

PUNTLAND'S PATH TO THE POLLS

BRIEFING PAPER



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DELIVERING PEACE & STABILITY IN SOMALIA



'A STRING IS NEEDED TO
GATHER SCATTERED BEADS'

SOMALI PROVERB

EXECUTIVE SUMMARY

The Puntland State of Somalia will hold its first one person one vote (OPOV) elections in October 2021. The elections will be restricted to three districts as a pilot exercise to test the viability of the electoral model in advance of state-wide local governance elections expected to take place in early 2022. This paper draws on existing and new research to summarise the progress to date and outlines the electoral model that is being deployed. It reports on the roles and limitations of key actors and highlights the risks about which they are most concerned.

Recent years have seen domestic and international investment to lay the foundations for OPOV local elections, including border demarcation and electoral legislation. Progress to date has been due to a combination of political will from the Puntland administration, capacity on the part of the Transitional Puntland Electoral Commission (TPEC), popular demand, and international financial and technical support. Stakeholders have commended the capability, neutrality and effectiveness of TPEC.

The electoral design introduces one person one vote for local and parliamentary elections, while the presidency will be determined by a parliamentary vote. Once elections are established, future iterations offer potential for improvements and strengthening to the democratic process.

Civic and voter education has yet to reach many rural and nomadic communities. Political associations, formed as precursors to political parties, are requesting capacity building on all electoral aspects, from fundraising, campaigning and policy dialogue to electoral procedures. Recent anxiety amongst political associations has caused them to request a delay to the pilot elections, highlighting that they are one of the stakeholder groups with the greatest potential to create derailments to the process. Managing their concerns and sustaining their trust in the process will be essential.

Media groups feel they have adequate freedoms at present to report on the electoral process, but there are concerns about suppression of media freedom or co-option once the stakes become hotter. Disputes over electoral boundaries present a risk, in the light of the lack of a constitutional court to arbitrate.

Despite non-discrimination policies in all political associations, ensuring women's political inclusion as candidates, party members and electoral officials remains an obstacle. There is a need for Puntland women to show leadership and unity of purpose in this area, and for dialogue and consensus building to support women as candidates, especially now that voter registration has affirmed the high female turnout. TPEC has decided upon a gender quota requiring political associations to nominate one woman for every three candidates in the list that must be provided in advance of the elections. However, there is a need for socialisation of this policy together with consensus building on the quota among political associations, without which, it may undermine compliance. Internally displaced persons have been included in election education and voter registration efforts.

**'IT IS ESSENTIAL TO
MAINTAIN POLITICAL
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Finally, given the wider array of political events taking place across Somalia that may affect the progress of this work, not least the federal elections, it is essential to maintain political momentum around this work lest it get derailed. The test elections are therefore an important milestone and effective implementation here may help assuage the investments into OPOV from whatever political turn of events that may occur elsewhere.

THE PUNTLAND STATE OF SOMALIA WILL HOLD ITS FIRST ONE PERSON ONE VOTE (OPOV) ELECTIONS IN OCTOBER 2021.

The elections are restricted to three districts only as a pilot exercise to test the viability of the electoral model in advance of state-wide local governance elections expected to take place in early 2022. These local governance elections are, in turn, precursors to Puntland's parliamentary elections in late 2022.

ELECTORAL FOUNDATIONS

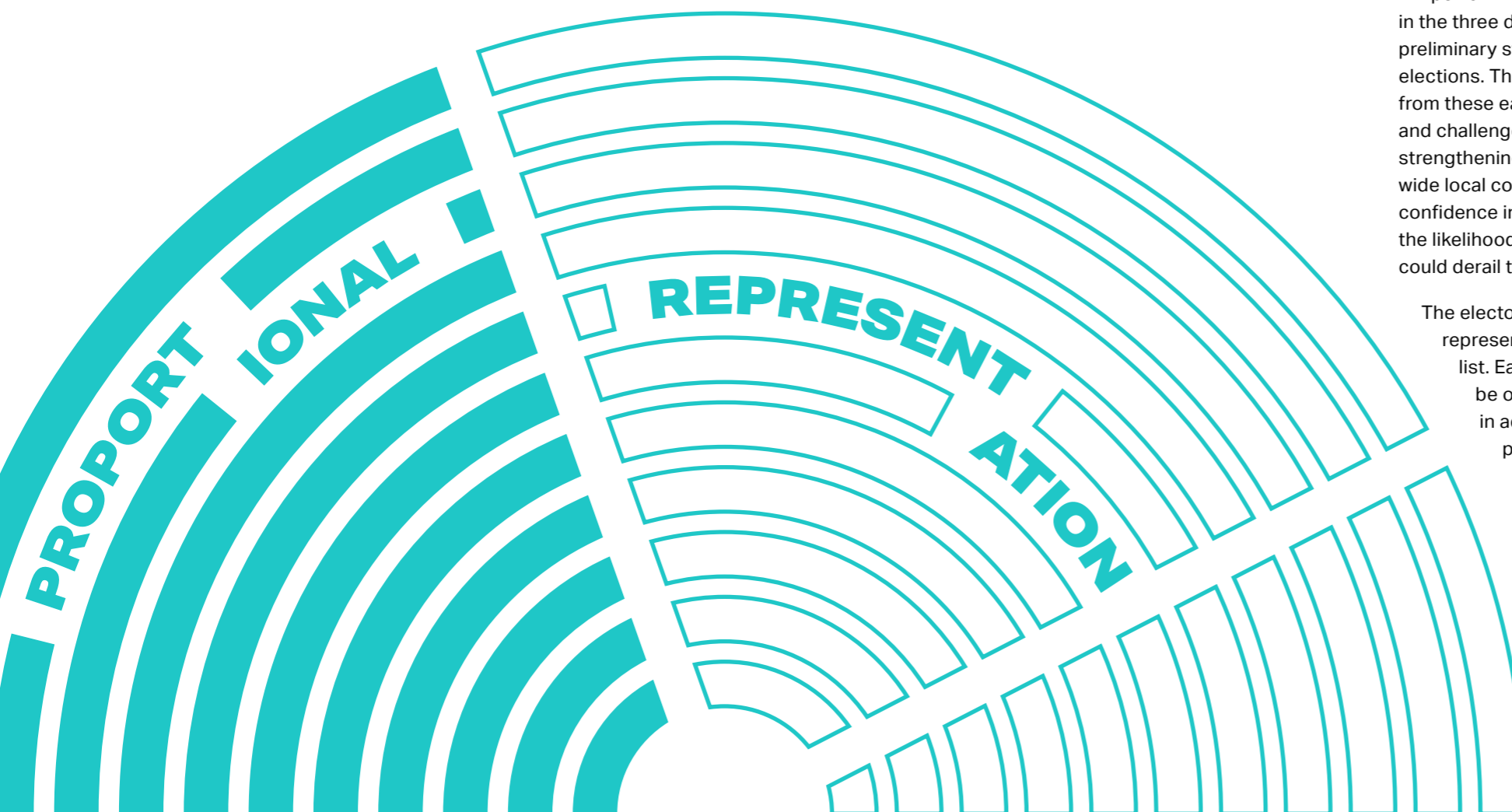
During Puntland's state formation in 1998, the government agreed to move the state from clan-based politics to a multi-party democratic system within three years.¹ Little practical progress was made until 2008 when the Adde Muse government included multi-party democratic elections in the draft constitution that was being prepared. Under the subsequent government of President Farole, the constitution was adopted by a constitutional convention in 2012, thus setting out the democratic objective in Puntland law.² During Farole's term, electoral laws were adopted, and a nine-member Transitional Puntland Electoral Commission (TPEC) established.

However, elections set for July 2013 failed to materialise. Violent protests in Qardho and Galkayo led to their cancellation and a reversion to a clan-based formula. Subsequent analysis identified a number of factors including a lack of trust in TPEC and in the fairness of the contest specifically by political associations, inadequate civic and voter education and numerous technical delays. Civil society organisations pushed again for democratisation in 2016-2017, in the hope of preparing for the 2019 parliamentary elections. This push notwithstanding, reluctance from both the Puntland government and the international donor community³ meant there was little progress and ultimately 2019's parliamentary seats were again determined through a traditional clan selection process.

2021 LOCAL GOVERNANCE ELECTIONS

Since the 2019 appointment of Said Abdullahi Deni as president of Puntland, the agenda of OPOV elections has gained momentum. To this end, a combination of Puntland government and non-state actors has mobilised technical and financial support from the international community to establish the institutional, legal, and electoral infrastructure to support OPOV elections.

**'THE ELECTORAL MODEL WILL
ENTAIL A PROPORTIONAL
REPRESENTATION SYSTEM
WITH A CLOSED PARTY LIST'**



ELECTORAL MODEL AND OVERALL APPROACH

The introduction of OPOV and the passage to parliamentary elections entails several stages. Voter registration will be followed by district council elections. These local elections will see political associations contest council seats and the three political associations with the highest number of votes will transition to become the three main political parties that will contest the Puntland state parliamentary elections. Following the local council elections and the determination of the three political parties, TPEC will be formally disbanded and a permanent Puntland Electoral Commission will be appointed that will oversee the conduct and implementation of the parliamentary elections for an initial six-year term. Once the parliamentary elections have been held and parliament convened, parliament will then elect the president.

Recognising the failures of 2013 were down to a lack of trust in the process and inadequate preparation of systems and procedures, the current process will perform voter registration and pilot elections in the three districts of Ufeyn, Qardho and Eyl, as a preliminary step before the state-wide local council elections. The experience and information gathered from these early test elections will help identify gaps and challenges which can be refined and overcome, strengthening the process going into the state wide local council elections all the while building confidence in the overall process and thus reducing the likelihood of system failures or protests that could derail the initiative.

The electoral model will entail a proportional representation system with a closed party list. Each political association/party will be obliged to submit its candidate list in advance of the elections to TPEC for preliminary approval. The order of names presented on the list will then be the order of allocation of seats depending on the proportion of votes each association/party has won. In this way, voters vote for a party as opposed to specific individual candidates and the number of political representatives that each political party/association gains will be reflective of the proportion of seats available in either the district council or parliament, as appropriate.

The electoral model has benefits and trade-offs. For example, one benefit of a closed party list is that it avoids post-election trading of district or parliamentary seats with elites eager to secure a political position. It furthermore avoids scenarios where candidates are competing against their fellow party members. One particular benefit is that it means that all candidates on the list benefit from party campaigning. In comparison, the open list system deployed by Somaliland often meant that political parties targeted their campaign support around preferred candidates to the detriment of female candidates.

One issue is the retention of the indirect presidential election by the Puntland Parliament. For some, this mechanism institutes a democratic deficit for the most senior and influential position. It may allow presidential candidates to court parliamentarians whether through economic or political incentives. It furthermore retains scope for clans in Puntland to have influence on who will become the president and enables clan negotiation to have a bearing on the Presidential appointment.

The retention of a parliamentary vote on the presidency means that clan norms around the rotation of the presidency across Puntland's sub-clans is retained. This may mitigate the risks of significant opposition to the introduction of OPOV elections by politically influential clan elders. The approach may be the compromise required to enable the introduction of OPOV at the district and parliamentary levels, and the complex systems and processes around it, all of which require concerted political will, led by the president himself but in concert with influential clan leaders.

The introduction of OPOV in Puntland is a politically contentious endeavour. There will be a risk of "silent spoilers" within the political institutions who claim to advance institutional reforms but then fail to do so,⁴ compromising the investments of millions of dollars of international funding and slowing reform. It may be that this approach to Puntland's democracy ensures that enough political will and backing can emerge for OPOV systems and processes to be established. It will then be down to Puntland to entrench new ways of appointing political representatives and, if Puntlanders value this model, to then implement further reforms at the presidential level.

OVERARCHING PERCEPTIONS OF THE ELECTIONS

Throughout the research for this paper, analysts and observers as well as political associations, civil society and experts have emphasised popular support for OPOV elections coupled with political will on the part of the Puntland government and commitment to deliver on the part of TPEC. One expert close to the process observed that on this occasion it will not be through lack of effort on the part of TPEC or its secretariat should this initiative fall short.⁵

Confidence in the process by communities is reportedly high. One community leader in Qardho stressed their faith in the process to be effectively delivered.⁶ This is reinforced by a community survey that reflects trust in TPEC’s capacity to deliver.⁷ Throughout all consultations, there has been positivity towards TPEC and demand for the elections to take place.

POLICIES AND LEGAL FRAMEWORKS

Under President Farole necessary legal frameworks for the conduct of elections were adopted including the Transitional Puntland Electoral Commission, Local Council Election and Political Associations Laws.¹¹

In 2020, an assessment of legal and regulatory frameworks detailed the state of Puntland’s legislative basis for holding elections. Several gaps were identified, including policies

Many stress the need for a change in the political system. Elders report that they often face a backlash if political appointments are not to their communities’ liking, stressing that support for change resided with elders as much as with communities in general. Support by elders is complemented by popular support, where, according to one report, 83% of Puntlanders polled supported the idea of FMS level democratisation.⁸

Communities perceive insecurity and violence as the primary threat to the successful conduct of the pilot elections,⁹ along with issues of underfunding, lack of political support, low capacity, and inadequate time. By March 2021, confidence in the Deni administration capacity to deliver on its promises to hold OPOV elections sat at 62%, with 32% of respondents lacking faith that elections will take place at all.¹⁰

and regulations governing political associations and parties, media, political and campaign finance, electoral observation and electoral offenses.¹² In addition to legislative insufficiency, procedural gaps were noted around results management, seat allocation, storage of materials and establishment of conditions for when a recount of votes or a new election at a polling station is required.

THE TRANSITIONAL PUNTLAND ELECTORAL COMMISSION

The political decision and impetus to undertake OPOV elections has been driven forward by the Puntland Ministry of Interior. The planning, oversight and implementation is performed through an independent body, TPEC. On the 16th November 2019 TPEC (III)¹³ was re-constituted to oversee and administer the electoral process. By December 2019, it had a roadmap to guide the realisation of local council elections.¹⁴

The commission comprises nine members and is chaired by Guled Salah Barre. Situated in Garowe, it is officially mandated to oversee the following processes:

- 1. Management and conduct of local government elections;
- 2. Registration of political associations and eligible citizens to vote;
- 3. Registration of the first three political parties following the local government elections.

TPEC assumes responsibility for electoral oversight and direction, liaison with the Puntland administration and international donors and stakeholders, as well as overall coordination and authority on electoral processes and policy. Implementation of the elections is performed by the TPEC Secretariat whose executive director, Ubah Abdilahi Abshir and staff have responsibilities that include oversight of civic education and outreach, voter registration and coordination of polling sites, oversight of electoral finances and capacity building and training.

TPEC leads and participates in several forums with Puntland and international stakeholders. It hosts consultations with civil society and forums for liaison and consultation on policy and procedures with political associations. For example, TPEC engages with associations in the Political Associations/Parties Task Force to build consensus on policy decisions, share electoral information and ascertain feedback on progress.

Given the instrumental role that TPEC plays in the preparations for and execution of the elections, its neutrality and impartiality is crucial. Investigations into the failed 2013 attempt at Puntland elections highlighted the perceived partiality of the then TPEC as a contributing factor. In 2021, however, the feedback from a range of stakeholders has been positive. TPEC leadership and commissioners are commended as competent and the secretariat capable. Community representatives interviewed in the three districts have spoken of TPEC’s willingness to consult with community leaders and of its visibility for the early-stage elections. International observers and technical experts have noted the secretariat’s efforts to work at pace with a view to meeting the electoral timelines and have praised a working environment in which staff appear eager to perform. TPEC appears to have sustained positive relations with the Ministry of Interior, with the Puntland Administration making contributions towards electoral finances, logistics and equipment.

That said, some stakeholders, wary of past experiences and the capacity for so called independent commissions to be influenced by the government’s own political agenda, have been cautious in offering praise. Some have expressed concern as to how independent TPEC is, given that it receives some funding from the Puntland administration. Some observers do not expect TPEC to be fully independent, but recognise that TPEC has overseen preparations well and overall appears to be acting neutrally.

Working with the support of international technical experts, TPEC has overseen the preparation and passage of required laws, resolving regulatory gaps and issues. This includes the passing of the Puntland Local Council Election Law in 2021, the voter registration bill, the selection of an electoral model and requisite tools, determination of the voter registration systems, procurement of biometric voter registration equipment, and work to resolve district boundaries. Dispute resolution policies and mechanisms were established in 2021 with guidance detailing the institutions and processes by which disputes can be resolved. Explicit policies on women’s political inclusion such as a gender quota are yet to be agreed – this will be explored further below in the section on women’s political inclusion.



POLITICAL ASSOCIATIONS

Under the electoral framework an unlimited number of political associations can contest the local council elections with the leading three evolving into political parties authorised to contest the parliamentary elections. TPEC has established a registration mechanism for political associations and a set of criteria that they should fulfil. These criteria include an obligation for a minimum of 300 members in each of Puntland’s six regions, a constitution, clear non-discrimination policies that demonstrate that the association is inclusive of all clans, women, youth and people with disabilities, registration with the public notary and regular general assembly meetings that are available to be monitored by TPEC. TPEC sought to register political associations by the 15 March 2020, but Covid-19 restrictions saw this extended to June 2020 to give time for political associations to form and submit their applications. Accordingly, 17 associations applied, of which 10 were deemed to have met the relevant criteria and were registered.

As of now, there are nine political associations contesting (one decided to withdraw). They are:

- Truth and Justice Political Association
- Labour Political Association
- Youth Political Association
- Justice and Equality Political Association
- Kaah Political Association
- Mideeye Political Association
- Mustaqbal Political Association
- Horseed Political Association
- Ifiye Political Association

Registered political associations that do not qualify to become political parties after the local council elections can decide whether they continue to exist as associations or whether to integrate with one of the three parties that will have been established. Going into the pilot elections, political associations interviewed, indicated that they understand the implications and will accept if they are not one of the three qualifying parties. They will then decide what their next actions will be. Some have already stated they will try to merge with one of the three selected political parties. Such responses indicate

that associations are already strategizing about all eventualities, recognising their potential failure as a feasible outcome that they would need to navigate.

Although the political associations appear to accept the electoral process, several are concerned as to the fairness of the contest. In discussions with political associations, it was apparent that some lack a comprehensive understanding of the electoral processes, with confusion over the pilot elections on their ability to contest the state-wide local elections or what happens to the results of the pilot elections. One expert close to the process highlighted that senior representatives from political associations have not been attending the Political Associations Task Force, a space for consultation and engagement with TPEC on major policy issues and electoral process design.

Analysts, coordinators, experts, and political associations themselves express concerns over their ability to effectively engage in the process and fairly contest the elections in competition with a government-aligned party, Kaah, which appears more capable and better resourced than the rest. Grievances were raised about the lack of funds to undertake political campaigning. These grievances have been sufficiently vocal to induce the Government of Puntland to commit to providing some campaign finances to each political association equating to US \$10,000 each. While a valuable contribution, many political associations feel that this sum has not been adequate. Added to this are allegations by some associations that the government-aligned Kaah Political Association is using government resources – whether personnel, vehicles, fuel, materials, or other equipment – to support its campaigning. Although no investigation has been made into the validity of these claims, the perception that the electoral contest will not be fair risks undermining the electoral process overall.

‘POLITICAL ASSOCIATIONS CAN CONTEST THE LOCAL COUNCIL ELECTIONS WITH THE LEADING THREE EVOLVING INTO POLITICAL PARTIES ‘

More recently, on 28 August, eight out of the nine Puntland political associations sent a letter to the Puntland president and Transitional Puntland Electoral Commission (TPEC)

‘THE GOVERNMENT OF PUNTLAND TO PROVIDE SOME CAMPAIGN FINANCES TO EACH POLITICAL ASSOCIATION EQUATING TO US \$10,000 EACH’

demanding the government to pay the pledged monthly financial subsidy to the associations, which has only been paid so far for one month, and to postpone the pilot election arguing that it would clash with the federal elections which are scheduled for a similar time. They furthermore questioned the proposed electoral model and its applicability to the Puntland context, and requested a comprehensive review of the associated electoral policies and procedures.

The public viewed the letter as a sign of rejecting timely elections, and it created widespread concern within the public and civil society. Added to this were rumours of influential elites trying to push the Puntland administration to delay or cancel the elections as well. As a result, civil society groups, such as PUNSAA and PDRC responded by vocally opposing the demands made by the political associations and issued statements calling for the election to take place on time and as per the initial timeline. A series of meetings have since been held, firstly between TPEC and political associations on 30 August, and subsequently between civil society and political associations on the 4 September. TPEC have affirmed that there would be no change to the timeline, nor to the processes and procedures. Similarly, the Puntland Ministry of Interior has issued a statement to assure the public that the government is committed to timely free and fair elections.

‘CLAN INFLUENCE IS PROMINENT IN THE DETERMINATION OF CANDIDATES TO BE PUT FORWARD BY POLITICAL ASSOCIATIONS’

Political associations have since appeared to accept the timelines for implementation, though have stressed they are eager to ensure their voices are being heard and that their concerns are not being disregarded. PUNSAA, sensing a need to cultivate greater consensus and bring TPEC and the political associations together, has been pro-active in instigating further dialogues with outstanding issues such as the constitutional court and political association capacity building to be further explored.

According to Puntland analysts, some of the contributing factors to these developments include concerns by associations that they are not institutionally ready to contest and a delay could provide time to strengthen their preparations. There are also concerns about the use of a closed party candidate list – which needed to be submitted by the 11 September. As the pressure to finalise the list escalates, associations are having to negotiate the competing demands of different clan communities all of whom are demanding candidates within the top five places on each party list. By demanding a change to electoral policy, the hope was to retain space for negotiation between political associations and clans up until the day of the election, thus giving more time to balance their inclusion of different groups.

That said, it is believed that many of the political associations are now currently in the three pilot districts, actively trying to negotiate and prepare their candidate lists, which suggests they will adhere to the election timelines despite their recent protests.

As the implications of the electoral contest become more real, the recent tensions have brought to the fore concerns that there remain a number of political elites who oppose the introduction of OPOV as it would undermine their ability to secure their preferred outcomes. One expert reflected that while influential, they are in the minority. Moreover, it was stressed that they are unable to vocally oppose OPOV because the social and political discourse is now so heavily weighted in favour of universal suffrage. While this may be a positive sign of shifting political preferences, it may also serve to push spoilers underground, making them harder to identify and engage with constructively.

Previously, analysis of the 2013 failed elections found that many political associations believed that the electoral process was rigged to favour the government's own party and it was this mistrust and inability to fairly contest that fuelled protest mobilisations that turned violent and saw the elections cancelled. While the current situation does not suggest violence, resentment and frustration may lead to problems. Political associations may boycott the elections, and undermine the credibility and legitimacy of results, or they may close and withdraw – one association already has – which too, would create a limited electoral contest and again, potentially undermine the credibility of the outcome. Moreover, any questioning of the performance of the local

elections would not just be a dent to the legitimacy of the incoming administrations, but may risk donor willingness to continue to support nascent democratisation efforts and weaken the trust of Somalis themselves that democracy could be a viable outcome or offer genuine scope for political contestation. Growing awareness of the limited capacity of political associations has fuelled an injection of funding to TPEC to support capacity building for associations. This will cover issues of fundraising, policy and manifesto development, gender and social inclusion, campaign strategy development, observer missions and dispute resolution mechanisms.

The development of political parties is an explicit attempt to shift Puntland's politics towards issue-based representation. Associations and parties are required to be inclusive and demonstrate geographical, clan, gender, and age diversity. While this may upend traditional norms around power negotiations, it appears to be a welcome departure supported by communities. A recent survey indicated that 72% of survey respondents would choose a political association based on its ideology as opposed to its clan affiliation.¹⁵ That said, communities are not necessarily well informed of what that ideology or agenda may be. This lack of clarity over what different associations stand for fuels a lack of attachment to individual associations leading to frequent switching of allegiances.

Political associations have been active in the three pilot districts. Those interviewed stressed their involvement during the voter registration process to mobilise communities to register and activity affirmed by the Puntland Development and Research Centre (PDRC)'s survey in the three districts.



CIVIL SOCIETY

Puntland organisations, such as Kaalo, Puntland Development and Research Centre (PDRC) and Puntland Non-State Actors Association (PUNSAA) have been pivotal to the local elections effort. They have supported local consultations and built popular support for OPOV, alongside overseeing whether the process is free, fair and following the technical process. They have facilitated public dialogue and consultation, helping to support civic education and voter education as well as conducting research and analysis. These efforts, often supported through international donor funds, have built a picture of local perspectives¹⁶ and helped to raise crucial issues including women's political inclusion and district border demarcation.

Civil society will lead the domestic election observer mission (DEOM). PUNSAA will preside, supported by a Somali technical elections expert who has overseen DEOMs in past elections. PUNSAA was involved in the DEOM for the 2016 federal elections as part of a larger multi-organisational effort and is working in concert with other civil society organisations to enable observation for the 2021 federal elections. While technical support is still required, there is growing capacity in Puntland to deliver on these supplementary aspects of election implementation.

Finally, a notable aspect of the current effort to instigate OPOV elections is the vocal and pro-active role of civil society, reflecting local ownership of a process that they have been building towards for close to a decade. This has been seen in their responsiveness to political developments and political tensions and their instigation and leadership in convening and mediating these issues.

CIVIC EDUCATION AND VOTER EDUCATION

Civic and voter education has been led by three organisations primarily, Kaalo, PDRC and PUNSAA, and backed by international funding. TPEC’s outreach lead ensures that communication materials convey electoral processes and policies correctly and avoid confusion or misinformation. A mixed approach has been deployed by all three, using social media, banners, mobile sound systems, leaflets, and posters as well as television and radio.

The recent PDRC survey found 85% of respondents in the three pilot election districts aware of the forthcoming local elections.¹⁷ 96%, 91%, and 87% of respondents in Uffeyn, Qardho and Eyl respectively said that they planned to vote.¹⁸ Youth had higher awareness (86%) than older people (62%), attributed to the use of social media for information sharing.¹⁹

VOTER REGISTRATION

Knowing how many voters there are in each district informs decisions on the number of voting stations required. An effective registration process can also help avoid duplication of voters and prevent fraudulent voting in multiple districts or locations. The registration process must determine the identity and eligibility of each registrant, many of whom have little documentation; register a large nomadic population representing an estimated 40% of residents; incorporate internally displaced persons; and educate voters on the new electoral model and registration requirements. In addition to all these challenges, there have been concerns about the need to mitigate voters registering multiple times.²¹

TPEC assessed the different types of voter registration systems available and their strategic benefits and disadvantages together with a cost analysis. The selected biometric voter registration system was then independently assessed by the International Foundation of Electoral Systems (IFES) which helped to endorse the model and encourage international financial support for the system.²² The biometric approach has found support in Puntland as a way of thwarting fraudulent electoral practices. The substantial cost of specialist electoral equipment for this purpose (estimated at USD \$6.8 - \$9.4 million) would have been prohibitive. TPEC, however, proposed an innovative alternative with low cost, off- the-shelf facial recognition software as the primary tool in lieu of more expensive specialist electoral equipment.

Only 59% of nomadic people surveyed expressed interest in voting.²⁰ The lack of awareness by nomadic communities may be attributed to the constraints of a primarily social media focussed voter education campaign and stresses the importance of also deploying more traditional and mainstream media.

International donors appear to be hearing the need for greater civic education and responding in advance of the pilot elections. Concerted efforts in this arena will need to increase in scale when the electoral process shifts from the pilots to the statewide local elections.

Under this approach the registrant appears at a registration centre and establishes identity and eligibility to register. The registrar asks for biographical information (e.g., name, date of birth, gender, area of residence) which is entered into a laptop computer system, then captures biometric data (e.g., photo, fingerprint and iris scan). The registrant is typically given a receipt, and once the final voter list is determined, registered voters are given registration cards that will enable them to vote on the day.²³ Under this system, the facial recognition system is used to detect potential duplicates, which, if suspected, are then compared manually to determine whether they are truly multiple registrations by the same person or simply persons with similar facial characteristics.²⁴

Voter registration for the three pilot districts of Uffeyn, Qardho and Eyl took place between May and June 2021. On the 27 June, TPEC announced a total of 48,353 voters in all the three districts with 2,166 identified either as incomplete or duplicates. Accounting for these, the initial number of voters correctly registered came to 46,187. The registration figures show a positive turn out for women who comprised just over 50% of the registered voters.

The table shows the breakdown by district and gender.

S/N	District	Total voters registered	Men	Women
1	Qardho	25,405	12,770 (50.3%)	12,634 (49.7%)
2	Eyl	11,470	6,110 (53.3%)	5,360 (46.7%)
3	Uffeyn	9,964	4,252 (42.7%)	5,712 (57.3%)
	Total voters registered	46,839	23,132 (49.4%)	23,706 (50.6%)

Some marginal changes to the voter registration figures are expected as manual duplication checks continue. TPEC is obligated to announce the final registration on 25 August, two months prior to the date for the pilot elections. TPEC has announced some revisions, and observers fear that TPEC may not meet the deadline for the final list. However, it appears that TPEC is working at pace, eager to sustain delivery against schedule.

Voter registration has not been without challenges. Interview respondents were concerned that voter education was inadequate. Political associations were active in mobilising voters to register, however some people went to the offices of political associations rather than voter registration sites leading to confusion. Others highlighted the challenge of reaching out to nomadic communities and the reliance on social media. The lack of clarity over the population of Puntland and its constituent electoral districts has given cause for complaints around district sizes and classifications. There are question marks as to the effectiveness of voter registration as there is no comparable census data to indicate what percentage of the resident population has registered to participate. Where the number of councillors and resources are determined by the presumed size of a district, disputed population figures may give rise to claims of manipulation to enhance the allocation of district resources and even the number of voting sites.

IFES will perform an independent assessment of the process, expected to be completed by mid-September. It is hoped that this will strengthen the overall understanding of how the system performs, and identify areas for improvement in future voter registration rounds.

‘THERE IS NO COMPARABLE CENSUS DATA TO INDICATE WHAT PERCENTAGE OF THE RESIDENT POPULATION HAS REGISTERED TO PARTICIPATE’



WOMEN'S INCLUSION

In this section we focus on the inclusion of women as candidates, TPEC commissioners, secretariat officers, and political association/party members as well as within civil society and as voters. Similar questions will apply to inclusion of other politically marginalised groups. The current Puntland parliament comprises only two women in the 66-member legislature. At district level female representation is 17% across the district council posts.²⁵

Women's inclusion in the Puntland electoral process has been championed by TPEC, civil society organisations and international partners. Dedicated forums focussed on gender and social inclusion have been convened by PDRC and by the Puntland Non-State Actors Associations (PUNSAA). The political associations interviewed were all emphatic over the importance of women's involvement, with some citing women in roles such as vice-chair or other leadership positions.

Clear policy directives over women's inclusion are limited, however. There is no legislated gender quota, and not enough time for such legislation, but TPEC has introduced a policy for a women's quota for political association candidate lists.²⁶ Puntland has a closed party list under a proportional representation system, meaning that associations/parties submit their candidate list to TPEC in advance of the election, and then the number of candidates elected reflect the proportion of the vote won. The seats must be allocated to candidates in the order listed. The policy is that for every three candidates in the list, one is a woman.²⁷ Interviews with TPEC indicate that the gender policy was approved on 14 August.²⁸ Accordingly, political associations would be requested to revise and resubmit their candidate lists in the event that they do not conform to the gender quota requirement. Discussions with a political association, an international expert and Puntland civil society found that none of them were aware of the new policy, believing instead that it was still under discussion.²⁹

Securing the passage of a gender quota can be a fraught political task and one that has entailed substantive push back in other elections in Somalia. Even with a gender quota, there remains the question of enforcement. While TPEC has the authority to direct the electoral policy on women's inclusion, actualising it relies on commitment from political associations. One commentator stressed that without the endorsement by political associations any effort by TPEC to unilaterally enforce this may shift the perception of TPEC as a neutral coordination body to a politicised body. If, however, associations agree, then enforcement becomes an exercise in TPEC executing their duties, though this too may be subject to complications.

Given the wider reticence on advancing a women's quota within Somalia, implementation of the quota will put both political associations and TPEC to the test. It remains to be seen if and whether associations will be able to negotiate effectively with influential clan leaders to propose female candidates. TPEC furthermore will need to feel assured of its authority to enforce adherence of the quota, if required. Should TPEC renege on the terms of and compliance with the gender quota that it has approved, this may open up new problems. The integrity of TPEC is contingent upon its fair and consistent application of the agreed rules. If TPEC compromised on the gender quota following any pushback from political associations, it will re-affirm that gender is a low priority concern. Similarly, any compromise here or inconsistent application may pave the way for accusations of bias that may work to the advantage of associations that have been non-compliant. Finally, compromise or inconsistent application in one area, opens the door to compromise on the application of other rules too.

TPEC has so far built a solid reputation for broad neutrality and high levels of effectiveness and capability. It is essential that it maintains the trust it has garnered across political divides and stakeholders through careful navigation of this issue. A first step must be the instigation of a policy dialogue with political associations ensuring they fully understand the policy, the expectations and the sanctions for transgression.

To many, women's political inclusion is understood as a western-led agenda and has precipitated a negative response from some corners with Somali patriarchal norms hardening in the face of external pressure for change. Despite vocal support from PUNSAA and PDRC, two predominantly male-led organisations, women's rights organisations continue to lack visibility and voice. Some observers have raised concerns at the lack of capacity and unity of Puntland women's groups.

There are many capable women at the district level who are visible to local communities whether as business leaders or social leaders. For these women to be put forward as candidates and backed by their communities to win, they must be endorsed as representatives by elders. TPEC has requested international funding for a gender adviser to support its efforts to advance women's political inclusion across all parts of the electoral process. Some international NGOs have expressed readiness to capacitate female candidates but have stressed that they have no way of knowing who the candidates are in order to support them. A coordination forum for women's political inclusion has been established and the first meeting took place in late July.



INTERNALLY DISPLACED PEOPLE

The Puntland Government has passed legislation permitting internally displaced people (IDPs) to vote providing they can demonstrate residency in Puntland for 10 years or more.³⁰ As a result, eligible IDPs, many of whom are concentrated in Garowe, Bosaso and Qardho and arrived during the early 1990s in the midst of the civil war, or around the time of the Ethiopian invasion to oust the Union of Islamic Courts in late 2006, will be able to register and vote. IDPs in Qardho have already registered in advance of the pilot elections. TPEC furthermore ensured that voter education in areas with high concentrations of IDPs was performed in the *May* dialect, common to those who arrived from Bay region and who are predominantly from the Digil and Mirifle clans, as well as Jarerweyne and other marginal clan communities.

Outside of Benadir, Puntland has one of the highest concentrations of IDPs in Somalia. Determining who is eligible to vote in Somali elections is a

contentious issue and the reluctance to facilitate the political inclusion of IDPs has often furthered their marginalisation. Political rights and entitlements in Somalia are often grounded in cultural understandings of residency and homeland which for displaced populations may diverge. According to some interviewees Puntland's willingness to set out political rights for IDPs is part of its heritage as a sanctuary for those fleeing war. They point out that IDPs have often integrated effectively and that while having their own distinct communities, have contributed to business and the economy as well as attracting humanitarian aid infrastructure such as roads and health facilities. Another aspect raised is that many IDPs have been in Puntland for such a long time, they cannot be anything other than Puntlanders.



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POLITICAL SPACE AND RISKS

Attitudes towards the extent to which political associations, the media and civil society have the space to critique and debate the electoral processes, or to contest and challenge the Puntland administration are mixed. All stakeholders stressed that so far they have been able to speak freely, about the elections and the performance of TPEC, political associations and the media. People note that the political significance of electoral processes is still low and consequently media curtailment is limited and unlikely to emerge during the pilot phase. That said, there is a perception by some quarters that the Puntland administration is willing and able to curtail media freedoms if there is excessive critique of its policies and practices. Areas of concern are around media access to electoral venues and locations as well as fears about arbitrary arrests and detentions. Interviewees raised the example of journalist, Ahmed Botan Arab, arrested and detained in Puntland for reporting on public criticisms of a political decision made by the Puntland administration in March 2021. This led to him being detained in prison and was only released following concerted campaigning by a wide array of Somali and international agencies. Others cited the example of Kilwe Adan Farah, who was arrested for covering a protest in Garowe and sentenced to three months in jail.³¹

Media professionals have similarly stressed a responsibility on the part of journalists to be politically neutral and factual in their reporting as well as a responsibility on political associations to refrain from unduly influencing the media to favour their associations. A Media Code of Conduct has been developed, endorsed, and promoted by the Media Association of Puntland. The association stressed that it has mechanisms in place to monitor and oversee media standards and to sanction media outlets if they are found to be crossing ethical standards. The fear is that politicians of all stripes may purchase the services of media outlets, paying for positive coverage. At the launch event in May 2021, 18 chief editors of Puntland media outlets participated, demonstrating their acceptance of industry standards.³²

Ultimately, as a means to protect political space and to prevent bias by the media, close monitoring will be required by domestic media leaders notably through civil society agencies such as MAP as well as PUNSAA as electoral observers and PDRC as a research organisation. International monitoring will also be a means to dissuade the potential for arbitrary arrests and detentions of media professionals. Close scrutiny by all will be essential to dissuade poor practices, especially as progress to state-wide district and parliamentary electoral components is made and the stakes increase.

CONFLICT RISKS

In 2020 SSF assessed the types of conflict risks that may emerge from the local government elections and identified disputes around electoral results, voter registration, placing of voting stations and border demarcation as the greatest sources of concern.³³

TPEC has prepared dispute resolution mechanisms, and is working to build consensus on voter registration and the placing of voting stations. The dispute resolution mechanism will not have the power to rule on the electoral outcomes. As there is no constitutional court in place for this purpose it is expected that the high court will adjudicate. Nonetheless, the lack of clear consensus between political associations, and civil society stakeholders’ risks creating legal space to challenge the outcome of an election without clear recourse to a mandated decision-making body. If the high court is to be deployed, this should be agreed upon in advance of elections.

In the districts of Ufeyn, Qardho and Eyl, electoral boundaries have not been identified as a source of discontent although that is not to say all boundary demarcation issues have been resolved. An IFES paper summarising findings from various studies into Puntland electoral preparations emphasised that there are currently many unclear district boundaries. Border demarcation has proven difficult in the past and border disputes were one of the primary reasons cited for loss of confidence in the 2013 election. Location of registration and polling sites is also an issue, especially as access may prove difficult in some areas due to poor roads, difficult terrain and insecurity.³⁴

FINANCIAL AND TECHNICAL SUPPORT TO THE PUNTLAND ELECTORAL PROCESS

Although the gestation and advancement of Puntland elections has been driven by the Puntland Ministry of Interior, TPEC and civil society, international partners have been intrinsic to the process. The European Union has provided expert technical support and funded TPEC and its secretariat to cover salaries, offices, equipment, transport and logistics. Switzerland has funded technical implementation via Sahan and civic engagement components and Denmark has contributed to a combination of implementation and technical support primarily to TPEC, channelled through the Somalia Stability Fund and Sahan. The Somalia Stability Fund, a multi-donor programme, has funded legal reviews and affordability assessments as well as conflict risks assessments³⁵ while also providing technical support to the formal dispute resolution mechanism design and the purchase of voter registration equipment. Sweden has been a leading proponent of women’s political participation, channelling technical support funds via the Folke Bernadotte Academy, although all donors have shown support in this regard.

The Puntland administration has been eager to demonstrate that this is a domestically led endeavour and has provided financial and support in kind. TPEC has expended or committed approximately US \$1.4 million in 2021 – some of which expenditures will support the forthcoming pilot elections.³⁶ This is a substantial increase on 2020, when just over US \$0.5 million was contributed and utilised. Public availability of the full breakdown of funds utilised and contributions made is expected towards the close of the year. TPEC has confirmed that international contributions have become the dominant source, while stressing that the Puntland administration is still contributing.



TOTAL REVENUE \$554,016.76

Puntland Administration	\$254,877
Sahan/Swiss/Danish	\$238,000
Interpeace/Sweden	\$16,490
Registration Fees	\$44,590

2020 TPEC budget.³⁷

CONCLUSION

The preparations for Puntland's pilot elections have been positive and a welcome departure from other democratisation initiatives elsewhere in Somalia that have at times been weighed down by combinations of political in-fighting, technical challenges and time constraints. The overwhelming perspective is that a combination of political will on the part of the government together with a highly capable TPEC, led by a suitably qualified chairman and secretariat has been the backbone to progression. Accompanying this has been a high level of popular demand and support for elections, this has been the product of frustrations with the current clan selection processes together with a general desire for political change. International support has been instrumental in supporting the process, but it has only been feasible as a result of Puntland's leadership on the one hand and a receptivity by TPEC and electoral stakeholders more broadly to the technical support that has been made available. Civil society has furthermore been an active force in building the narrative and demand for elections and OPOV through campaigning, policy engagement and public dialogues since 2013. In many ways the current success is a product of close to a decade of concerted efforts to democratise, each attempt or failure, building momentum for this current attempt.

Although much kudos has been granted to the Puntland administration and TPEC it is important to recognise that despite positive public gains in some instances, no political endeavour in Somalia (or elsewhere) is wholly altruistic, but rather serves the political agenda of those driving it forward. In this case, OPOV local and parliamentary elections unquestionably deliver to the Puntland public and to donors the improvements in democracy that have been desired. It is also a point scored in the wider Somali political arena, demonstrating the feasibility of OPOV at a time when successive attempts to deliver OPOV by the federal government have not materialised.

Arguably, the retention of the indirect electoral mechanism for the Puntland President could be interpreted in multiple ways. It offers a soft transition to democracy, introducing the systems and processes of elections which is radical in itself in Somalia, while retaining an indirect mechanism for the president, thus enabling Somali norms, customs, as much as political and economic interests to still influence at the top. In this way, those who may have perceived elections as a threat to their interests may feel that there is sufficient space to retain adequate influence. For those most sceptical, the indirect process offers a means to strengthen the legitimacy of the Puntland leadership under the façade of democratic process.

Inevitably, the truth will lie somewhere in the middle; democratic systems and processes will have been introduced, communities will have more democracy at the local level and this will be a real outcome; parliamentarians will be directly elected and political party formation will help to orientate politics away from being wholly centred around clan as a political constituency. Furthermore, Puntland democratisation will create both momentum and interest as well as a degree of political pressure for other Somali FMS to democratise too as well as pressure on the Federal government.



President Deni will receive political kudos for advancing democracy and may strengthen his hand, but maybe that will be deserved too in the event of successful delivery of elections. If the retention of the indirect mechanism for appointing the President helps to mitigate the fears of opponents of OPOV and the perceived impact it may have on the hitherto accepted norms of clan power rotation, in the short term this may be no bad thing. More changes and improvements can be made in the future.

In practice, as long as Somalis, policy makers, analysts and international partners have their eyes open to the gains as much as the limitations of this election, the achievements can be celebrated while knowing to still be watchful for spaces of undemocratic practice.

Political associations remain the stakeholder group with the greatest set of concerns around the electoral process and find themselves having to navigate competing demands of formal electoral rules on the one hand and clan inclusion on the other. While no easy feat, it is an essential task that they appear to be engaging in, even if remonstrating along the way. Ensuring that political associations and their concerns are fairly heard and listened to will be essential to keeping all stakeholders on board with this new process.

Parallel to the Puntland elections are the impending and much delayed federal elections which poses a challenge on two fronts. Firstly, by way of timelines where political disruption from the federal processes may create disruption on the domestic Puntland front, taking away from essential media and campaign space for voter education and distracting political leaders and attention away from domestic concerns. Secondly, is the potential impact of incumbent Puntland president Said Deni, making a gambit for the Somali presidency itself. This appears as the primary existential threat to the Puntland democratisation endeavour. Should Deni relinquish the Puntland presidency in order to contest the federal leadership, whether other parliamentarians and the Vice President commit the same level of political will to this electoral effort, remains to be seen.

Going forward, there will be a need to maintain the political will and momentum around the Puntland elections, international diplomatic voices may be instrumental in this regard together with elevating further the voices of Puntlanders who overwhelmingly support the introduction of OPOV elections for the district and parliament. At the implementation level, greater investments are required into voter education in the immediacy in advance of the pilot elections, but certainly going into the state wide voter registration process and in advance of the full local elections expected in early 2022. Parliamentary associations will benefit from recent investments into their capacity building however creating space for policy debates which are in the public arena can help sharpen the ideological and policy positions of parties while helping to raise their profile to the public as well.

Finally, ensuring the political inclusion of women through clear and tangible policies such as the candidate list quota, together with empowering TPEC to enforce the policy will be essential. It will be down to Puntlanders themselves to generate the demand for this policy and its enforcement, and the greatest obstacle at present is the lack of voice and visibility of women's rights organisations who should be at the forefront of this campaign.

Overall, while the process may not be perfect and is always subject to the vagaries of national political dynamics and localised challenges, the electoral process feels more assured than during previous efforts. As ever, caution should be applied given the pilot elections are a first test to better understand how the elections will work and what kind of results may emerge, it may only be in the aftermath and in the run up to the state-wide local elections that greater tensions and political conflict will really emerge. As for now, the challenge is to maintain momentum, sustain technical support and continue building confidence in both Puntland and international stakeholders all of whom are invested into the success of this endeavour.

RECOMMENDATIONS

- **Sustaining TPEC's positive profile:** TPEC has built a reputation through its consultative and professional approach. As political stakes increase with the conduct of the pilot and main elections, TPEC can maintain and protect this reputation through ensuring fair and equal application of electoral laws and regulations to all political associations and parties regardless of affiliation, as well as sustaining its consultative and transparent approach to engaging Puntland communities, politicians, clan leaders, political associations and others engaged in the electoral process.
- **Monitoring Board:** Given the concerns amongst political associations about the fairness of the electoral contest, one mitigation could be the establishment of a Monitoring Board, similar to that deployed in Somaliland. Such a Monitoring Board may comprise respected independent individuals who monitor the elections and flag issues and challenges. The Monitoring Board forwards issues and challenges to the TPEC for dispute resolution and redress or disciplinary action. It also raises issues to the media to ensure public awareness of transgressions.
- **Policy dialogues for political associations and parties:** To date, the political objectives and policy thinking from political associations has not been explicit or obvious to the people of Puntland. Policy dialogues should be accessible and public to help amplify the views of voters and build the manifestos of parties and associations.
- **Women's political inclusion:** Women's inclusion must be designed and led by Puntlanders. Concurrently, international partners should refrain from leading on this agenda as the perception of it as a western notion will work against uptake. Investments into supporting women's rights organisations to perform advocacy and awareness raising on this agenda may be beneficial, together with funding for media campaigns in the public arena.
- **Gender quota for candidate lists:** Although TPEC has established a women's quota policy, this appears to be little known – notably amongst political associations. TPEC could be encouraged to convene a meeting with all political associations and community representatives to inform and communicate the new policy and detail the expectations and what kind of response they will deploy in the event that submitted candidate lists do not conform to the quota. In addition, engagement through dialogue and consultation with influential clan elders, community leaders and political associations around the proposed candidates may help build support and consensus and reduce the barriers to enforcement. The integrity of TPEC rests upon its fair and consistent application of the electoral rules it oversees. To this end the new gender policy, like all electoral policies, should be enforced as per its design, pushing political associations to revise their candidate lists as appropriate and/or denying participation in the event of non-compliance.
- **District border demarcation:** Going into the statewide local elections, TPEC should provide time to conduct district border demarcation discussions in places where boundaries are in dispute. This is needed to resolve any contention over where voters can register and vote and the political district over which incoming district officials will have jurisdiction.
- **Maintaining political momentum in the face of wider contextual events:** Constructive diplomacy and civil society led engagement with both the Puntland administration and with TPEC may be helpful in providing encouragement and sustaining momentum for the delivery of the pilot elections. By ensuring delivery of the pilot elections, it is hoped that political will can be sustained, especially in the face of potential risks and challenges posed by the delivery of the federal elections.

- **Civic education:** A specific focus should be on diversifying the delivery of voter education for different social segments. Over-reliance on social media may exclude certain communities such as older voters, the poor, women, and rural nomadic communities.
- **Media monitoring:** Close media monitoring could be done by domestic media leaders through civil society agencies such as MAP and PUNSAA as electoral observers and PDRC as a research organisation. Visible international monitoring may also help to reduce arbitrary arrests and detentions of media professionals. Close scrutiny, especially as the progress to state wide district and parliamentary components, by all will be essential to dissuade poor practices.

'GIVEN THE CONCERNS AMONGST POLITICAL ASSOCIATIONS ABOUT THE FAIRNESS OF THE ELECTORAL CONTEST, ONE MITIGATION COULD BE THE ESTABLISHMENT OF A MONITORING BOARD, SIMILAR TO THAT DEPLOYED IN SOMALILAND'

- **Political Associations Task Force:** The Task Force offers political associations the opportunity to discuss and come to agreement with TPEC around electoral policies and their operationalisation. Without senior and leadership level representation of associations in this space, there is a risk that TPEC and political associations will develop different understandings of electoral issues, with the potential to lead to disputes. It is the responsibility of political associations to use and engage with these forums to ensure that they fully understand the electoral systems and can work to overcome any challenges they envisage in good time.
- **Consensus on the court to be deployed in case of dispute resolution:** In the absence of a constitutional court, it is essential that clarity and consensus is generated on the venue for dispute resolution should it require legal recourse. Either the Puntland administration should constitute a constitutional court as per the legislation or consensus across TPEC, political associations and electoral stakeholders should be ascertained on the appropriateness and acceptance of an alternative.

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ENDNOTES

¹ Puntland Development and Research Centre (PDRC) and Interpeace, Puntland’s political transformation: Taking the first steps towards democratic elections (June 2015)

² Saferworld, Puntland at the Polls, 2014 (Saferworld)

³ Reluctance on the part of the IC was a product of the failure of OPOV Somali National elections in 2016. There had been heavy investments both technically and financially, only for the government to revert to a clan selection mechanism.

⁴ Menkhaus, K. Elite Bargains and Political Deals Project: Somalia Case Study Stabilisation Unit, HMG. Feb 2018

⁵ Interview, electoral expert attached to the process.

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⁷ PDRC Survey July 2021

⁸ SIDRA (2016) ‘Democracy in Puntland: The people’s choice’.

⁹ PDRC Survey 2021.

¹⁰ PDRC survey July 2021

¹¹ PDRC 2021 Survey of Public Perceptions

¹² IFES capping paper 2020.

¹³ The TPEC constituted in 2019 was the third iteration following the original TPEC in 2012 and the second iteration constituted in 2016 during previous efforts to democratise.

¹⁴ TPEC Annual Report 2020. (TPEC)

¹⁵ PDRC A Survey of public perceptions on democracy and local council elections in Puntland (June 2021)

¹⁶ PDRC A Survey of public perceptions on democracy and local council elections in Puntland (June 2021)

¹⁷ PDRC A Survey of public perceptions on democracy and local council elections in Puntland (June 2021)

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²¹ Yard M and S Darnolf. Assessment of the viability of the Transitional Puntland Election Commission’s biometric voter registration system, Draft Assessment report. International Foundation of Electoral Systems (IFES) 9 December 2020

²² Yard M and S Darnolf. Assessment of the viability of the Transitional Puntland Election Commission’s biometric voter registration system, Draft Assessment report. International Foundation of Electoral Systems (IFES) 9 December 2020

²³ Ibid.

²⁴ Ibid.

²⁵ PDRC A Survey of public perceptions on democracy and local council elections in Puntland (June 2021)

²⁶ The gender quota policy design has been supported by technical analysis funded by the Swedish Folke Bernadotte Academy.

²⁷ A variation proposed that would be more assuring of women’s representation is that for the first three listed candidates, a woman occupies spot 3, for candidates 4-6 a woman occupies spot 5 and for candidates 7-9 a woman is in spot 7, thus offering a fairer opportunity for contestation.

²⁸ Interview with TPEC 24 August 2021

²⁹ Multiple communications to political parties, Puntland civil society and an international technical advisor involved in Puntland democratisation.

³⁰ Originally TPEC and the Puntland governing council proposed 5 years, which Parliament debated and amended to 10 years.

³¹ Amnesty International Somalia: Authorities must end arbitrary arrests and persecution of journalists in Puntland. 9 March 2021 accessed <https://www.amnesty.org/en/latest/news/2021/03/somalia-authorities-must-end-arbitrary-arrests-and-persecution-of-journalists-in-puntland/>

³² MAP #Puntland #Democratisation: MAP-TPEC sign the Puntland Media Code of Conduct for the upcoming municipality elections (15 May 2021) <http://mediapuntland.org/5134-2/>

³³ SSF, Puntland Local Elections Conflict Risks Assessment

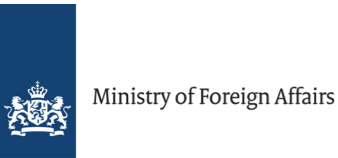
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³⁶ Interview with TPEC commissioner, 24 August 2021.

³⁷ TPEC Annual Report 2020 (English)

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