighting corruption in all its forms with an aim to improve public revenue, boost the economy, and generate equal opportunities for all.

## Inclusivity & participation

Political inclusivity and equal participation is one of the pillars of strong democratic states. Somaliland has failed to introduce an integrated political system which would create a level-playing-field for all and especially encourage the participation of marginalized groups such as women, the clans of Eastern Sanaag and Sool communities, and others. In the recent elections, only one candidate, Barkhad Batun, was elected on a national platform from the minority clans out of all members of the HoR and the LC. The new parliament therefore needs to set a quota in key government institutions for the minorities to have fair representation. The government attempted to put in place a quota system for women participation in politics for example, but the motion got rejected by the immediate former parliament. Thus, the number of women candidates has remained significantly low.



In the recently concluded elections, data from NEC indicates that there were only 13 women candidates for parliamentary seats and only 15 candidates for local council seats<sup>3</sup> To further promote participation and inclusivity, the new parliament should put

in place communication avenues through which the public can air their views, grievances and suggestions in order to improve communication between the people and their representatives.

## **THE NEW HoR AND THE SOMALILAND-SOMALIA DIALOGUE**

The parliaments in the democratic states are gaining more ground in the foreign policy development in addition to the internal and external affairs of the states. The executive branch is no longer the sole executor of foreign policy matters. In Somaliland, the recently elected members of the House of Representatives are expected to critically examine and contribute key policy matters. The HoR needs urgently to set up a new foreign policy to guide the renewal of the stalled Somalia-Somaliland dialogue. The new HoR could form a special parliamentary committee tasked with overseeing the ongoing dialogue and chartering ways to make it effective. The HoR's role in the dialogue is legally and politically justified. For instance, Article 39<sup>4</sup> of the Constitution offers the Representatives the power to "oversee the general political direction" of the country. Moreover, Representatives enjoy law-making powers regarding both domestic and foreign affairs. Article 53<sup>5</sup> strengthens the Representative's position in foreign policymaking since government programs are subject to their comments, rejection, and approval. After all, the House represents the political views of the general public.

The HoR should activate various tools to establish their relevance in the Somaliland-Somalia Dialogue. These include calling the executive

branch to submit its programs relating to dialogue for approval, as per Article 53. This will create the opportunity to sound off on critical foreign policy matters that will generate an international obligation in the form of a treaty, agreement, or convention, and be strategic in eliminating any future disputes between the two branches of the government when a critical milestone in the dialogue (or its conclusion) involves the consent of the HoR. Another way in which the new HoR could establish relevance is holding consultations with the public on the direction of the dialogue to allow the citizen's input at all stages, including the formulations and execution stage. Another tool to democratize such foreign policy issues is taking suggestions not only from the executive but also from relevant actors, including Civil Society, Special Interest Groups, and other foreign policy stakeholders.

Further, the parliamentary floor allows for the Representatives the opportunity to raise their concerns, comments, and controls over the conduct of the dialogue which in turn increases accountability of public officials. Finally, the HoR could commission a research aimed at producing plausible strategic options on the dialogue. Commissioning a study might help explore a wide range of options in which the parties can work to achieve a lasting agreement.

3 Institute of Public Policy, Academy for Peace and Development (2021) "A Vote for Change: Somaliland's Two Decades Old Electoral Democracy" Hargeisa, Somaliland.

4 Article 39 of the constitution states that the House of Representatives consists of members who represent the public, and forms the first part of the country's legislative, passing laws and approving and overseeing the general political situation and the direction of the country

5 Article 53 of the constitution states that the House of Representatives shall ratify governmental (international) agreements (treaties) such as political, economic, or security agreements or those agreements that impose new financial burdens which have not been covered in the budget or which will involve the promulgation or amendment of legislation



## Public communication and transparency

Efforts should be made to strengthen the HoR's internal structures, policies, practices, procedures, and how department and sub-committees execute their duties. The electorate and the general public demand transparency and all parliament proceedings should be informed by the progress made by the HoR. Developing public accountability mechanisms will strengthen the links between the MPs and their respective constituencies. The new HoR should therefore develop a comprehensive roadmap to contribute to its institutional capacity, and to enhance the transparency and effectiveness of legislative structures and systems. A robust information and data management system should be established to enable information access

by the public. In addition, the new MPs should undergo training in topics such as the roles and responsibilities of MPs, the Constitutional provisions regarding the structure and functions of Somaliland Institutional governance, and on the Somaliland House of Representatives procedure. This capacity building opportunity was not given to the previous MPs when they were elected in 2005; this has affected the understanding of their roles which eventually made them the longest incompetent HoR in Somaliland history. The New MPs need theoretical training on reviewing, recommending, drafting, and adopting key legislations i.e. those of high-priorities.

## LOCAL COUNCILS: PRIORITIES VS PUBLIC EXPECTATIONS

Local governance through the local councils is intended to bring service provision closer to the people and promote the public's influence on decision-making about issues that affect them. This is why the concept of decentralization of power is advocated for as a means of expediting development. According to the principle of subsidiarity, government powers and responsibilities should be in the hands of the smallest, lowest and least centralized authority capable of carrying out such powers and responsibilities effectively.

Somaliland's city council elections, especially in the major cities, were very crucial as the city residents have long been subjected to substandard local council services, lack of proper waste management system, poor infrastructure, poor land governance,

and rampant corruption particularly in the land sector. These conditions could explain why the just-ended elections attracted new, seemingly more competent candidates for the Local Council positions. Although the country's major cities saw the emergence of formidable contestants, Hargeisa's local council's election stood out. Abdi Kareem Ahmed Moge, the new city mayor, got 26,000 votes which is the highest number of votes out of all Local Council candidates. This constitutes 14% of all the parties' aggregate votes and around 30% of his party's; this was a new record in the Somaliland election history. It also demonstrated how High Expectations can lead to disappointment when the promises made during the campaign(s) trails are not delivered.

Municipalities generally provide basic public services such as; proper roads, sanitation and public wellbeing, police and civic defense services, recreational public facilities, affordable public transportations, proper sewage and drainage system, urban planning, cleaning and greening initiatives, etc. In Somaliland, most of the above facilities are either missing or ineffective.

There are no public parks in the different cities, no sewage system, and non-existent public transport system(s). This means that the new Local Council representatives have their work cut out for them and the public has high expectations and confidence in the local leadership. The following are some of the priority areas for the newly elected local council officials:

## **1 Improved urban planning and development**

The electorate is expecting immediate improvements made in regard to infrastructures i.e. building new roads, installing sewage system, waste management, electricity, and general public service delivery. While the mid-term goal is to achieve greener and cleaner cities, this may be a long shot as major cities continue experiencing rapid population growth due to rural-urban migration, high poverty rates, as well as poorly planned and developed urban centers. Focusing on urban planning that is transparent and inclusive would provide roadmaps for the immediate and long term plans and build public confidence. According to a 2007 UN-HABITAT report on Hargeisa<sup>6</sup>, the key priority actions to improve Hargeisa include; planning and management of sanitation systems, broadening access to water, building of markets, development of new vocational centres, garbage disposal, among others.

The newly-elected members of Local Councils should focus on developing a thorough urban development plan that describes key priority sectors for development. This will provide the roadmap for the improvement of institutions, policies, and capacities at all levels and across all sectors of local governance. It could also attract

private investments and donor funding as city plans effectively and efficiently outline responsibilities for all those involved.

Urban planning also strengthens the relationship between different levels of government in an effort to prevent overlapping and duplication of roles and responsibilities. While developing comprehensive urban planning could take months if not years, it is a worthy undertaking before the approval of permanent buildings. Once major cities develop these plans, they will attract development partners who will get a clear picture of the future plans of the cities particularly as it pertains to the orderly expansion of cities.

The implementation of the updated urban plans might not be easy as there are wide ranging factors to consider. First, there is a need to engage with all stakeholders to achieve public buy in of the new strategic plans. The new local council leadership may also face challenges in technical skills and capacity as well as difficulties in generating sufficient revenues amid the widespread practice of corruption. Tackling these issues will need well-coordinated institutions and policies.

## 2 Local government institutional and administrative reforms

Reform is a critical process that may affect different interests or unfold potential complexities. However, it is considered as an entry point to systematically address problems with multidimensional issues. This is recommended for local governments in Somaliland. The nature, structure and functions of the current local governments are outdated and therefore incompetent to meet the demands of rapidly expanding and increasingly populated cities. For example, the executive arm is the same as it was in 1991 and earlier, and the executive secretary is appointed by the Ministry of Interior, instead of publicly recruiting a competent technocrat. At the same time, institutional departments are the same as they were in 1991 when the city was formed, whereas institutional set up should be periodically updated based on the demands and developments. Based on the policy approach to be engaged by the local governments, institutional readjustment in light of the decentralization policy is necessary.

- 1. Land governance:** This is one of the core problems facing major cities' and towns' councils. The roles and responsibilities of improving this sector are shared between the Ministry of Public Works and the Local Government. The Local Government is mandated with developing policy to guide the lands sector. Without these policies, the lands sector becomes vulnerable to corrupt practices. The biggest hindrances to the Local Government's performances of their roles in the lands sector are land allocation, land registration, and transfer of ownership. To mitigate these challenges, the local governments should develop standard procedures and ensure all town councils at every level adhere to the same uniform procedures. The roles of respective offices in every council should also be defined and standardized and these positions should be filled on a merit basis as opposed to practices of nepotism. The lands sector policy should include strategies for; empowering citizens to whistle blow on corrupt officials, reduce bureaucracy, speed up dispute resolution, digitize land processes, and so on.
- 2. Increase local revenue streams.** The councils should focus on increasing their local revenue streams in order to grow their institutions and improve service delivery. Tax policies should be revised and tax compliance policies simplified, as the current taxation policies are complicated which results in tax evasion<sup>7</sup>. Revenue collection from the already existent sources should also be enhanced. One key approach of improving revenue could be through digitalization of the taxation processes. Additionally, a reduction of operational expenditure and wastage would aid in increasing revenues available for development projects. When the local councils get a clear outlook of their revenues, they should then commission studies and engage the general public before deciding on priority development projects to undertake. This will not only boost public trust in the local governance, it will also increase the motivation to pay taxes knowing the revenue collected is channeled towards improving their lives.

7 <https://www.youtube.com/watch?v=1av1VZS8bvU> in the video new Hargeisa Mayor revealed only 25%-35% of Hargeisa residents pay taxes the other 75% do not pay

**3. Building public trust:** The local councils are faced with the task of delivering evident results based on the promises made during the campaign trail. The public mistrust in the previous local council governments led to poor taxation compliance and hence reduced revenue collection. The newly elected city councils are faced the uphill task of building public trust by following transparent and inclusive processes. Building public trust not only helps improve revenues but also lessens potential risk for tensions between the city councils and the general public.

To improve public trust, the local council governments should update the public on budgets, priorities, emerging issues and challenges as well as reform plans. It is also imperative for the new city councils to engage with diverse structures like youth groups, civil society actors, religious, community leaders, and people with expertise in various areas for them to serve as a bridge between the local councils and the general public

### **3 Resuscitating the Hargeisa city charter**

Hargeisa is not only the country's administrative city, it is also the national economic center and the country's most populated city. It is therefore concerning that it has underdeveloped physical infrastructures and facilities. As of now, Hargeisa's status is a district, and the mayor technically is accountable to not only the residents of Hargeisa but also people inhabiting all the surrounding villages and beyond, who voted for the Hargeisa local council representatives. To manage the different priorities of the people in Hargeisa and the surrounding villages, Hargeisa has to graduate into a separate self-administrative unit (city) where the local council would only serve the city residents while the administration of villages is shifted to their respective neighboring districts. This would not only promote the symbolic status of Hargeisa as a capital city, but also increase the speed of development projects within the city boundaries.

While such efforts require legislative initiatives which should be the mandate of the HoR, it could be a potential area of collaboration between the city council and the HoR. Once approved, the

Hargeisa city charter would undertake steps to elevate the town into city status which would allow for reforms agenda to take place in an orderly manner and with a specified geographic area to serve. These include restructuring its territorial size into equal kilometers in the four directions starting from the current location of the local government headquarters. In addition, and according to the 2008-2009 consultations about Hargeisa City Charter, power should be decentralized from the Ministry of Interior to the Hargeisa Municipal Council to promote the delegation of administrative powers. Another way of ensuring Hargeisa attains city status is the establishment of a Ministry of Local Government, as well as enhance land governance for better city planning and development<sup>8</sup>.

To restart the process, both the house of Representatives and the local council could review reports from past endeavors and determine why they were continually unsuccessful. The city should be demarcated with defined formal sections, new city sources of revenue have to be explored and the capital city's autonomy has to be boosted.



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