



CONTENTIOUS ISSUES FACING THE PUNTLAND LOCAL GOVERNMENT ELECTIONS



BACKGROUND

For the past two months, disputes between political associations and the government of Puntland overshadowed the resumption of the local elections. Puntland has nine registered political associations that have competed during the recent early local elections. The rift between the two sides started in December 2021, when the date to hold the inauguration of the elected council was not met, triggering a wave of criticism from political associations and resignations by TPEC chairman and deputy chairman. With this regard, the local government act (Law No 7) orders the government to facilitate the inauguration of the members and their first session. Since then, many of the PAs have not been on good terms with the government and have blamed the government several for undermining the whole process. This was exacerbated when the government failed to hold the inauguration of the elected council for five months until April last year, when the council of two districts were seated. The failure of the government was largely attributed to the president Deni's ambition to become presidential candidate for federal government in which he lost in May 2022.

Upon his arrival in Puntland the president pledged to complete the process and pay every effort in realizing that venerated goal of a democratic government where citizens have the power to elect their representatives. TPEC corresponding started to speed up the process - on 16th November, TPEC released the schedule of the voter registration, which was set to start on 13th December as planned but some political associations cast doubt on the scheduled date without resolving the unresolved issues hampering the local election, On the 30th of November, eight political associations issued a communique of 13 issues demanding from the government to solve before the voter registration is kicked off. The 13 points were.

- Nominate the remaining members of the Puntland constitutional court. The PA's see a great need for the constitutional court and have stressed the importance of finalizing its nomination.
- To change the closed list system; Political associations demanded the government to change the closed list PR system which was based on the early local elections. In this system, political associations submit the list of their candidates to TPEC, but its limitation is that the first names in the list have the greatest chance of being elected. This creates a controversy whereby individuals and clans who do not find themselves in the front list is likely to withdraw their support from that political association.
- To reduce the number of local councillors; according to Puntland local government act (Law no 7), Puntland local governments are categorised into three levels; grade A districts are the administrative centres of regions with 33 local council, grade B are categorised the medium towns with 27 councillors while small districts are graded into C with 21 members. The PAs urged the government to reduce the number of local councillors in all districts.
- To give political associations time to prepare for the voter registration. The associations want to mobilize their supports and engage them in the registration process early on.
- The registration and election must happen at the same time in all of Puntland. This came at a time where TPEC shared the registration schedule for the different regions in phases.
To review and address the grievances from clans resulting from the district demarcation; in November, TPEC released the polling stations where the planned voter registration is to take place, this has created uproar from some communities who claimed their territories are wrongly designated. As a result, the political associations called upon the government to harmonize the demarcation with Puntland constitution and local government act.
- Remove the stipulation that three parties that perform the strongest in the local elections would compete for the state elections. According to Puntland constitution, when the first local elections are conducted, the three political associations that got the highest number of the votes would be the three permanent parties in the state for ten years. the political associations contended that it is unwise and undemocratic to allow three political parties to monopolize the politics of the state.
- The associations asked the government to reaffirm that any member of a political association who defy his association's political whips or agenda to be removed from the post he/she elected. This involves the fear of some political associations that their members can be enticed with incentives once they are elected for the local council. The issue has been controversial in the last early elections.
- The political association that get majority of the votes or coalition of political associations to form the local government administration. This is due to political association's fear of government meddling with the seating of the elected councillors.
- To be transparent in the recruitment of TPEC staff.

- The government to allocate specific financial support for political associations. A pledge from the government was made during the early elections to support PA's with monthly budget that can help them in engaging citizens and paying their rentals.
- To assign independent commission to prevent election corruption. This request is based on the fear that the current government will try to corrupt the elections in order for the government's political association to win many votes.
- To reach an agreement relating to key issues before the election. Elections will be difficult if the PA's and the government do not agree on the procedures as such the PA's are warning of any outstanding issue before elections.

RESOLVED ISSUES

On 18th December, **the government and majority of the political associations** had a meeting to resolve the outstanding issues impeding the election. After the meeting, six political associations held a press conference announcing the agreement. The political associations did not delve into the explanation of the agreement and but only mentioned that among the 13 issues they presented to the government, eleven of them were agreed while two conditions would be impossible for the government to implement, and the political associations acknowledged the justification of the government reasonable.

On 26 December, **the president issued a statement** expounding what the government and political associations agreed. The president stated that 11 of the conditions was accepted by the government and is ready to have further dialogue with political associations but two conditions fall above the government's ability to deal with.

Several political associations did not subscribe to the agreement, meaning that not all of these issues can be taken as fully resolved. However, some issues have been undoubtedly addressed regardless. In addition, some issues that were agreed, still need further dialogue and engagement to resolve. The following provides an overview of the issues that are mostly addressed.

The establishment of constitutional court: the constitutional court is very important for the election but was not formed since 1998. The members of the court consist of nine judges, five of them are the judges of the supreme court with additional four members that are nominated by the parliament and the executive. The political associations called the president to complete the constitutional court. In October, the president nominated the supreme court while two judges were already in place even before the supreme court nomination and was made by former president Abdiweli. The only remaining two were nominated by the parliament and the constitutional court were sworn in for the first time on 7th December.

Agreeing the timing of voter registration and for the process to take place at the same time across the country: The two sides at the 18 December meeting agreed that it is important the voter registration to take place and subsequently the local elections; this gave TPEC the impetus to launch the phase 1 of the registration process. Similarly, the two sides agreed that the election to take place simultaneously in all the 37 districts, alternatively, the registration can take place in phases and TPEC was given the authority to combine regions based on their capacity and contextuality. Even political associations outside of this agreement have subscribed to the VR process continuing in most areas, although challenges remain in Nugaal and Mudug (*see separate brief*)

The demarcation of district boundaries; Political associations called upon the government to solve the complaints from local communities around district demarcation before voter registration began which the government promised to fulfil. Since then, the president issued a decree on three disputed areas between Dhahar, Badhan and Xinglool namely, Cawsame, Habarshiro and Gooraan. Cawsane and Habarshiro was decided to belong to Badhan district whereas Gooraan was assigned to Xingalool district. At least throughout voter registration process contention on boundary registration has been minimal. However, this decision was only reached for voter registration purposes, and the final demarcation will be made by the government afterwards. This will need to be done in a transparent and consensus-based fashion to avoid contention around the elections themselves and seating of the council.

Party by-laws: On the issue of councillors losing their seats if they do not conform with their political associations; it was agreed that any member who withdraw or resign from his association would lose his/her seat won on behalf of the association. Although this issue was made clear in Puntland Constitution, it is not clear whether the person will lose seat if he defects from his association's political position without withdrawing from it, the political associations have not had any further inquiry about the issue and seems resolved.

Staff recruitment: The PAs called on TPEC to recruit staff based on the existing Puntland civil service laws and guidelines. It seems that the political associations realized this is not the purview of the government and neither did they present how they want the recruitment to happen. It appears this issue is therefore less contentious.

Financial assistance for political parties: The government agreed to increase the budget allocated for political associations. Initially, it was ten thousand US dollars, but the government would also pay additional three thousand dollars to cover the administrative costs incurred by the political association. This will go some way to resolving this issue.

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Establishment of an election integrity committee: Although the government has promised to form an election integrity committee to oversee the running of the election to avoid any form of abuse and corruption, this has yet to be established.

UNRESOLVED ISSUES

The number of political associations competing for the state election process; Political associations demanded the government repeal the regulation that there would only be three permanent associations after the conclusion of the local elections. The government clarified that this issue shall require constitutional amendment and it does not have the powers to remove the law. Six political associations acknowledged the justifications of the government while three associations objected. This issue can be said to be the most challenging as many political associations were slow to form and develop during the early stages of the process. The successful conclusion of the early local elections was a wakeup call for them and these politicians are concerned of the emergence of three permanent associations that would determine Puntland politics for the next ten years, and leave others excluded.

Election model: The closed list system question was left to be sorted out by TPEC and the political associations together, and it is not yet clear how this puzzle will be solved. The PA's had a hard time deciding the order of the list which created grievances before the candidates, this is the main reason why they prefer candidates to compete directly. Furthermore on the issue of open list model not being ideal for women's representation, they argue that to ensure women's participation they will allocate certain seats for only women to compete.

Formation of councils: The six PAs have agreed with government that the association that wins majority of the votes or coalition of associations who have the threshold of 50 plus seats should form the next local governmental administration without any interference. However, whilst this might reduce government interference, it will be important to have any change reflected in appropriate legislation or TPEC procedure, to avoid new confusion over the seating of the council.

Elections in disputed areas: One of the challenges to the registration process was the fate of the areas where elections were not possible; it seems that political associations did not make this case imperative as they are aware of the obstacles preventing the process.

This will most likely affect the Sool and Ayn regions where ongoing conflict renders the prospects of holding elections challenging. Any decision regarding the holding of elections in these areas will need to be taken very carefully and carried out through extensive consultation.

The reduction of local council members also requires amendment to Puntland local government act, which cannot be possible until the 51 session of Puntland Parliament in June 2023. Majority of the political associations realised the short time remaining and withdrew their demand.

Does it impact the registration process?

The answer depends on how one views the issue. For those who are more sanguine, it will have minimal impact because most of the population in the remaining regions are eager to participate the election. This can be inferred from the successful completion of the first phase of the registration where the impact was very low.

On the other hand, the contentious issues can have lasting ramifications on the registration process because if they remain unresolved they can provoke new tensions with opposition politicians. The latter are well-armed and have the capability to carry out operations that undermine the whole process as happened in 2013. Their early resolution can therefore maintain political buy-in in the process and avoid conflict. Another key issue that will need to be addressed relates to the timing and modality of the state assembly, which will be addressed in another brief.

The contentious issues shall not only have impact on the voter registration but also the elections, this is directly relating the parliamentary elections of next year.

RECOMMENDATION AND WAY FORWARD

The contentious issues if not properly solved may provoke conflict, but the situation can be ameliorated if genuine discussions are conducted. Specific recommendations include:

- 1. Conduct extensive dialogue between all election stakeholders** to dissect the challenges facing the election. The dialogue shall raise the real concerns of politicians including their fear of the exclusion political parties and what can be done about it. Such dialogue will also show the uninformed citizens what is right and whose interest is local elections.
- 2. There is need the president to declare that he has no hidden agenda** to use the election a pretext to extend his tenure, such declaration would give confidence to ordinary citizens who were allured to oppose the process.