SOMALILAND
PRESS FREEDOM
OPPORTUNITIES AND CHALLENGES

SORADI is an independent social research and development institute, which is aiming at fostering culture of democracy and sustainable development in Somaliland and in the Horn of Africa Region. SORADI's mission is to carry out activities that promote the democratization and socio-economic development in Somaliland and in the Horn-East African region. The institute undertake development research and analysis contribute the attainment of sustainable peace, security, democratization and development of Somaliland and the Horn of Arica region. Its efforts will lead to collaboration between the academia and local research and development institutions, government entities, NGOs and the private sector, the diaspora and international policy and development agents to also facilitate transfer of knowledge to foster democratization and economic development integration of region. SORADI sponsors the Independent Scholars Group in Somaliland (ISG), to promote policy debate and dialogue through objective analysis of the most pressing political, social and economic issues facing Somaliland and the preparation of a monthly position paper distributed widely and published on www.Soradi

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SOMALILAND PRESS FREEDOM: OPPORTUNITIES AND CHALLENGES

CONTENTS

FORWARD

On August 24th and 25th, 2013, the fourth Annual Conference of the Social Research and Development Institute (SORADI) convened at Ambassador Hotel in Hargeisa, Somaliland , briniging together representatives from the government institutions, policy makers, the civil society as well as academics, journalists, international scholars, and traditional leaders to discuss, debate and exchange ideas on Freedom of press, and the opportunities and challenges faced by the Somaliland Media. This year's annual conference featured two days of keynote speeches, presentations, panels, and breakout sessions. The Conference facilitated debate particularly among sky stakeholders, which included Government Ministers and other relevant media related civil servants, prominent TV, radio, Newspaper and news-websites industry personalities as well as distinguished Somaliland development experts. It took place in a backdrop of heightened concern over the growing contradictions of the authorities and some of the independent media houses, as Hubaal, also addressed in the Minister of Information's keynote speech (see Annex).

This Conference not only created an atmosphere of democratic and open discussion on the floor, but also introduced the use of video conferencing and live-streaming to reach far and wide corners of the world for those interested to follow and to participate in the discussion. It was significant that international journalist from the Al Jazeera Network and others from UK participated and interacted with the conference participants. This fourth conference share with those similar ones before it held by SORADI, the main aim to foster the culture of dialogue in the Somaliland society and to also produce recommendations for the way forward to advance its democratization process and in this particular case the freedom of Press. Some of the recommendations of Conference addressed (see Annex) three key areas of concern to the Somaliland media industry's development:

1. Press law and Licensure for medial houses and outlets and its democratic regulation.
2. Social Media and how can it be contextualized for Somaliland development.
3. How to nurture the print media and Radio stations to improve their programs and services delivery to the people.

These recommendations are widely received in the Somaliland media industry circles as well as in the civil society and public sectors.

PART ONE

SOMALILAND MEDIA UNDER THE SPOT-LIGHT

Paper one: Media Industry in Somaliland: The Current Practice and Its Law and Other Regulatory Frameworks.

By: Adam Haji-Ali Ahmed[1]

Abstract

This paper examines the current situation of the Somaliland media industry and its regulatory frame work including laws, policies, complaining and licensing procedures, contents regulations, core principles and doctrines based on ethics, fairness and equal opportunity related to printing, broadcasting, electronic and social media whether it's private media or publicly owned one. The paper discusses how weak institutions and lack of application of the law and other regulatory framework of the media contributed to the under-development of Somaliland media and its current situation. The study questions why regulatory frameworks are not applied and enforced, the ways in which legal and other regulatory framework can contribute to the development and quality service of the media. The conclusion that could be expected from the study is to come up with some recommendations for the future development of the Somaliland media and consolidation of the freedom of expression because media is the backbone and corner stone of the freedom of expression which is one of the basic human rights for modern society to survive.

Keywords: Media law, regulatory framework, fairness-doctrine, equal-opportunity, Broadcasting, Media-policies, Code of conduct and Ethics.

Introduction

Prior to the declaration of independence of Somaliland in 1991, the Somali state was under a military regime which the freedom of expression and media has been in a doomed situation. Human rights abuses including freedom of the press and expression, demonstration and movement, extra-judiciary killings, torture, force disappearance had been practiced

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systematically and were part and parcel of the governance system during the Siad Barre's regime from 1969–1991 (Adam: 20013: 4).

Following the fall down of the military and subsequent collapse of the Somali state in 1991, Somaliland has declared as independent state from the rest of the country. The freedom of expression and press became one of the cornerstone of the peace and state building process of the contemporary Somaliland. In this regard, one of the reasons why struggle and rebellion against Siad Barre's regime started in the early days of the military junta administration is regarded as the lack or abuse of the freedom of expression and press (Adam, 2006: 4).

On the contrary, as soon as the Somaliland Republic launched its state and peace building processes in 1991, all types of Media including, the printed, electronic and broadcasting became catalyst of different sects of Somaliland to play their role in building state institutions and governance system. On the other hand, experience and knowledge of the people about the media and its industry was limited if not absent because of the long period of the authoritarian system which negatively affected the way of thinking of the society (Adam, 2006: 5). On the same token, the state institutions and infrastructures have been very weak and all regulatory framework including laws, policies and complain procedures have not been applied adequately for long time and not sufficient.

This paper examines the practices and the regulatory framework of the Somaliland media post–1991, and explains how the policies and other laws has been applied if any. The study discusses the legal gaps and challenges that mostly face newly emerging media industry, such as those in Somaliland. The study highlights the extent to which both media and state institutions in Somaliland are capable of managing the legal challenges and gaps evident within the industry before further conflicts erupt between the media and state institutions.

Methodology

Research on media industry and its role within Somaliland was exclusively carried out through both primary and secondary sources. In primary sources individual interviews and discussions with dignitaries, academicians, and journalists were conducted. In secondary, in-depth desk review were conducted. Furthermore, the focus of this study was primarily on two key actors: the practice and the regulatory framework of the media.

Media in Contemporary Somaliland

Shortly after declaring its independence from the rest of Somalia, Somaliland adopted form of customary democracy which allows the society at large to chase its diverse and different interests through democratic means to practice kind of liberal democracy, which encourages freedom of speech, expression, association, demonstration and the same (HRW, 2009: 13).

In this respect, Somaliland media industry has taken on a wider meaning where formal government structures have existed fragile and have lacked the legitimacy of internationally recognized statehood. Civil society organizations (CSOs) including the media encompass a wide range of social groupings which have assumed various roles as service providers, advocates and peacemakers and representing a wide range of social interests. These agents operate across different fields from emergency relief, through rehabilitation and reconstruction, to development and advocacy, human rights protection and occupy many of the functions normally attributed to local and even national government (Haroon, 2011: 15).

The inclusion of media within the cluster of civil society was an important step forward. In Somaliland, media plays an equally important role, both in community leadership, dispute resolution and as part of the governance structure. Media comprise the printed, electronic and broadcasting has contributed its part in building or strengthening state institutions. Despite the enormous challenges of subjugation and arbitrarily detention, the media have ensured the survival of the freedom of speech and expression.

Nevertheless, even as media foundation have positively expanded and contributed to the development of Somaliland media industry in a quantitative manner in recent years, media industry continues to face several challenges including policies and regulatory frameworks those accepted by the concerned parties (Ibid: 16).

It is important to note that the media has played unforgettable and crucial role for building truth and reconciliation among the divided society by publishing articles addressing and tackling the sores of the conflict and the civil wars by adopting indigenous approaches (Ibid: 16)

International standards which Grantees the freedom of expression and press

The following are some international principles which protect the freedom of expression and press:

UN General Assembly Resolution 217A(III), adopted 10 December 1948, "Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

In 1946, the UN General Assembly adopted Resolution 59(I) which states: "Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated."

The freedom of information principle has now passed into what is known as customary international law, the body of law that is considered binding on all States as a matter of international custom. The *International Covenant on Civil and Political Rights* ("ICCPR") elaborates on many of the rights set out in the UDHR, imposing formal legal obligations on State Parties to respect its provisions (Michael, 2004: 25). Article 19 of the ICCPR guarantees the right to freedom of expression in terms very similar to those found in Article 19 of the UDHR. Freedom of expression is also protected in the three regional human rights systems, Article 10 of the *European Convention on Human Rights* (European Convention) Article 13 of the *American Convention on Human Rights* and Article 9 of the *African Charter on Human and Peoples' Right* (OSCE: 2010:8).

The Media Industry in Somaliland : the Current Practice of the media and its Regulatory Framework

Press regulation

The Somaliland Press Law 2004, which initially when it was a bill, proposed many criminal offences for the media, did not, in the end, include criminal sanctions and relied instead on a largely self regulating regime based on the press code of conduct. The Law also made it clear that no journalist shall be detained for undertaking his journalistic activities unless otherwise ordered by a competent court (Article 8(1)) and that all other laws inconsistent with the Press Law are repealed (see Article 31).

Broadcasting Law

It is universally accepted that broadcasting, unlike the print sector, must be regulated, if only to ensure order in the airwaves. Broad casting regulators should be independent from political and commercial interventions which can damage the independency and impartiality of broadcasting media and cannot act as a watchdog to the public sector and conveys message to the citizens and communities at large to know more about what is going in their State affairs. Currently, there is no broadcasting law which regulates TVs, Radios and other electronic media and it is really a needed to be in place in the earliest time possible.

Complain procedures

In Somaliland Complains against media goes directly to the court because there is no any other alternatives which victim of the media (whether public figure or private citizen) can get relief. Independency of media is corner stone and it needs appointments of governing bodies of regulatory bodies which protects media from the intervention coming from the government and gives discourse for relief for those complaining about the media before it reaches to the judiciary. So as to avoid domination by any particular interest group whether public sector, media, political parties or civil society the body should be inclusive framework and members should come from all across sectors.

The complain procedure body to be functioning one there is should be clear mechanism about the appointments process, putting in place clear conflict-of-interest rules – which should apply both to political conflicts, such as prohibiting senior members of political parties from being members, and

to commercial conflicts, so that those with vested interests in broadcasting cannot sit as members – and providing members with security of tenure, so that they sit on the body for a fixed period of time and cannot be removed without good cause.

Licensing and registration procedure

As noted, licensing and registration of different media is necessary if only to avoid chaos and poor quality media and media professionals. There are also a perhaps more profound reasons to license and register the different media outlets including broadcasting, print and social media and this is to promote quality of the media. On the other hand there are also some other reasons which licensing and registration of the media is important including protect the media not to abuse their power, ensure that the media may be financially viable and to protect them power abuse and interference which coming from the other actors including public sector, private sectors and other organized groups.

In Somaliland licensing and registration are very weak especially the personnel who are joining the media professionals. Everybody can join media profession without any license and paying nothing to the state when it comes about taxes and other duties. It is really one of the reason which the different media outlets compromise the quality of the media production because unskilled professionals can contribute nothing to the media development but it is vice versa and harms the development of the media.

On the other hand, when it comes licensing and registration the print media is fundamentally different from broadcasters and international principles and laws related to the freedom of expression calls up very simple procedure even at some point they call registration should be waved from the print media to encourage media to a have self-regulatory frame-work.

Critical Analyses about Somaliland Press Law 2004

In principle, a press law should put in place a legal framework which helps to organize the media's work and to provide guidance to the press. It should secure journalists' access to information and protect the fundamental right of the individual to express his or her point of view freely through the print media.

The Somaliland Press Law 2004, which initially when it was a bill, proposed many criminal offences for the media, did not, in the end, include criminal sanctions and relied instead on a largely self regulating regime based on the press code of conduct (Ibrahim, 2007:2). The Law also made it clear that no journalist shall be detained for undertaking his journalistic activities unless otherwise ordered by a competent court (Article 8(1)) and that all other laws inconsistent with the Press Law are repealed (see Article 31). If there any breach and infringement done by the media it has to be dealt in this law and cannot be used any criminal law because media will have civil liability. The reference to authorization by a court in case of any detention does not, in my view, detract from the non-criminal self regulation system, but reinforces the freedom of the press by making it conditional on any alleged crimes committed by journalists, which are linked to their occupation, being considered by a competent court before they can be detained (Ibid: 2)

Article 10 of the Law sets out what activities of the Press come under this Law and these are, among other things, the truth of what they have written, as well as balance. It even includes issues such as decency, comments about the religion, military information etc. Article 10(6) then adds that any press which infringes matters set out in the Article (e.g. whoever publishes untruthful articles or indecent articles) will be dealt with in accordance with the Press Code and the civil (NOT the criminal) laws of the country (Ibid: 2). The Press Law has therefore superseded many of the provisions in the Penal Code which relate to legitimate journalistic activities and which are contrary to the freedom of the press. Examples of these are criminal defamation, publishing false news, insult and above all the old 1930s Rocco4 laws which protect the reputation of public officials such as the provisions which make it an offence to insult a public officer (Article 268) or even a political or administrative or judicial body or its representatives (Article 269), in their presence, and by reason of their duties. One can also commit these offences in writing, but only if one addresses the insulting writing to them (Ibid: 2).

Unfortunately up till now judiciary branch is exercising the above mentioned criminal law which has been repealed by press law 2004 and the civil law has not been implemented at all. This practice is against freedom expression principles.

Code of conduct and other policies.

In Somaliland there is no any other code of conduct which regulates the media industry in general except the press law 2004 and sometimes election-related code of conducts which are developed during the election periods for ad hoc situation. Even no policies have been generated from the press law. This area needs much attention and great effort to be done because the soft law is more important than hard law to implement the regulatory frameworks of media.

State Media

In Somaliland the regulation of public media is a not easy task because of its nature and the implementation of the laws and other regulatory framework. As with all forms of media regulation, the principle of independence is central to the governance of public media. In addition to protecting independence, the regulatory framework for public media should establish clearly the mandate of public media.

Certain key elements are found in the laws of most public broadcasters and these include the provision of a comprehensive and impartial news service, educational programming and so on. The law should also set out the sources of funding available to public media and how they should be accountable to the public (Toby and Ali, 2006: 5).

Social Media

Social media and other emerging have grown rapidly   as any other country in the world and traditional mechanisms cannot regulate it because of its nature and how to operate. But in Somaliland there is no mechanism in place which it can be regulated for the interest of the nation and freedom of expression because most of social media outlets are not run in the territorial jurisdiction. Social media has contributed a lot about the spreading the knowledge, freedom of expression and rule of law but it has its shortcomings including challenging all the regulatory mechanisms which are in place and that can cause abuse of freedom expression right. This phenomenon is not only here in Somaliland but also exists around the world.

So, there should be reform towards media regulatory frameworks to include a regulatory frame work for social media and other emerging media.

Conclusion and Recommendations

Conclusion

To wind up, the regulatory frame-work of Somaliland media industry needs attention both from the public and private institutions including government, law-makers, media industry owners, private sectors and community at large because it is the only mechanism which protects media from the wrong interventions which can come from those actors and it also protects the public and private actors from the media to abuse their power and infringe the right of others.

So, for Somaliland people and State, it is long way to go for development and reform of the current media and press law and create and put in place a new regulatory frame work which can serve us the above mentioned function of the media.

Recommendations

In my view it is time for the   Somaliland Government and parliament to consider the following:

1) The parliament should think to reform the current media law and widely consulted with all stakeholders because it needed and they have to take their role.
2) There should be a good framework which can establish an inclusive body which will be responsible to run and supervise about the complains against media, licensing procedure, training and capacity building for media personnel and all other issue which needed.
3) Media infringement should dealt in civil liability manner not as criminal liability manner and the infringement cases against media should be civil case because the Press Law 2004 repeals all other laws especially penal and criminal laws which governs the press and other media outlets.
4) There is nothing wrong with most of the provisions of the Penal Code, but it should be revised so as align it with the Somaliland Constitution and the other modern laws of the Republic (Ibrahim, 2007: 10)

5) In particular, all the insult or criminal defamation provisions in the Penal Code or the other offences which mention the press should be swept away.

6) A simple and modern civil defamation law can be passed, with a higher threshold for public officials who, when challenging falsehoods relating to their public conduct, must prove that the statements were made with actual malice or with reckless disregard of the truth.

7) The Press Law and the self regulating system of the press should be strengthened and not weakened. It is also time for a Broadcasting Law to be passed.

8) More training should be given to the police and the prosecution service and all public officials including ministers on human rights law and the position of the media in a democratic country.

9) Funds should be sought to enable the support the law review commission with staff and experts that can push through a full review of the old laws and the drafting of new major codes (Ibid: 10)

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Paper Two: The Quest for Free Press and Expression In Africa: Identifying The Challenges And Lessons That Can Be Learned From Somaliland

By: Nasir M. Ali[*]

Abstract

This study examines the concepts and conditions of the Somaliland freedom of speech and expression in connection with the notion of democracy. The study glances back the legacy of the decades-long rule of the Africa's authoritarian regimes with single party systems used to rule, suppress and even ban the birth of any kind of independent media except the state-run media. The study links the Africa's freedom of speech dilemma with the Somaliland media condition, a de facto state with an independent media though it experiences frequent challenges not only from its internal weaknesses but also from the state instruments. The study looks at the link between proliferation and pluralism of the press to the absence of professional ethics, objective reporting and social responsibility with defined critical thinking principles. The study mainly relied on secondary data with limited primary sources includes individual interviews and discussions with dignitaries, academicians, and journalists. In secondary sources, relevant literatures from books, journals, policy documents, among others were reviewed. The conclusion sketches innovative strategy as a way forward that aims to address the challenges that face the Somaliland freedom of speech and expression, and at the same time narrow the gaps that existed within the media itself such as low level of education, lack of professional integrity and discipline as well as institutional weaknesses that emanate at least from two compatible fronts: inadequate training programs and absence of effective policies that may perhaps regulate the media.

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Introduction

At first glance, it is likely important to delineate by what exactly do we mean two separate but too closely interrelated concepts: the "*free press*" and "*free expression*"? According to the media related literatures, the first is described as the "right to publish newspapers, magazines, and other mass communications without governmental restriction and interference or prior censorship". While the second is defined as the "right to express one's ideas and opinions freely through speech, writing, and other forms of communication without deliberately causing harm to other's character and/or reputation by false or misleading statements that have the potential to affect other people's lives" (Raphael 2001). Therefore, the first is regarded as an important component of the second concept. Thus, freedom of speech and expression is vital in a democratic society and it is in everyone's interests that need to be preserved or upheld.

In Africa, the consolidation of democracy and its role in the growth of an independent press in the continent is an important context for this analysis. Until recently, much of the African press was hostage to political interests who capsized the dream of a free press; while on the other hand, the already existing press is used by the governments as agents for propaganda (Henry & Jeffrey 1996; Richard 2003; Minabere 2008). Therefore, it seems obvious that an intimidated press is unlikely to command the trust of the general public and to be an effective actor for social change and reform.

In this situation, the manipulation of power and corruption in the political process lies at the heart of the Africa's political maneuvers which endanger or made it uncertain the independence of the press. On the other hand, African politics have tended to be contentious along ethnic divisions, with the contentiousness sometimes engendered and exploited for political reasons (Blaine 1991; Michael & Nicolas 1994; Henry & Jeffrey 1996; Martin 2006; Stefan 2006). For this reason, when partisanship in the press mirrors such divisions, the press loses it's potential to bridge social gulfs and inspire reforms (Kwame 2004). In this regard, one may argue that,

seeing a promising feature of the Africa's democratization is subject to a free and independent press.

In Somaliland, following its separation from the rest of Somalia in 1991, it opted for "*customary democracy*" and established hybrid system that has a root and domino effect in its culture and authorities (Mary 2012). This could be linked to the political and social culture that survived on the ground and made potential to exercise cultural based democratic rights which include but not limited to: freedom of speech, expression, association, demonstration. This kind of determination made the newly emerged state to witness many privately-owned print media that disseminate the news outlets to the citizens at large, due to the fact that the state had no nationwide radio and TV that reaches in and outside the boundaries of the state until recently[2].

As far as the issue of media concerned, the media is regarded as the fourth pillar of the state in the democratic societies after the executive, the judiciary, and the legislature. In Somaliland, it is not a surprise to note that the media has taken the critical role for the state and peace building processes as well as the democratization stages[3]. Moreover, all types of the private media are usually seen servicing both to the opposition and the ruling cliques, while the government-owned media in one way or another seem missing objective reporting (Farhan et al. 2009). Thus, biasing its news and favoring both the government and its ruling party became apparent not only from the current regime, but also was a common practice of the former regimes.

Indeed, the most important thing that needs to be seen comparatively is the relations of the Somaliland successive governments with the non-state media. As many journalists have argued, during the Egal[4] regime (1993–2002), the freedom of speech and expression has reached its peak, though occasionally there were some challenges and frictions between the media and the government. But, the successor of the Egal, the Riyale[5] had had a difficult

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[2] Interview with a senior journalist at one of the privately-owned newspapers, Hargeisa, Somaliland
[3] Ibid., 1.

[4] Son of a businessman, the first Prime Minister of the State of Somaliland when it gained its independence in 1960; the ousted and last civil-elected Prime Minister of Somalia in 1969, and the second President of Somaliland from 1993–2002
[5] The Vice-President of the late President Mohamed Ibrahim Egal, and served as his successor from May, 2002 to July, 2010

relationship with the media, while Silanyo[6] – the incumbent regime – has institutionalized harsh measures and continued harassment, detention, and prison against the non-state media.

In this respect, though a number of incidents had happened during the first three years of the Silanyo–Saylici leadership which equivalent to the eight years tenure of the Riyale regime in regards to the number of the media oppressions recorded according to the media associations. Unfortunately, two recent events had focused attention yet again on democracy in Somaliland. The first was the temporary shut down and the airing off of the HCTV, a privately-owned TV, in early 2012 after it released footages about the country's situation by reciting the last public speech of the Somaliland former president Dahir Riyale in July, 2010 (CPJ 2012).

The second was the close up and the subsequent arrest of the Hubaal newspaper manager and the editor-in-chief in alleging for providing propaganda platform to oppossion figures and suspicion creating editorial outlets against government officials as well as some foreign missions in Somaliland (CPJ 2013; The Economist 2013).

In many regards, these two cases are significant because they highlight the diverging government practices outcomes in contemporary Somaliland politics. Somaliland is referred as one of the few African countries though it has not been yet recognized by any country or international organization in which the multi-party elections led to the succession of the state power. Indeed, Silanyo's massive electoral victory of 2010 and the smooth transition to the post-Riyale regime was hailed at that time as a vindication for the view that the media and the freedom of speech has taken root in Somaliland and regarded as the most important actor that elevated Mr. Silanyo to the state power[7]. In most African countries, on the other hand, limited independent media could be attributed to the absence of united political oppositions that might determine the role of the media which can serve as a vehicle for regime change across the continent.

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[6] The incumbent President of Somaliland, served as the Somalia Minister of the National Planning and Commerce from 1965–1979, and later the Chairman of the National Economic Board from 1980–1982; joined the Somali National Movement (SNM) in 1982 and was the longest serving Chairman of the Movement from 1984–1990

[7] The argument of the media people: During the election campaign, Silanyo repeatedly promised the media more privilege and demanded them to support and disseminate his propaganda against his rival and the ruling party, the UDUB, and the media did. But, according to the media people, the President has failed to materialize his promises after he won the office

This study attempts to cast new light on the challenges that most face the Africa's freedom of speech and expression. It illustrates the gaps that existed within the Somaliland media being the state and non-state such as: lack of the professional knowledge of the media industry. This element is the flashpoint of the frequent frictions between the media and the Somaliland successive leaders those see the media as a threat to the survival of their regimes. The study seeks ways forward strategies that aim to tackle the challenges that face both the media and the state institutions separately and feed grievances that existed in Somaliland.

Methodology

This study unveils the challenges that face the Somaliland media and the efforts needed to build non-state media capacity as well as the state to work together. Both primary and secondary data were collected from various sources. In primary data, key informants from government, academia, and journalists were approached. In secondary sources, books, journals, and policy documents were used.

The study refers the successive authorities in Somaliland as regimes due to their commonality with their fellow African dictators. In this respect, there are similarities among the most African leaders in regards to their practices whether they came to the state power by forceful or peaceful means such as the iron fist rule including but not limited to: cracking down, detention and others not only against the media but also against their fellows' citizens and their ways of doing state businesses and affairs.

Freedom of Speech and Expression: An African Outlook

The press freedom in Africa has not only been a major popular demand in the movement for democratization of the continent since the 1980s, but also it was part of the political demands imposed by Western governments as part of their condition for economic support (Michael & Nicolas 1994; Thandika 2001; Matthijs 2004; Minabere 2008). This could be regarded as a donor-led process not as indigenous initiatives tested its conformity with the social cohesion and structure. In connection to that process, over the last two decades there has been a significant expansion and proliferation of media in sub-Saharan Africa which some might

regard as the precursor of a genuine democracy. As the number of the journalists and independent media outlets had grown, the numbers of the citizens gaining access to a wider variety of media has also increased, as a source for both news and other information on public life[8].

But this trend is not common and not without obstacles. In too many African countries, independent media and journalists continue to face harassment, detention, prison and violence. In some countries, journalists are attacked and sometimes killed for criticizing the government, while many others are censored or intimidated into detention and punishment. Given the emphasis on that, the worst cases in Africa in recent years happen not only in Equatorial Guinea, Eritrea, Gambia, Rwanda, Swaziland, Somalia, and Zimbabwe, but also there are some other African countries that experience such these events (Kwame 2004; RWB[9] 2013). In fact, the African governments had used to censor the works of the already limited non-state media that existed in their countries. For instance, Eritrea is regarded as the Horn Africa's North Korean style of rule and media censorship, and is the only state in the Horn that does not permit the private ownership and operation of the media after Djibouti. Therefore, it is described by many as the Africa's biggest prison for journalists (Ibid: 2004; Bereket 2010; RWB 2013). While its neighbor, Ethiopia does not permit private TVs, there are growing numbers of privately-owned FM stations across the country. However, the countries without independent radio or TV are now few and far between in Africa[10].

Indeed, freedom of the media lies at the heart of the liberal doctrine and is formulated in all democratic constitutions. The freedom granted to the media is widely believed to mean to allow the expression of society's various subcultures and classes, to voice public opinion, and to serve as a means of transmitting messages between the public and their elected representatives. The media seem to serve the public by enabling its members to freely express their frustration, by bringing their requests to the attention of the government, by informing them of the various developments concerning their future, by entertaining, by criticizing the actions of the

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[8] Kwame Karikari (2004), 'Press Freedom in Africa: Challenges and Opportunities', *New Economy,* pp. 184–186.
[9] RWB is the abbreviation of: Reporters Without Borders
[10] Ibid., 7.

government, and by exposing corruption or irresponsible acts of public delegates (Janusz 2001; Raphael 2001; Sandra 2007; David 2008). In this regard, these are the most important role of the media, which can be exercised only in the democratic societies.

In Africa, non-state or independent media usually find themselves operating in circumstances of varying degrees of repressive government action and political turmoil. Despite this, the media continue to engage their businesses and disseminate the news to millions of Africans who are in need to find reliable news outside the state-controlled media (Kwame 2004). On the other hand, as an African continent ravaged by one-party authoritarian regimes, the right to freedom of expression which is believed to be fundamental to the existence and consolidation of democracy has remained missing post-colonial Africa. Given the emphasis on that, African one-party systems have existed in the continent from the late 1960s until the early 1990s. At least four-fifths of the continent was ruled by authoritarian regimes, either in the form of one-party system, military regime, military socialist regime or civil dictatorship (Michael & Nicolas 1994; Matthijs 2004; Giovanni 2007; Mohamed & Per 2007).

In this respect, one may argue that the central element to freedom of expression is the freedom of the press. Unfortunately though, it is this critical aspect of democracy, which is frequently undermined and attacked by various governments across Africa. Despite the critical economic and political problems that African democracies confront, according to Richard (2003) their citizens continue pervasively to support democracy as a form of government. Of course democracy will not provide the answer to all – or even most – of these problems and is not a fully-fledged doctrine which does not have weaknesses and loopholes.

In this sense, some might argue that the democracy itself will want to place careful limitations upon freedom of action and freedom of speech (Raphael 2001). According to their argument, freedom of speech is a guiding principle, and one of the foundations of democracy, but at the same time, freedom does not imply anarchy, and the right to exercise free expression does not include the right to do unjustified harm to others.

In southern Somalia, while it has gone through one of the continent's worst experiences of violent conflict since the state collapse in 1991 that backlashes Somalia's state existence (Mary

2012), on the other hand, it had a vibrant industry of private radio and television stations[11]. With the existence of this positive development in the media, it was not without challenges. According to the Reporters Without Borders (2013) 18 journalists were killed, caught up in bomb attacks or were direct targets of murder, making 2012 the deadliest in history for the country's media. The Horn of Africa state was the second most dangerous country in the world for those working in news and information, behind Syria.

Against all odds, considerable progress has been achieved in the expansion of independent media in Africa. Yet significant challenges to media freedom remain to be addressed. In some countries, the revival of mass media pluralism and activity has exacted a heavy toll on journalists and human rights activists (Kwame 2004). In nearly every African country, there is a need for further legal, policy and institutional reforms to cement the commitment to media freedom and to prevent government interference and censorship (Henry & Jeffrey 1996; Matthijs 2004; William 2007).

In the final analysis, there are at least two fundamental differences between the press situations in Africa vis-à-vis Somaliland. Whereas the press in Africa was largely comprised of professional people from the industry, it experiences frequent harassment and violence from their respective countries associated with the lack of favorable environment to exercise freedom of writing and expression in particular the private media. But as elsewhere in the world, there are state-owned media agencies and other semi-autonomous papers as well those are loyal to the regimes. This could be linked to the Africa's authoritarian regimes those regard the private media as a western orchestrated agents that poses threat on their regimes. Unlike other sub-Saharan Africa, Somaliland press has *"relative freedom"* or as some might argue "*absolute freedom*" in regards to Africa, but the people in the media industry lacks the profession, knowledge, and experience to the field. Nevertheless, while their fellows Africans are in search for a favorable environment for a freedom of speech and expression, Somaliland media people

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[11] Ibid., 7.

are struggling in coping with the profession of the mass media to overcome their very weaknesses and cement commitment to free and ethical media in the region[12].

Press Freedom in Somaliland: Identifying the Gaps and Challenges

The media freedom in Somaliland has been a major precursor for democratization and more effective governance for the last two decades which was critical to the success of the democratic revolution in Somaliland. Since its inception in 1991, Somaliland has been practicing freedom of speech and expression which encouraged the explosion of private media from the print to broadcasting stations except radio services which the Somaliland state has banned for private ownership. Since then, the media and the state were having love–hate relationships which sometimes lead both sides to confront and retaliate against one another. The government mostly uses its instruments in particular the Police to coerce the private newspapers and the TVs[13]. The Government has ordered measureless times the close up and the arrest of journalists. For instance, Hubaal Newspaper, a privately-owned newspaper, has been recently arrested, fined and finally sentenced to jail.

It is not a surprise to raise some questions that could seem as critical ones include: does this harassment and arbitrary detention of the media mean that democratic values such as the freedom of speech and expression are unlikely to survive on the African continent in general and Somaliland in particular? Or is it merely an indication that democratic values are likely to be both a difficult and a protracted process? Or is it contrary and that the media are breaching the laws and move beyond the objective reporting and professional ethics by frequently and needlessly invading the privacy of individuals, and consequently severely impairing the reputation of individuals, groups, or organizations and directly or indirectly affect the lives and safety of many.

The following attempts to find an answer to earlier questions and to some other critical questions those concern the issue include: are the journalists aware of their rights and

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[12] Observed from the capacity and the level of expression of the African media and journalists in comparison to Somaliland

[13] Observed from the unfriendly and volatile relations between the government and the media which causes frequent confrontations and frictions and sometimes forces the government to detain and arrest

responsibilities in order to serve both for their own benefits and to the public? Or are the state officials skeptical about the private media and have what we can describe as "*media phobia*" which influences them to harass and assault or sometimes detain the private media? The aim of this study is to confront the ethical question of the constraints of speech. Focus is put on the harm or the offence caused by the speech in question: can we say that sometimes the harm or the offence brought about by a certain speech constitutes such an injury that it cannot be tolerated? More specifically, under what conditions can preventing offence provide adequate reason for limiting freedom of speech and expression?

Identifying the Gaps and Challenges

Since its establishment as an independent Republic of Somaliland in 1991, Somaliland has had vibrant independent media and for the most part took its role in state and peace building efforts. In line with that story, post-independence media in Somaliland have faced twin challenges: to generate increased domestic news outlets to meet pressing issues with a little knowledge to the media ethics, rights and responsibilities, and the successive state authorities who had no tolerance at all to the media and respond it in an aggressive way[14].

In recent years we have witnessed growing criticism of the conduct of the mass media in Somaliland. This criticism is multidimensional (social, economic, political, and ethical) and is grounded mostly in facts concerning the conduct of the media. Among those who criticize the media are representatives of the government at local, regional, and national levels, the political parties, elite members, academics, judges, and media professionals themselves[15].

At least there are three typical critiques raised against the media. First, the media are not an objective but a politically biased moderator. This criticism is common among all political parties in Somaliland, and political activists, and especially this is common during political tensions, like election campaigns. Another common criticism is that the Somaliland media lack social responsibility. In this respect, some express concern that the media's irresponsible coverage of national issues may undermine state security or offend public morale. One such

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[14] Observed from the practices both from the government and the media
[15] Discussions with a senior lecturer at the University of Hargeisa, Hargeisa, Somaliland

contention is that intense coverage of military operations and other intelligence information which are unnecessary to cover. This kind of behavior among the media people in Somaliland increased public fears and anxieties. Finally, some find the Somaliland media's pursuit of sensationalism owing to market-driven competition as a major fault[16].

Indeed, what is happening in Somaliland is an important factor that needs to be analyzed and discussed, because it needs to raise the question of whether democracy in Somaliland in particular the freedom of speech and expression is being consolidated, dissipated or abused. The experience of the Somaliland media over the past two decades seems to indicate that the successive regimes wanted to harass or even prison the media or find other means to do so. To be clear and honest about the issue, the media itself was and remains to be part of the problem due to its failure to adhere professional ethics.

In the contemporary history of Somaliland, the first established government in 1991 led by the late President Abdurrahman Ahmed Ali[17] should be regarded as the midwife of the Somaliland non-state media. During the Egal era, though the media had difficult days with his government, on the other hand the media had reached its peak and enjoyed relative freedom; while his successor, the Riyale had had a difficult relationship with the non-state media. The uneasy relations with the media eventually led the media to shift and serve as a propaganda chief for the opposition groups and help in galvanizing the public. For instance, the ruling KULMIYE[18] has won the majority of the nationwide votes in 2010 election, because the private media supported him.

Fundamentally, some think that democracy should tolerate all forms and types of speech. In Somaliland, one can observe that the newly elected regime has recycled the policies of its predecessor by engaging harassment and arbitrarily detention of the journalists without a prior

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[16] Discussions with a senior Somaliland Government officer, Addis Ababa, Ethiopia

[17] He was one of the prominent and most renowned Somali diplomats post-independence Somali state. Served as a Somalia's ambassador to Ethiopia, the Sudan, and the United Arab Emirates. He joined the Somali National Movement (SNM) mid-1980s, and was the 6th and the last Chairman of the Movement. He was the one who declared Somaliland's separation from the rest of Somalia in the Grand Conference in Buroa on 18th May, 1991; and served as the first President of the new Somaliland Republic, he died in London in 2003

[18] Former opposition political party in Somaliland before winning the presidential election conducted in the country on 26 June 2010

warrant from the concerned legal bodies, while the media euphoria is waning[19]. Despite the Silanyo campaign, cosmetic and cathartic expressions to do this and that if elected. The harassment against the private media is still continuing. This kind of practice is challenging the democracy and the peace of that unrecognized nation in the Horn of Africa. Indeed, the recent event of the Hubaal assault and the subsequent detention of the paper's chief editor and the manager is a clear indication that appears to show that democratically elected leaders in Africa are no less prone than those come to the power through forceful or coup d'état seeking to stay in office with what's described as widespread abuse and manipulation of power[20].

In the current state of affairs, the elected Silanyo[21]–Saylici[22] regime in Somaliland though has demonstrated some improvement in various fronts, the fact that the ongoing human rights abuses and the widespread of corruption in the form of nepotism, favoritism and partiality which are overt in the country at the moment have negative implications on the state[23]. Concerns are found to be troublesome to anyone seeking to work with them. While on the other hand, Silanyo–Saylici regime has never tired of telling Somaliland citizens *"We feel your pain"*. These beautifully constructed and politically motivated statements have not yet been translated into practice.

In many instances journalists are not objective in their reporting because they cannot avoid selecting and because they prefer to interpret (Raphael 2001). In Somaliland, both the state and non-state media are not immune from such faults taking place. Therefore, a number of challenges are needed to be addressed accordingly. These include: lack of knowing professional ethics of the media and lack of capacity building programs both from the media institutions and also from the government.

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[19] Such as the arbitrarily detention of the Waaheen News Paper editor-in-chief (2011), the Saxafi News Paper editor-in-chief (2012), the Hubaal(2013) and the constant threats and media violations from the Government officials against the private media

[20] It is the nature of the Africans to use excess power against their fellows' citizens whether they came to the power in election or coup d'état

[21] Nickname of the incumbent President of the Somaliland Republic, Ahmed Mohamed Mohamoud

[22] Nickname of the incumbent Vice-President of the Somaliland Republic, Abdirahman Abdilahi Ismail

[23] There is a public anger against the current regime practices in regards to his injustice employment and nomination in government offices

The government is responsible for generating responsive and responsible journalists to serve the nation, by the addressing absence of policies that might guide the media, and indeed lack of enough payments. The latter is regarded not as the sole but the major factor that influences the moral values of the media people in Somaliland[24].

As stated, though the media has shown a quantitative rapid increase, on the other hand, one may observe that both the private and the state-owned media are lacking two essential elements: a) critical thinking, and, b) sense of nationalism. Absence of a critical thinking with intellectual depth and the necessary tools to think independently, to question and criticize, engage in collaborative work and be open-minded about alternative points of view in the media. This could be linked to the argument that the press in Somaliland has been established without working in acknowledged professions and skills to present the public neutral and constructive ideas. In addition, another crucial aspect in regard to the media adds its weight: the objective reporting, according to Raphael (2001), it is a necessary component of media ethics to narrate an unbiased reporting and cover a given story in a fair and accurate manner.

In this respect, this is one of the major if not the sole factor that hampers the ethics and values of the press. The second point to note is the issue of nationalism: most of the media if not all are not aware of their responsibilities in particular when it comes to the national issues. It is distressing to see media outlets across the country that carry unnecessary issues that might hurt the image of the state, these include: intervening security issue which in one way or another is taboo[25]. Engaging such activities gives room for those who engage in damaging and sabotaging the country's image through propaganda campaigns.

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[24] Discussions with one of the senior journalists in the Somaliland Ministry of Information, Hargeisa, Somaliland

[25] Several times some media covered military and intelligence reports which are not entitled the media to cover at all even in the democratic societies

In many regards, one may suggest that the idea of objectivity should be rejected in cases presenting ideas sharply opposed to peace and stability, which encourages various forms of discrimination or violence against others[26]. In consequence, ethics in the media means taking social norms into consideration. The preservation of those very norms, which allow the functioning of peace and stability, ought also to require self-containment and self-control on the part of media reporters[27].

In nearly every Somaliland media, there is an urgent need for further legal, policy and institutional reforms to cement the commitment to media freedom and to prevent government interference and censorship. In Somaliland, the media has enjoyed editorial independence and self-censoring but their first responsibility remains in avoiding public and private disappointments. While on the other hand, the major frictions between the state and the media are linked with news outlets which are in one way or another annoying the government. This could be attributed to the fact that the absence of objective reporting and truth are regarded as the most challenging factors on the Somaliland freedom of speech and expression. Therefore, the media people neither have professionalism nor knowledge to exercise media tasks[28]. On the contrary, the most surprising and the unfortunate factor observed is that those high rank government officials have little knowledge on how to deal with the media and even how to sue it. It's an especially ironic to conclude: for better or worse, due to many factors and reasons, the Somaliland public is prepared to accept the state of media in Somaliland founded on an "*absolute freedom*".

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[26]Raphael Cohen-Almagor (2001) in his book: "*Speech, Media and Ethics, the Limits of Free Expression: Critical Studies on Freedom of Expression, Freedom of the Press and the Public's Right to Know*", by Palgrave, New York
[27] Ibid., 25.
[28] It is observable from the coverage both the private and the public media, for instance, they releases news outlets and footages without editing and censoring. This kind of behavior derails the national solidarity and creates suspicion and mistrust among the society

Despite these coercive measures against the non-state media coupled with the presence of some institutional weaknesses from legal to policies existed in the media, it would be no exaggeration to say that the manner and tone of the reporting of the private media in Somaliland in regards to building peace and state institutions as well as the successive democratization processes was without a doubt in breach of the sense of peace and social cohesion which served as a milestone for the Somaliland's lasting peace and stability over the past two decades without international engagement.

Responding to the Challenges: A Strategy for Sustainable Media Industry

Somaliland, though it has not yet been accorded *de jure* recognition by any country or international organization, the emergence of independent media institutions and its continuous efforts to enhance the freedom of speech and expression through independent newspapers both print and online, and TVs, has remained crucial (The Economist 2013). Without doubt, however, there are number of factors and challenges that need to be addressed through implementing number of sacrifices from the parties concerned. It seems obvious that these challenges emanate at least from two compatible fronts: inadequate training programs plus legal and policies which are to some extent the major problems that are currently facing the media. Therefore, these weaknesses need to be tackled by local initiatives with an international support from the donors to strengthen the sector which remains one of the prime priorities of the State citizens.

As Raphael (2001) argues "funding is an essential prerequisite for independence of the media. According to him, the press should be funded by an independent body – a charity or a foundation – that cares about the press and understands its significant role in a democratic society. This body is required not to be a political, and without any affiliation to the media to demonstrate its neutrality. In Somaliland, changing the existing situation where the owners fund the media that are supposed to scrutinize their conduct is necessary. In this regard, some might argue that there is a room to suspect that the public interests are not adequately served when the entire funding comes from the industry.

For these to happen, there is a need to establish effective press council that unites the all types of the media operating in Somaliland. The council to be an effective and efficient one, it should be made in accordance with a written code of conducts with a clear language set to normative standards for ethical and professional reporting. Moreover, the code must circulate among media circles and among the public institutions as well as the people at large to be aware of its existence.

In the final analysis, the Government should work with the national and international organizations that are eager to help the media in Somaliland. As part of that collaboration, the Ministry of Information should take the initiative and jointly work with the media council to settle disputes that occasionally arise through consensus and constitutional mechanisms. This mechanism remains the prime force for the Somaliland democracy. Moreover, the Government should facilitate in providing training programs and seek opportunities to the Somaliland media both public and private that is aimed at upgrading the knowledge and skills of the media people. Therefore, it is believed that these programs could serve as a milestone for promoting the level of collaboration and understanding between the two, the Government and the Media camp.

Summary, Conclusion, and Recommendations

In the Somaliland context, though the media has been on a rapid increase with an active and affirmative impact on the overall community development, peace-building processes and democratization of the state, on the other hand, it was not without challenges. These challenges need to be addressed through capacity building programs to promote its effectiveness that could balance the interests of the citizens and the public simultaneously.

As far as the media of Somaliland is concerned, the independent media is relatively regarded by both the donors and citizens as one of the major private institutions that maintain Somaliland's internal cohesion with the presence of some institutional weaknesses not only from the media itself but also from the Government Specialized Agency for the Media, the Ministry of Information. The Ministry of Information which is the only governmental institution mandated to preserve, coordinate and control both the private and the public media institutions. It appears

that it has failed to exercise and materialize its authority to direct the media in a way which reflects its mandate. In this regard, it is in an urgent need for further institutional reforms and restructuring.

To this end, the effectiveness of the Somaliland media rests on adhering media ethics and social responsibilities to penetrate deep into the society with an objective reporting to disseminate reliable outputs. In this sense, though the media has engaged tirelessly in the successive state and peace building efforts as well as the democratization stages. On the other hand, building its capacity should be a long-term key priority focusing on capacity which requires more attention in a post-state-building endeavor not only from those who have concerns on the media, but the major responsibility rests on the government shoulders to sketch ways forward ground-breaking strategies to overcome the very institutional weaknesses of the media that remained since its inception.

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Paper Three: Somaliland Media and The Role of The Diaspora

By: Zeinab Adan

Abstract

On May 18th, 1991 Somaliland reclaimed its independence from the Republic of Somalia following a civil war which lasted almost a decade. Since the reclamation of its independence, Somaliland has enjoyed unprecedented levels of freedom of press in the region. Although it has had its ups and downs during the successive administrations in Somaliland, overall the media has enjoyed more freedom than it ever had since independence in 1960.

Freedom of expression, which encompasses the freedom of the press and the freedom to assemble, is enshrined in article 32 of the Somaliland constitution, which was approved by a referendum in 2001. As a result, Somaliland's media experienced steady growth in its various sections, which include the print press, the internet, and broadcast media. This growth can mainly be attributed to the advancement of the information and communication technology (ICT), but also due to the unhindered growth of the private sector of the media outlets.

This paper will attempt to analyse the reciprocal impact of the growing Somaliland media and the role of its Diaspora on each other. Privately owned media has played a vital role in creating space for the Diaspora to participate in the political, social, and economic development of Somaliland. On the other hand, the Somaliland Diaspora has been instrumental in the steady development trend of the Somaliland's media. Its contribution helped to bring about the current diversified media landscape which now includes a flourishing news websites sector, a variety of TV stations, and online radios, which are predominantly in the Somali language. The paper also makes the assumption that the media, both local and international, plays a vital role in forging the connectivity of the Diaspora to the home land. A special group in the Diaspora, who is profound beneficiaries of this phenomenon is the senior population (elderly people), and this is a key indicator of their connectivity to Somaliland.

It is also an indicator of the level of involvement of the Diaspora in the political, socio-economic, and development process of Somaliland. Finally, the paper will attempt to highlight the positive and negative impact of the Diaspora media in operating outside Somaliland as global citizens' initiative.

Introduction

Somaliland represents an oasis of freedom of expression in the Horn of Africa region. The relentless struggle to protect the freedom of press by the citizens of Somaliland in the early days of the 1990s resulted in the protection of this right in Article 32 of the Somaliland constitution

Article 32: Freedom of the Press and other Media

Paragraph 1: *"Every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way."*

Paragraph 3: *"The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation."*

Although the right to freedom of expression is well articulated and enshrined in the Somaliland constitution, the enforcement to protect it has always been inadequate. The result is that most of the Somaliland media outlets with the exception of the print media are founded and/ or financed predominantly by the Diaspora and hence based outside the country. Both the supply and demand of the media outlets are steadily increasing and the forms of communication as well as their impact are also constantly expanding.

The Media Outlets

The current outlets include broadcasting media, print media, websites and blogs, and social networks. According to the Media Sustainability Index researched by IREX (2010), the number of active print outlets, radio stations, and television stations are as follows:

- Print: 8 daily newspapers; 7 weekly/semi-weekly newspapers; 3monthly magazines.

- Radio Stations: 3; 1 local station, 2 international FM stations

- Television Stations: 9; 4 local, 2 satellites, 1 cable and 2 International.

- Additionally there are several online radios, (Radio Hadhwanaag, Radio Caynaba, and Waheen, among others) and well over 30 news and literature/arts websites/blogs.

Impact of the Diaspora in Media Development

The Somaliland Diaspora has a remarkable influence on the development of the media. Their extraordinary contributions stem largely from:

1. Their advantage of having easy access to the communication technology, which enabled them to be pioneers in introducing cyber media to the Somaliland society

2. Their exposure to free press in the western world and access to international sources

3. Better resources and means to be able to finance the various media outlets

4. Their freedom of any restrictions/ censorship to distribute information, and hence their ability to hold the governments accountable especially in the area of freedom of expression

Cyber Media: Somaliland Forum

In the early 1990s, like-minded young intellectuals started creating what was known then as listservs and known today as e-groups. The vanguard and most prominent one was the **Somaliland Forum**. This was an independent think tank that brought together young Somalilander intellectuals, initially from North America, and later expanded to Western Europe and all over the world. The membership of this forum that started as a listserv of 20 young patriots grew to be a powerhouse of over 400 members within a few years

The Somaliland Forum with its patriotic mission and goals established the foundation of the bridge between the Diaspora and Somaliland. It became the source of information about Somaliland for these members and their households, as well as for the wider communities in the cities where these members resided. It fostered close relationships with the administration and raised the awareness of

the Diaspora community regarding the acute development needs in Somaliland. Later on, it started sponsoring development projects.

In the early years of this millennium (2001/2002), Somaliland Forum played a commendable role in conflict resolution between the Egal administration and the Clan Leaders (Sultans). The non-partisanship and the heightened political consciousness coupled with their patriotic goals qualified them to play that profound role. This laid the foundation for the strong Somaliland civil society that exists today.

The establishment of the forum was followed by creation of numerous websites and blogs by the Diaspora. The websites such as Hadhwanaagnews, Somaliland.org, Somalilandnet, Somaliland Future, Qaran, and many others were founded within a short time. Many other listservs and chat rooms based on interest groups such as regional, clan affiliated, or religious groups were also formed.

By the new millennium, improved internet access enabled better communication between Somaliland and its Diaspora. However, this access was initially limited to Hargeisa, and mainly for the international agencies. The free market facilitated competition of many internet service providers and forced them to improve their service delivery. This improvement of internet service led also to the birth of the internet cafes. This became a major leap forward. The prohibitive cost of the computers and the fairly expensive subscription fee for the internet services were no longer a barrier for the less well-off Somalilanders to surf the net. People started to take advantage of this opportunity, as it allows interactivity, dialogue, and grass roots participation in the discussions. Many websites and blogs include comments sections, where readers can openly join any discussions. This has remarkably enhanced the confidence of the citizens to participate in any dialogue. As explained by Karim (1998, pp 2) On-line technologies are also enabling individuals in diasporic groups to sustain inter-continental networks.

The cyber media also supported major fundraising initiatives for development projects. Prominent examples are HargeisaUniversity, Amoud University, Burao University and Burao Hospital, which were all established with the support of fundraisings by the Diasporas.

Additionally the satellite technology known as Direct Broadcasting Satellites (DBS) played a profound role in bringing the Diasporas elders closer to home. Social isolation of the Somali elders is overcome by the DSB. The benefits of this marvel is not only enjoyed by the Somaliland Diaspora but also by many different ethnic groups around the world as described by Karim (1998 pp.9) "The arrival of Ku band satellites and digital compression technology has enabled a vast increase in the number of radio and television channels that can be beamed over large distances directly to residential sites equipped with pizza-sized (generally between 18-24 inches) satellite dishes. ….. , this technology is providing remarkable opportunities for Diaspora communities."

Impact of the Media on the Diaspora.

The reciprocal impact of the Somaliland forum on its members was that it empowered them by enhancing and sustaining their political and social awareness. It became a platform for debates, dialogue exchange of ideas, discussions of social economic and political issues. This has been reiterated by Karim (1998).

"The ability to exchange messages with individuals on the other side of the planet and to have access to community information almost instantaneously changes the dynamics of Diaspora, allowing for qualitatively and quantitatively enhanced linkages." (pp. 12)

The role of the media is no longer confined to communications but also includes community engagement, community development and civic education. It promotes political debate and encourages the diversity of viewpoints on social, political, and economic issues. Like their African Diaspora brothers, the Somalilanders started using social media sites such as Twitter and Facebook as tools for development.

"Twitter, Facebook and other forms of social media are bringing African voices and new, varied narratives to the forefront. And, what's even more remarkable is that these online platforms are not being used for simple pontification and acerbic commentary (although there's a fair bit of that as well). These tools are also being used to replace staid development paradigms, by organizing and developing African-driven institutions."

(Ruge, 2013)

Furthermore it enhances the confidence of the young people to participate in these discussions and expands their communication horizons. More and more young people started participating in the international fora such as International Somalis Studies, where Somali/Somaliland issues were being discussed. Furthermore they exerted remarkable influence by putting Somaliland cause on the agenda of the International Somali Studies Conference **(ISSC)**. This conference which is held once every four years, gathers international and Somali scholars around the world. Traditionally it has always been held in Western Europe or North America. However, in 2001, the Somaliland forum succeeded in bringing the ISSC to Somaliland and it was hosted by Hargeisa University. This has been a remarkably achievement in more than one ways. In one way it brought several international scholars to Somaliland and they have seen the peace and the stability which Somalilanders have accomplished in contrast to the mayhem in Somalia. In another way those scholars saw the signs of the atrocities committed by against the somaliland people. The scholars were shown the mass graves in Malka Durdura. In turn they exposed this carnage by documenting what they saw and heard and writing articles about it. As a result the United Nations Human Rights Commission started investigating it.

On the other hand, the impact on the Somaliland Elders of the Diaspora is phenomenal. Online broadcasting media plays a pivotal role in connecting them to their homeland.

Due to the high level of illiteracy among this group, elders are cut off from the printmedia as well as the websites. Hence, Radio is arguably the most powerful media vehicle for them. And online radios represent a critical ingredient in their connectivity to Somaliland, thus allowing otherwise isolated elders to break the cycle of isolation by keeping up with what is going on in their homeland.

The Satellite TVs also play a remarkable role in civic education. During the last municipal elections, significant numbers of the Somaliland elders in Greater Toronto Area – Canada, got themselves Satellites to get Somaliland TVs., so that they could follow the campaign by the various political organizations. The campaigns have shaped the opinion of many seniors thanks to these TVs

Additional advantages provided by these media include:

1. The web-based radios need to be turned on via computers. Most if not all of the elders depend on their grandchildren to turn their computers on for them .This became a catalyst for improved intergenerational relationship between the children and their grandparents. Furthermore it has a dual effect on both the grandparents and the grand children, namely it gives the elders an opportunity to keep up with the current affairs back home, on the other hand it provides the grand children with an opportunity to learn more about their culture, history and strengthens their Somali language skills.

2. Male elders congregate at the Somali businesses where the owners also use the Somali TVs or online radios, mainly BBC and VOA, as a marketing strategy to attract patrons, while female elders come together to the residents of those who have Satellite TVs at home. Coming together to watch the TVs or listen to the radios supported many elders who live alone to break their social isolation and encourages them to engage dialogue and participate in the discussions of the different issues related to the ongoing issues in their homeland.

Impact of the Media on the Culture

Somalis have long been described as oral society writing of their language relatively recen. Poetry, theatre and music plays crucial role in their culture. Diaspora elders are attached to this culture more than any other group. The YouTube fills a significant role in satisfying for them that need.

Conclusion

Somaliland Diaspora and the media have symbiotic relationship and a reciprocal impact on each other, i.e. the Diaspora has played a key role in the development of Somaliland media as well as in the community development by using the media. And the media plays critical role in connecting the Diasporas communities to their homeland as well as engaging them in and educating about the current affairs on their homeland

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Paper Four: Challenges Facing Somaliland Universities to Offer Journalism Studies Program

By: Mohamoud Hassan(SORADI)

Introduction

Over the years since Somaliland declared independent from Somalia in 1991, the media industry has dramatically grown. There are handful of printed newspapers and magazines, over 30 news websites, four television stations and multiple online radios in the country *(Somaliland Media Sustainability Index, 2012).* These news outlets employ hundreds of people across the country. Ironically though, there are no mass media training institutes where these journalists get trained. The local universities do not offer journalism courses. This paper examines the chief reasons as to why Somaliland universities in general and the University of Hargeisa; the main public university in particular, do not offer journalism and mass communications studies.

The paper identifies number of key reasons that led to the absence of this field of study at the universities so far. It also sheds some light on a short-lived Degree and Diploma journalism programs that University of Hargeisa offered for some years but suddenly stopped and the cause of that miscarriage. Although the paper mainly focuses on University of Hargeisa, yet the circumstances that surround it is the same for all the major universities in the country.

1. Challenges

Historical Background of the University

More than anything else, the historical background and the circumstances that surround University of Hargeisa explain much of the reasons that cause the absence of such vital faculties like Journalism Studies. In 2000, with help of individuals from the diaspora community and the government of that time, the university was started with meager resources at its disposal. The available qualified lecturers were very few. Learning facilities were barely enough. The pioneers of the university however, set clear strategic plan of what fields it will offer. For quite some time, that strategic plan has proved fruitless because much of the faculties they set to offer have failed due to shortage of funds and resources.

Under those circumstances they have devised a new way of making the university's plans work. The university administration decided to give the go ahead signal to any group of lecturers who show up with the qualification of a particular field of study to start a new faculty *(H. Ali, Adam; Personal Interview).* Most faculties that the university boasts today were first started in that manner. With regard to that process, there happened to be no trained or journalism professionals that come forward to university administration to establish the faculty of Mass Communications and Journalism Studies at the university. One explanation of this is journalism's short history in Somaliland and in Africa in general.

Professional Journalism and the Local Context

As in many other African countries, journalism here is not deemed as a genuine profession that requires formal qualifications. Most people that currently work in the industry are confident practitioners but not well trained professionals. They are self-taught and rarely have degrees or even diplomas. Journalism is considered as a skill that anybody can undertake. In their paper 'Institutional and governmental challenges for journalism education in East Africa' Terje S. Skjerdal & Charles Muiru Ngugi argued that "Journalism training in Eastern Africa has to grapple with the perennial questions confronting journalism everywhere, as well as those that are unique to the region, for instance, is journalism a craft or a profession?" (Skjerdal & Ngugi 2007) and of course Somaliland is not an exception.

Somaliland Media Sustainability Index of 2012[29] suggests that becoming a journalist is one of the "easiest things" one can do in Somaliland. All it takes is just "getting a cheap camera" and calling one's self a journalist. Professional journalism may not henceforth sound very appealing in the Somali context. It is not surprising then, that many unskilled and unemployed youngsters who could not make it to any other profession were attracted to this easy-to-start career. Those who had the basics or little previous training also get discouraged to try any further training for improvement because, in the current situation the chances of recognition to be distinguished from the "grab a camera" culture is slim. It has become a common believe that journalism is a simple career that anyone who is willing can teach him/herself with minimum effort.

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[29] http://www.irex.org/resource/somaliland-media-sustainability-index-msi

Since anyone can claim to be a journalist without the right credentials, there is little respect for professional journalism. To some degree, the argument that suggests local university don't provide journalism and mass communication studies because of its poor respect among the population is a valid one.

Lack of Qualified Staff and Funds

As hinted just earlier it is argued that journalism has short history in Africa, in the horn of Africa in particular. Journalism is related to freedom of expression which in turn has a close correlation with democracy and much of African nations have achieved democracy in 1990s *(African Media Initiative, 2013).* It is therefore understandable that journalism as profession has not fully taken off in the region. One of the apparent obstacles, University of Hargeisa faced was shortage of qualified teaching staff in the field of Mass Communications Studies. The few available teaching staff are either self-taught or have other backgrounds like ICT or Language studies qualifications.

The availability of reliable source of funding has been another milestone challenge that hindered university's full capacity in offering essential faculties like Journalism and Mass Communication. The university has been operating with little funds at her disposal for years that can hardly cover the salaries of highly qualified expatriate lecturers because the only on hand trained teaching staff is expatriates.

Skjerdal and Ngugi argue in their paper:

The lack of qualified teaching personnel is remedied with the use of expatriate teachers. As such, the journalism programmes in Africa are more internationalized than many of their Western counterparts. In the Horn of Africa most journalism programmes were found to rely on expatriate teachers, both in the form of on-site teaching or online teaching.

The deployment of expatriates does not come cheap though, and if it involves on-line facilities, costs rise. One good thing about journalism studies though; is that they can be taught with minimum teaching facilities and equipments, unless it is taught online. It is just like business studies or any other social science field of study that requires not more than reference books. Although reference

books are available and are already stuffed in university library, the issue is the funding for qualified lecturers to be found both from abroad and within the country.

Journalism and Public Relations

The absence of journalism studies in Somaliland's universities has not deterred many committed Somaliland from pursuing their aspirations. Many Somalilanders have crossed borders to study the rare field that the country lacks. They come home with degrees, some even with master's degrees. Unfortunately though, very few of them if any at all have contributed to the beleaguered industry. Score of those who get trained outside the country have landed in other jobs in both the private and non-profit sectors. As often the case is, they are attracted to the fat pay checks that private companies or the NGOs offer them. In fact, serving as public relations officers has become a more lucrative profession than journalism. The Somaliland Media Sustainability Index 2012 report[30] finds Journalism remains one of the most poorly paid professions in Somaliland, which has broad negative effects for the industry. Many well-educated journalists abandoned the media sector to look for well-paid jobs in other sectors.

3. Tried Programmes

African Virtual University (AVU)

In 2005, the United Nations Development Program (UNDP) in Partnership with African Virtual University (AVU) and the Indiana University of Pennsylvania (IUP) has launched a three-year BA programme in Journalism and Mass Communication Studies at the University of Hargeisa in faculty of ICT and Distance Learning. It was an online program funded by the UNDP and the lecturing was offered by Indiana University of Pennsylvania.

The program has lasted around four years. During the life of the program three lots of which two were diplomas have graduated from the university, while one lot of around twenty people, earned Bachelor of Arts degrees in Journalism and Mass Communications (*African Virtual University (2009).* This was an externally funded project and has ended immediately after the funding was terminated.

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[30] ibid

The AVU program greatly benefited Somaliland media industry by supplying desperately needed skilled staff. It produced well trained professionals some of whom now manage the leading news outlets in the country. Apart from AVU, the University of Hargeisa offered short courses in Media studies with help of BBC World Service Trust.

Conclusion

The challenges that Somaliland universities endure in offering journalism and Mass Communications Studies are wide and varied and go far beyond the scope of this paper. The low profile of the journalism and its short history in Somaliland and in Africa in general has made the availability of qualified teaching staff a rare commodity and therefore, Universities suffer shortage of qualified staff for such faculties.

Another apparent challenge is the local perception in the Somali context, that journalism is considered to be an easy subject that is not worth going to school for. Most people who are working in the industry are media practitioners that have little knowledge of media ethics. They are self-taught and learn through practice. The lucrative payments given by NGOs and private businesses have swept the few trained journalists as public relation officials.

One successful program that produced the few available trained journalists did not last long. The University of Hargeisa did not come up with clear strategy that sustains the program for the longer haul.

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Paper Five: Exercising the Code Of Conduct During The Elections: The Case Of The Somaliland Media

By: Abdikadir Abdirahman Ismail[31]

Abstract

Somaliland came to the fore of the international political system immediately after it declared its independence from the rest of Somalia on 18 May 1991. The Grand Conference of the Northern People was held in Burao and was composed of the leaders of the Somali National Movement (SNM) and representatives of all clans inhabiting northwestern Somalia. The newly established state inherited the borders of the former British colony which adjoins Ethiopia to the south and west, Djibouti to the north-west, the Gulf of Aden to the north, and Somalia to the South. The demarcation of these borders was the product of the Anglo-Ethiopian treaty of 1897.4 Somaliland covers a land area of 137 600 square kilometers and has a coastline of 850 kilometers.

Somaliland has struggled to develop an authority with limited international engagement, through a series of national conferences, political institutions eventually developed with sufficient support to govern with a traditional administration that lasted 10 years from 1991 up 2001. Thus, Somaliland has departed from the traditional way of governance to democracy and elected government through the Constitution which was approved by the public in a referendum conducted on 31 May 2001. The newly adopted Constitution has led Somaliland to go through different levels of presidential, parliamentary, and district elections.

On the other hand, there has been a significant change in the print and electronic media in Somaliland, in recent years. The number of print media has increased enormously, although there is one public radio station "Radio Hargeisa" in the country. In the meantime there are one public television "Somaliland National Television" (SLNTV) and 4 privately owned televisions, all these media houses are mainly situated in Hargeisa and have abided by the Media Code of Conduct signed with the NEC in view of the political campaign before the election. It was expected that

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[31] **Institute for Social Studies (ISS) www.Socialsinstitute.org**

Somaliland media would allocate time fairly to political parties and associations, and that they would focus on monitoring election campaigns.

The paper will examine how do media exercise the Code of Conduct during the elections, the Somaliland constitution guarantees the freedom of the press as a fundamental right, and the importance of the media was recognized during the elections. Thus, the study will adopt largely exploratory design aimed at gathering as much data and information as possible from primary sources as political actors such as media houses, political association/ party registration office, the Somaliland National Commission, political parties and civil society organizations with a view to analyze evidence from multiple sources and as well the paper will spent a time on in-desk review on literatures that relate the theme.

Introduction

The Republic of Somaliland gained independence from Britain on June, 26, 1960 as the state of Somaliland, on July 1, 1960; (Schoiswhohi, 2004), it joined the former colony of Italian Somalia to become the Republic of Somalia. Civil war broke out in the 1980s under the authoritarian regime of General Siad Barre, which eventually led the collapse of the Somali Republic. In May 1991 following the collapse of the Somali government, SNM leaders and clan elders declared Somaliland's independence within the borders inherited from the British government (HRW, 2009). Responding to the will of the people, a peace conference was called in the town of Burao regions as the elders from nearly every major clan in Somaliland gathered with the leadership of the SNM to decide the fate of the northern, where the Somaliland Republic was declared. Ten years later in 2001 Somaliland adopted a hybrid constitution.

Media is a practice that serves certain goals in certain situations, which suggests that this genre might better complement one set of preferred meanings than another. When the mediator presents an eyewitness, an unsaid statement is thereby conveyed: this specific person is an authentic eyewitness who has something important to contribute to the mediated articulation underway (Frosh and etel, 2009). The media code of conduct become crucial for Somaliland elections according to

the Kenyan Experience and in general election violence which is not a new phenomenon and violence can be associated with one or more of three election phases: the pre-election phase; the day/s of the election itself; or after the election is held. Violence is typically clustered around the pre and post-election phases as voting day usually proceed peacefully (Stremlau and etel, 2009).

According to the Somaliland Non- State Actors Forum - SONSAF (2010), the Media played an important rule in covering the voter list public display and verification period, the political campaign, the voter information as well as the polling. The study focused the following questions

1. What was the role of media during elections?
2. How do media act the code of conduct during the election period?
3. What was the need to sign a code of conduct?

Somaliland Media

Somaliland's media environment is expanding, with media outlets playing an increasing role in electoral activities and in commentary about electoral reform (Harun, 2012). Good media coverage of the electoral process increases public knowledge and information on the elections, the candidates and the issues. The coverage of elections in the media, and their analysis of candidate platforms and election issues, provide voters with the information they need to make an informed choice on voting day. It can also provide factual information needed by voters to participate, such as the day, hours and locations of polling stations.

There has been a significant change in the print and electronic media in Somaliland, in recent years. The number of print media has increased enormously, although there is one public radio station "Radio Hargeisa" in the country. In the meantime there are one public television "Somaliland National Television" (SLNTV) and 4 privately owned televisions, namely "Space Channel", "Bulsho", "Horn Cable" and Rayo television based in Borama. The media houses mainly are situated in Hargeisa and have abided by the Media Code of Conduct signed with the NEC in view of the political campaign (SONSAF, 2010).

S/N	Media	Ownership	Location
1.	Jamhuriya	Privately Owned	Hargeisa
2.	Haatuf	Privately Owned	"
3.	Geeska Africa	Privately Owned	"
4.	Ogaal	Privately Owned	"
5.	Suxufi	Privately Owned	"
6.	Waaheen	Privately Owned	"
7.	Foore	Privately Owned	"
8.	Dawan	Public Owned	"
9.	Hubaal News	Privately Owned	"
10.	Saxansaxo	Privately Owned	"
11.	Yool	Privately Owned	"
13.	Somaliland National Television	Public Owned	"
14.	Radio Hargeisa	Public Owned	"
15.	Somaliland Space Channel	Privately Owned	"
16.	Horn Cable Television	Privately Owned	"
17.	Bulsho Television	Privately Owned	"

18.	Rayo TV	Privately Owned	Based in Borama

Source: Survey, 2013

Balancing Rights and responsibility of media during elections

The National Election Commission (NEC) created the Code of Conduct and the media houses formed a Media Monitoring Group. Daily monitoring of the use of the public media shows that the ruling party and the opposition political parties and associations had equal access to airtime and that public media was sufficiently accountable to the EMB (Makokha and Ali, 2013). The freedom granted to the media is meant to allow the expression of society's various subcultures and classes, to voice public opinion, and to serve as a means of transmitting messages between the public and their elected representatives by bringing their requests to the attention of the government, by informing them of the various developments concerning their future. These are the media's most important roles, which can be carried out to their fullest extent in democracies alone (Cohen-Almagor, 2001).

In the election phases Landslide elections may also precipitate violence, but the response is more typically a long term insurgency. Competitive elections also differ from elections with marked voter apathy, such as Sudan's 1996 election and Ethiopia's 2008 regional elections. In such cases, the likelihood of violence is relatively associated with elections. The level of competition in an election is a fundamental test for the likelihood of violence, thus making this an important issue for consideration in Somaliland (Stremlau and etel, 2009).

The regional election violence dictated to develop prevention steps that the media code of conduct was one of the strategies; code of conducts have been introduced in April 2010 and October 2012 for presidential election and local government election respectively. The media Code of Conduct and the role played by the Media Monitoring Group (MMG) advocated not only for the general principles and the codes and ethics applicable, but also the rights and the responsibilities of the media during the voter registration and the election processes. The MMG implementation by the NEC (National Electoral Commission) answered to the need for media monitoring, which was

raised in the past to help Somaliland media to enter into more modern aspects of the profession (SONSAF, 2010).

The code of conducts of Somaliland elections, in 2010 and 2012 , grantee the rights of the media during elections. Article 5 of Media code of conduct of 2012 grantees the following rights for the media during elections:

1. The Media should be provided with all the information concerning the election, such as the candidates, Parties/Organizations, voters, Polling Stations and election management staff.
2. It is important that the media acquires the public information.
3. The Media should find a safe environment conducive to research for and report free from threats and intimidation
4. The Media should be able to report the news and information concerning elections.
5. The Media should have the right to travel to the districts/regions they want in order to monitor elections.
6. All media should be treated fairly, whether it is governmental or independent media.
7. Government officials, political parties/organizations shall not interfere in the media work in order to influence the elections to their advantage.

According to Cohen-Almagor (2001), Democracy and free media live, breathe, and act under certain basic tenets of liberty and tolerance, from which they draw their strength and vitality, and by which they preserve their independence. The media are not under an obligation to remain impartial with regard to all concepts: some concepts may coexist with the principles of democracy while others contradict them completely.

On the other hand, the concept of 'rights' is understood in terms of a need that is perceived by those who demand it as legitimate and, therefore, the state has the responsibility to provide it for each and every citizen. Rights are primary moral entitlements for every human being. In this context one could differentiate between rights that guarantee certain goods and services, like the right to welfare and to health care, and rights that protect against certain harm or guarantee certain liberties, like the right to freedom of expression and to exercise choice (Ibid).

Media responsibility

According to the Somaliland election code of conduct article six, the code acknowledging the importance of the election and the role of the Media, the parties to this agreement shall assume the following responsibilities:

1. Shall present information concerning the elections as the campaign, the voting and post elections in a just and equitable manner

2. Shall have to present election campaign information in an equal, impartial and balanced way free from one side favoring

3. Shall have to ensure that media news and reports are based on factual and balanced information that does not favor any side whether they are news coverage or standing issues, interviews and panel discussions that could influence the voting public. Also the media shall refrain from providing an extra time or special opportunity that is irrelevant to an official whether currently in a position of power or else without portfolio.

4. Particular party appeals concerning the election shall not be broadcast or published during the day preceding the election, to provide the public a brief opportunity to think and decide independently without pressures or burdens exerted. To the extent possible, discussions about Individual candidates and party opinions and views shall be directly quoted instead of quoting others.

5. Individual candidates and parties have the right of response that shall be guaranteed/respected during the election campaign period.

6. Information and news concerning elections shall be confirmed, complete and balanced in every aspect to be influential and interesting reflecting how an event came about or what has happened.

7. Relevant and neutral words or language employed shall be without sensation, when covering elections. The technical words, statistics, news and report headlines used shall be carefully selected and their relevance ensured

The roles and responsibility of the media were not limited only to the above sub articles; the paper examined how the code of conduct has been exercised. However, the importance of media responsibility has already been highlighted and this is just one part of fulfilling that responsibility. Media professionals bear a heavy responsibility on neutrality, factual information and to avoid misleading the public.

Developing a code of ethics is only the first step towards effective media self-regulation. It is crucial to establish a body to supervise it and provide sanctions against those who break its rules (Baydar, 2008). Limitations should be placed on media coverage; freedom of speech is a fundamental right, an important anchor of democracy, but it should not be used in an uncontrolled manner. Unlimited liberty and unqualified tolerance might deteriorate into anarchy and lawlessness, and in such an atmosphere, democracy would find it quite difficult to function, and the media would be one of the first institutions to be undermined.

Media performance during election according to their conducts

The overall objective of the paper is assessing the media performance in terms of coverage, neutralism, and professionalism. According to SONSAF (2010), the constitution guarantees the freedom of the press as a fundamental right, and the importance of the media was recognized during the elections. Somaliland National Television and Radio Hargesia, in particular, were used to educate voters, enabling thousands of people to understand how votes are cast. In addition, on the basis of Article 18 of the media Code of Conduct, there was also the expectation that Somaliland media would allocate time fairly to political parties and associations, and that they would focus on monitoring election campaigns.

Media monitoring examines whether news coverage of the electoral candidates, government and political affairs is sufficient and free of bias, inaccuracies and other factors that can undermine genuine political choice on Election Day. The analysis also can examine the media's ability to criticize the actions and/or inaction of the government and the ruling political parties. In addition, it can address the ability of the media to operate independently. In some countries, media monitoring has also examined the presentation of voter and civic education through the media to determine
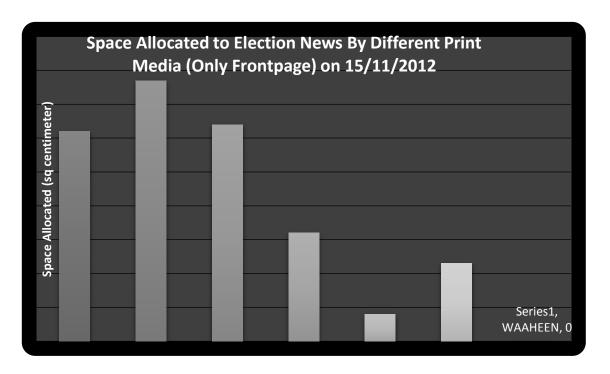
whether it is politically neutral and sufficient to address the population's need for information about the electoral process (NDI, 2002).

According to post election workshop organized and conducted by SONSAF, workshop participants raised conflicting opinions on the media's performance. Some of the participants argued that media code of conduct need to improve, but media representatives felt it was fair and objective, while participants in the post-election evaluation workshop felt that the media reverted to their clan allegiance and could have done more to lift the standard of campaign content. Another finding of note was that there was a division in media responses to the election, with traditional media journalists largely adhering to a media Code of Conduct, while online media and bloggers did not. Practitioners of non-traditional media forms were seen to be exacerbating clan-based politics, which led to a notable increase in tensions (Makokha and Ali, 2013).

On the other hand, the International Observation Mission (IEOM), to Somaliland local council election 2012 randomly selected the media prints and broadcasts on the 15th of November 2012 by analyzing the leading Journals published that particular day namely; DAWAN, JAMHUURIYA, GEESKA AFRIKA, SAXANSAXO, WAAHEEN, HAATUF & OGAAL. Only front page space and the order of items were analyzed; these newspapers were selected based on the breadth of their readership and geographical outreach (IEOM, 2012). The observation mission found in the finding that on November 15th the print media has differently covered the election issues. The aforementioned newspapers were famous in writing editorials, articles and news items on elections. SAXANSAXO, GEESKA AFRIKA, DAWAN and HAATUF devoted a large space to election news (Ibid).

The IEOM observed that UCID political party in general and its 2015 presidential candidate Jamal Ali Hussein received a negative and biased coverage from DAWAN, while KULMIYE enjoyed more favorable (very positive) coverage from DAWAN. GEESKA AFRIKA seemed to be negative with the ruling party of KULMIYE. WADANI, however, is covered with a positive coverage by both DAWAN and GEESKA AFRIKA. Other parties were not covered on that particular day where Jamal Ali (UCID Presidential Candidate accused JAMHURIYA Newspaper of being pro-

government (Ibid). Despite to that, the IEOM were ensuring the spaces allocated sq centimeter for political parties, political associations, as the following diagram illustrates

Source: (IEOM, 2012)

Similarly, the IEOM monitored broadcast media, which took place over three days 12th to 13th of November, 2012. The monitoring focused on the publicly-funded Radio Hargeisa, which was supposed to devote equitable time to political parties and associations on their respective campaign days. Radio Hargeisa devoted more time to non-election related news, with the campaign at its peak, with UCID and UMADDA suffering in particular on the days monitored. In contrast, KULMIYE and WADDANI were well covered on their campaign days (Ibid).

The Way Forward

The Media Code of Conduct contains a preamble, general principle, the rights and obligations of the press during the voter list display process, election and post-election time. It sets a benchmark for ethical standards, and protects the individual's and the public's right to know. The code of conduct became a binding commitment to all media houses and media professionals during elections.

Media code of conduct should be included social /online media to perform as the other traditional media by respecting the morals of the nation and the state, the citizens' basic rights, and the conceptions of good that guide society.

The capacity of media professionals should be enhanced to increase their role in civic and voter education and to be balanced, objective, and consistent to the election cycle; before, during, and after elections by keeping in mind basic principles of neutrality, impartiality, and professionalism.

The code of conduct should be duplicated to the daily lives of media during non election time that will enable all media members in Somaliland have a duty toward the rights of individuals and enjoy freedom of expression to maintain the highest professional standards.

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Paper Five: Freedom of Press and Democratization In Somaliland: Promises and Challenges

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Abstract

Since Somaliland declared its defacto independence from Somalia in 1991, it has made significant progresses towards democratization and consolidation of democratic institutions. What followed after demise of Barre's authoritarian regime was proliferation of the independent media in Somaliland, beginning with mimeographed newsletters in the major towns. Among other things, it has constitutionally guaranteed democratic rights and freedoms to its citizens including a commitment to freedom of press to promote democratic society. In this regard, the government of Somaliland has taken decisive measures necessary for the dissemination of information and diverse opinions. Moreover, the government also introduced press and media law in 2004 in order create a healthy environment for the media so as to boost awareness and participation of public by feeding them reliable information. In this connection, it played an important role in building democratic governance and political stability in Somaliland by making government and public officials transparent and accountable to the public. By and large, it can be argued that it has a direct impact on democratization process and political stability.

Recently, the government of Somaliland, however, has imposed legal and political sanctions on the media that would constrained its smooth operation and the functioning of democratic a society. It has been criticized for arbitrarily intimidating and detaining individual journalists and using different laws as a weapon to attack the press. Thus, Somaliland's existing media actors are few, representing only a narrow section of public opinion and reaching an equally narrow audience. This in turn has challenged the process of democratization and political liberalization in Somaliland. Although the government has been issuing laws that have been governing operation of the press, it has suffered from inconsistent implementation.

Therefore, this paper argues that there is a need for further legal, policy and institutional reforms in order consolidate democratization and free press to take root. This is because freedom of press plays

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a decisive role in creating a vibrant democratic society by informing the public of matters of public interest and serving as the watchdog of government.

Key words: Freedom of press, freedom of expression, freedom of information, democratization, political liberalization.

1. INTRODUCTION

Somaliland is one of the few secure and democratic territories in the Horn of Africa.[33] It is a self-proclaimed "independent" and "sovereign" state which has a recent history of state formation in Africa. Its establishment traced back to the demise of the dictatorial Siad Barre regime in Somalia in 1991. Following the collapse of the central government, the Somali National Movement (SNM) unilaterally declared the creation of the Republic of Somaliland on May 18, 1991 by making Hargeisa its administrative capital[34] but its separation from the larger Somalia has never gained international recognition.

The establishment of Somaliland, however, had not been without violence and civil war. There had been a prolonged civil war among the various clans groups in Somalia due to lack of consensus over the power sharing formula and the modalities of governance to be put in place to reinstall the central government.[35]

However, the civil war in Somaliland was ended through national reconciliation conference between October 1996 and February 1997.[36] Thus, Somaliland has followed a very different

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[33] See Chatham House. (2009). Somaliland: Democracy Threatened, Constitutional Impasse as Presidential Elections are postponed. Briefing Note

[34] See Kinfe Abraham. (2006*). 'The Horn of Africa: Conflicts and Conflict Mediation in the Greater Horn of Africa',* Addis Ababa: EIIPD and HADAD.

[35] See Thazbhaz, Iqbal. (2003). 'Somaliland: Africa's best Kept Secret, A Challenge to the International Community?' *African Security Review, Vol.* 12(4). See also Ahmed, I. Ismail and Reginald Herbold Green, (1999), 'The Heritage of War and State Collapse in Somalia and Somaliland: Local level Effects, International Intervention and Reconstruction', *Third World Quarterly*, Vol. 20(1), PP.113-127.

[36] See Memar Ayalew. (2012). *The Role of Regional Organizations in Conflict Transformation in Africa: The Case of IGAD's Mediation Efforts in Somalia*, LAP LAMBERT Academic Publishing, Germany, 2012. It can be accessed through the following address: http://www.amazon.com/Role-Regional-Organizations-Conflict. Somaliland was on the verge of another civil strife in 2002 as tensions mounted between President Egal, and clan sultans. Although the conflict was averted through the mediation efforts of religious, political and civil society leaders, its legacy has resulted another phase of civil war with the Regional State of Puntland. In October 2007, Somaliland and Puntland were engaged in

historical trajectory from South- central Somalia and provided relative peace and stability to the Northern part of Somalia.

In a situation of protracted civil war which lasted for two decades in Somalia, Somaliland has able to build a progressive democratic society which passed peaceful political transition through democratic elections. [37] In this regard, it had its first test of democracy in May 2001 when an internationally observed referendum confirmed its wishes to remain apart from Somalia and approved a new constitution.[38] The constitution provided for an executive branch of government, consisting of a directly elected president and vice president and appointed ministers; a bicameral legislature, with an elected house of representatives and an upper chamber of elders, the guurti; and an independent judiciary.[39]

Somaliland has announced its commitment to constitutional multi-party democracy by promulgating its first democratic constitution in 2001 which was approved by an overwhelming majority of the population in a national plebiscite, sought to minimize clannism and entrench consensus- based decision making by limiting the number of political parties into three.[40]

The constitution of Somaliland also introduced legal provisions to protection to the press and operation freely and independently without government restrictions. As far as freedom of press is concerned, Article 32 sub article 1 and 3 of the constitution states that "Every citizen shall have the freedom, in accordance with the law, to express his opinion orally, visually, artistically, or in

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armed conflict over the disputed region of eastern Sanaag and Sool, which have been occupied by Puntland forces since 2003 (Shinn, 2002). Territorial rivalry and the continued experience of armed conflict have probably contributed to the government of Somaliland's strong opposition to the Transitional Federal Government (TFG). Many observers argued that Somaliland's decision not to participate in various peacemaking processes due to its persistent rejection of the TFG as well as its continuous involvement in armed clash with Puntland and al-Ittihad forces further complicated the civil war and dismissed the opportunity to bring durable peace and stability in Somalia. In fact, its contribution in maintaining durable peace and stability in the Northern part of Somalia has obtained regional and international acceptance.

[37] See Jhazbhay, Iqbal. (2003). 'Somaliland: Africa's best kept secret: A challenge to the international Community', *African Security Review*, No. 12 (4). P. 4

[38] Ibid.

[39] See The Constitution of the Republic of Somaliland. (2001).

[40] See Kaplan, Seth. (2008). 'The remarkable Story of Somaliland', *The Journal of Democracy*. He argued that Somaliland's democracy has repeatedly surprised outsiders with its robustness. When, in May 2002, president Egal died abroad, power was smoothly passed to Vic-President Dahir Riyale Kahin, even though Riyale is from the small Gadabursi clan and had fought for Siad Barre against the Isaaq. The April 2003 presidentail poll was possibly the closest ever fought in Africa, with Riyale winning by only slimmest of margins- just eighty votes out of almost half a million ballots.

writing or in any other way. The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation".[41] Somaliland has also conducted democratic and competitive elections which have gained international approval and recognition as free, faire and credible elections. This made its democratic experience unique in the Horn region where post- election violence and political crisis is common and seems the rules of the game. By and large, Somaliland has travelled far a long path to democracy although there are quite a lot of political, legal and institutional constraints to its free press and democratization process.

2. CONCEPTUALIZING PRESS FREEDOM

The notion of press freedom has passed through various historical trajectories and thus, the concept has been never achieved a universal consensus both in theory and practices. In this regard, Copeland stated that "the notion of freedom of the press and speech has never attained a universal consensus that a pair is a right for all".[42] The other issue which has been one of the bones of contentions among scholars in defining freedom of press is that the extent to which medias are free from government restrictions in gathering and disseminating information to the public.[43] Many scholars, however, associated the idea of freedom of press with fundamental human rights and freedom that foments the dissemination of ideas, opinions and information. Let us see some of the definitions of the concept of press freedom forwarded by various scholars for the sake of understanding its underpinning elements. It is commendable to recognize that their understanding of the concept has been drastically influenced by the socio-political context in which they generated their definitions.

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[41] See The Constitution of the Republic of Somaliland. (2001).

[42] See Copeland. (2006). He emphasized that the development of free speech is owed to the religious dissenters in the 16th and 17th century Freedom of press rested more with the news sheets than with the pamphleteers who fought for liberty of conscience and religious tolerance.

[43] See Van Belle. (200). He studied the situation of global press and created different categories to indicate levels of press freedom. These are: 0. Press non-existence or too limited to code.1. Free: press is clearly free and the news media is capable of function as an arena of political competition. 2. Imperfectly free: press freedom id compromised by corruption or unofficial influence, but news media is capable if functioning as an arena of political competition. 3. Restricted: the press is not directly controlled by the government, but is not capable of functioning as an arena of political competition. 4. Controlled: the press is directly controlled by the government or so strictly censored that it is effectively controlled. Examples: China, North Korea and Eritrea.

According to Weaver,[44] freedom of press is the relative absence of government restrictions on the media; the relative absence of governmental and other restrictions on the media; the absence of restrictions on the media and also the presence of those conditions necessary for the dissemination of diverse opinions and ideas to a relatively large audience such as enforces right of access to news papers and radio stations. Although he emphasized on the absence of governmental restrictions in defining press freedom, he failed to indicate the necessary conditions essential for the functioning of the media and restrictions outside of governmental institutions.

Merrill[45] had contested Weaver's conception of press freedom and tried to equate "Press freedom" with 'Press autonomy" which means freedom from outside control in the professional activities of the news media.

Nixon came up with a broader elucidation of press freedom after conducting a cross- national study in 1960. He argued that a free press system is one in which private owners and independent journalists are free to supply news and opinions to the general public under the status of libel and decency which are applicable to everyone and not capable of arbitrary and discriminatory interpretation by the ruling power. [46] Nixon underlines the idea that the major criterion is the degree of control normally exercised by any official agency which has the power to interpret with the dissemination and discussion of opinions and information in the press.

However, Nixon was criticized by Lowenstien for not specific in his definition. In Lowenstien understanding, a completely free press is one in which newspapers; periodicals, news agencies, books, radio and television have absolute independence and critical ability, except from minimal libel and obscenity laws.[47]

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[44] See Wever, D.H.. (1977). 'The Press and Government Restrictions: A Cross Cultural Study over Time', *Gazette*, No. 23 p.152.
[45] See Merrill, J.C. (1974). *The Imperatives of Freedom*, New York, Hastings House. He said that maximum journalistic autonomy is the imperatives of journalism and the dissemination of information to the general public.
[46] See Nixon, R.B. (1960). 'Factors Related to Freedom in National Press System', *Journalism Quarterly*, No. 37 PP13-28.
[47] See Lewenstein, R. (1966). *Measuring World Press Freedom*, School of Journalism, University of Missouri, Colombia. He also made a distinction between a completely free and controlled press. According to him a complete free press is has no concentrated ownership, marginal economic units or organized self regulation. A completely controlled press is one with no independence or critical ability. Under it newspapers, periodicals, books, news agencies, radio and

Still other scholars like Atkey attempted to define press freedom arguing that freedom of press is the absence of prior government censorship, and following publication no prosecution for free expression other than on widely accepted principle of the general law of jurisprudence, and the guarantee of non- interference with lawful circulation. Wei also stated that press freedom is the prohibition of government interference with the press in the form of censorship and similar previous restraints and the principle that any restrictions on the press freedom must be applied or subject to review by the courts alone have the right to impose penalties.[48] Some scholars have expanded the definition of freedom of press and related it with the fundamental human rights and freedoms. In this connection, Emerson emphasized that there is a link between press freedom and democracy [basic human rights and freedoms], and noted that "suppression of belief, opinion and expression is an affront to the dignity of man, a negotiation of man's essential nature".[49]

International conventions and agreements such as the Universal Declaration of Human Right (UDHR) also recognized press freedom and expressions as fundamental human liberty. Article 19 of the UDHR, for instance, states that "Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"[50] The African Commission on Human and Peoples' Right under the Declaration of Principles on Freedom of Expression also considered freedom of press and expression as a cornerstone of democracy and a means of ensuring the respect of human rights and freedoms. To mention, Part 1, Article 1 and 2 of the Declaration noted that "Freedom of expression and information, including the right to seek,

television are completely controlled directly or indirectly by the government, self regulatory bodies or concentrated ownership.

[48] See Wei, M.T.K. (1970). 'Freedom of Information as an International Problem' in H. Fischer and Merrill, J.C.(Eds), *International and Intercultural Communications*, New York, Hastings House Publishers.

[49] See Emerson, T. I. (1963). 'Towards a General Theory of the First Amendment', *Yale Law Journal*, PP. 877-950. Emerson further goes to say that there is a strong relationship between freedom of press and democracy in that freedom of expression is a key to provide participation in decision making by all members of society. This is particularly significant for political decision. Once one accept the premise of the Declaration of Independence that governments "derived their just powers from the consent of the governed"-it follows that governed must, in order to exercise their right of consent, have full freedom of expression both in forming the individual judgments and in forming the common judgment.

[50] See Universal Declaration of Human Rights. (1948). Besides the UDHR, the guarantee of freedom of expression and information is also recognized as a basic human rights and freedoms in the African charter of Human and Peoples' Rights, the International Covent on Civil and Political rights, the European Convention on Human Rights, the American Convention on Human Rights and other international legal instruments.

receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is fundamental and inalienable human rights and an indispensible component of democracy. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination". [51]

In a nutshell, press freedom has been recognized as fundamental element of human right and a founding block of democratization process by the international community. Hence, various countries have included in their respective constitutions in recognition of its importance for human freedom and liberty. Freedom of the press, therefore, is essential not only for the protection of human rights but also to nurture democratic values which allows the participation of citizens in their own affairs.

3. FREEDOM OF PRESS IN AFRICA

Press freedom has been a major particular demand in the movement of democratization in Africa since the late 1960s. It was also imposed as political demand by Western donor countries as conditionality of their economic assistance. The greatest international pressure for freedom of media in Africa has come from the United Nations. In 1991, a UNESCO conference on the media pluralism and press freedom in Africa produced the Windhoek Declaration[52] on Promoting an Independent and Pluralistic African Press.[53]This was adopted by African governments at a time when the movement for democratization was at its height. In majority of African countries who achieved a successful political transition from authoritarianism rule to democratic governance in the 1990s, the task of establishing a free and democratic press for human development and political

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[51] See African Commission on Human and Peoples' Rights: Declaration of Principles on Freedom of Expression in Africa, 2002.
[52] Windhoek Declaration states that despite the positive developments in some countries, in many journalists, editors and publishers are victims of repression- they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing system which prohibit the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries ans across national borders.
[53] See Karikari, Kwame. (2004). 'Press Freedom in Africa: Challenges and Opportunities', *New Economy*.

liberalization was quite enormous. [54] Such huge tasks need the thinking of restructuring of the existing political, economic and social relations of citizens.

It largely believed that effective political transition to democratic governance opens up the political space where state controlled media to be transferred to private ownership, diffuse access, and reduce official censorship and government control of information. The public thereby receives greater exposure to a wide array of opinions and ideas through which access to multiple radio and TV channels, as well as the diffusion of new technologies such as internet and mobile telephones.[55] Although progress has been achieved in the expansion of independent media and free press in Africa, significant challenges are still remain to be addressed. In most African countries, there is a need for further policy, legal and institutional reforms entrench the commitment to free press and prevention government interference.

4. FREE PRESS AND DEMOCRATIZATION: THE SOMALILAND CONTEXT

Freedom of press lies at the heart of democracy. A long tradition of liberal theorists from Milton through Lock and Madison to John Stuart Mill have concluded that the presence of an unfettered and independent media within each nation is essential in the process of democratization. This is because it contributes towards the development of freedom of expression, thought and conscience; strengthen the responsiveness and accountability of government to all citizens, and provides a pluralist platform and channel of political expression for a multiplicity groups and interests.[56] Particularly, in a post- authoritarian state like Somaliland, free press plays a key role not only in building a democratic society but also in consolidating democratic institutions deep into the society as being a catalyst of the process. Its role in building democratic governance by nurturing key democratic values such as rule of law, accountability and transparency is no longer the issue of debate. Free press also plays a significant role in creating an environment where everyone is induced to mobilize his/her energies and resources to the fullest extent in the interest of the public.

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[54] See M'Bayo, Ritchard, Cosmas Nwokeafor…etal. (1995). 'Press Freedom and the Imperatives of Democracy: Towards Sustainable Development', *Africa Media Review*, No. 7, p.30.
[55] See Norris, Pippa. (2007). 'The Role of the Press in Promoting Democratization, Good Governance and Human Development', in *Driving Democracy: Do Power-Sharing Institutions Work?* Cambridge University Press, New York.
[56] See Sen, Amartya. (1999). *Development as Freedom,* New York, Anchor Books.

The dissemination of information through various Medias ranging from electronic to printing media can significantly shape people's perception and the function of a democratic society. Thomas Hobbes and John Lock argued that the promotion of self government and press freedom serves as "paramount in making sure that those chosen by the body politic knew the will of the people to keep government on the proper course". [57] In other words, it enables the people to know the policies of government and control from exercising power arbitrarily. Many observers agreed that a free press is not just valuable for democratic governance but the ultimate claim is that this process is also crucial for human development.

Amartya Sen argued that political freedom is strongly connected to improved economic outcomes. He goes to say that free press enhances the voice of the poor and generate more informed choice about economic demands.[58] Therefore, the existence of liberal media landscapes are considered as a viable tool that buttress democratization and good governance directly and human development indirectly by encouraging public participation in the generation of wisdom and wealth. Access to information is essential to the functioning of a healthy democracy at least for two main reasons.[59] Firstly, it ensures that citizens make responsible, informed choices rather than acting out of ignorance or misinformation. Secondly, information serves as "Checking function" by ensuring that elected representatives uphold their promises of office and carry out their needs of those who elected them.

Since Somaliland declared its defacto independence from Somalia in 1991 which was followed by democratization and liberalization of political institutions, independent media has emerged and grown considerably.[60] This was because the government of Somaliland has taken decisive measures necessary for the dissemination of information and diverse opinions to the public. Besides, it introduced democratic reforms that facilitate the environment for the press to function without government intervention. Among other things, the constitution which was promulgated in 2001 provides legal protection for the media. For instance, Article 32 (3) of the constitution states that

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[57]See John Lock. (2008). *Second treaties of Government,* edited by Jonathan Bennett. See also Thomas Hobbes. (1640). *The Politics of Law of Nature and Politics.*
[58] See Sen, Amartya. (1999). *Development as Freedom,* New York, Anchor Books.
[59] Ibid.
[60] See Media Sustainability Index. (2012). Somaliland at a Glance, pp. 324-331.

"The press and other media are part of the fundamental freedom of expression and are independent. All acts to subjugate them are prohibited." In addition, the government also put the press and media law in place in 2004 in order create a healthy environment for the media so as to boost awareness and participation of public by feeding them reliable information.

Although the government allowed the proliferation of the media since 1991; the course of action and conduct aimed at denying the establishment and operationalisation privately owned Radio Stations despite formal assurances by constitution and press law.[61] Journalists are operating in a very frustrating and difficult environment that undermines both professional journalism and press freedom.[62] According to the Annual Press Freedom Report in 2012, the Somaliland government has been attacking the media and narrowing the space that deteriorated the capacity of the press by applying political, legal and institutional measures. For example, the broadcast media has shown less growth due to governments' political constraints and licensing restrictions. It is obvious that even the "one single state controlled station-Radio Hargeisa- operating officially under strict Government guidelines. State radio programs are often checked before they go live and if there are many negative things about the government they are removed"[63] Somaliland state controlled media has been used as a means to consolidate political power and lunch propaganda project by the government in order to purchase international support and legitimacy as a democratic and progressive government.

5. PROMISES

It is widely believed that the existence of free press and media promotes not only the respect of human rights but also improved the structure and practice of democratic governance which contribute to political stability and development of any country. Free press supports democratic system of free elections, political freedom, minority rights, representative government and an independent judiciary. Freedom press means absence of internal and external constraints, it is

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[61]see V. Hohno, Markus. (2008). "Newspapers in Hargeisa: Freedom of Speech in Post-Conflict Somaliland', *Afrika Spectrum,* No. 43, pp 91-113

[62] See BBC-World Service Trust, policy briefing. (2011). *The Media of Somalia: A Force for Moderation: No. 4 , P.6*

[63] See V. Hohno, Markus. (2008). 'Newspapers in Hargeisa: Freedom of Speech in Post-Conflict Somaliland', *Afrika Spectrum*, No. 43, pp 91-113

assumed that free press can operate unfettered at least until they collide with individual rights. Therefore, democracy and free press coexist and support each other through a process of negotiation aimed at developing a consensus about the public interest.[64]

The press in Somaliland has been playing a constructive role in creating political stability as being a dynamic force in the democratization process since the government constitutionally expressed its commitment to protect the free operation of the press. The constitution clearly mentions provisions which guarantee and protect the media from unnecessary and politically motivated internal and external intervention to enable the press to function freely and provide the public with a wide array of opinions. The other legal framework which has been playing an instrumental role for the proliferation of both electronic and printing media in Somaliland was the 2004 media and press law. Article 3 (a) and (b) of the press and media law states that "No restraints can be imposed on the Press. Any acts can be constructed as mounting to censorship are prohibited". Though journalists have been expressing their concern about the interpretation and application of some concepts the law, its role in opening the space for the media is enormous.

The print media has been contributing to nation building, democratization, and political stabilization of the country in a very difficult situation where the government has been imposing political, legal and institutional restraints. The press has clearly provided a forum for controversial discussions between the government and opposition political parties. It contributed a lot in the consolidation of democratic governance by making the public to participate in local affairs. It should be recognized that the press has been serving the public as a major source of information and helped them make informed decisions during parliamentary and presidential elections. They reported very sensitive political debates to the public and thus contributed to critical reflection on the part of many citizens about their country and its positions in the wider region.[65] Some media try to promote peace building and nation building being targeted by the any of the warring parties. In fact, some media have been working to polarize the society across clan lines by fueling clan based conflict.[66]

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[64] See Freedom Forum. (1995). 'Media and Democracy', *Media Studies Journal*, Freedom Forum, summer 995.
[65] See V. Hohno, Markus. (2008). 'Newspapers in Hargeisa: Freedom of Speech in Post-Conflict Somaliland', *Afrika Spectrum*, No. 43, pp 91-113.
[66] Ibid.

Generally, the media has a lot to play in the development and building of democratic society in Somaliland as long as the government is committed to respect the constitutional provisions and the press law. It has been contributing immensely in an effort to build democratic governance and political stability by making government and public officials transparent and accountable to the public. By and large, it can be argued that it has a direct impact on democratization process and political stability. Democratic society needs a free and vibrant media able to investigate freely and without fear, report, question, and denounce.

6. CHALLENGES

Withstanding its admirable achievements in liberalizing the political landscape to the press and other forces of democratization, a number of issues still remained challenging the media. Many observers argued that the media in Somaliland has been directly and/or indirectly controlled and manipulated to serve the interest of those in power. As a result, Diaspora owned web based media has been instigating violence and clan based conflicts which are destroying the growing democracy of the country.

The government Somaliland has been attacking freedom of press and expression using political and legal instruments. It has been criticized for intimidating, arresting, and detaining journalists for political reasons without legal procedures. It prohibited the press from accessing information from authorities against the constitution and the press law. Recently, the National Union of Somali Journalists (NUSOJ) reported that it is very difficult to get information from government authorities and ministers because they are not willing to give information to journalists whom they accuse of being critical or more independent. [67] It also mentioned that "some politicians in Somaliland were also reported of hiring thugs to attack and beat journalists" [68] for reporting government corruption. Somaliland's long experience of dictatorship has engendered public resentment of government control and deep-seated mistrust of "official" information and propaganda. The liberation struggle has served to establish freedom of expression as a fundamental right, beyond the prerogative of

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[67] See A Report NUSOJ. (2009). A Report on Somali: Media Freedom Kept within Bounds.
[68] Ibid. P. 5

government to permit or deny. Together, these experiences have left competing legacies of propaganda, dictatorial control, manipulation of information, and self-censorship.[69]

The report further states that " January 2012, Somaliland police stormed the main headquarter of Horn Cable TV in the capital Haargeisa and arrested 21 journalists after journalists organized a peaceful demonstration in front of the Somaliland State House. The presidential guard attacked protesters, beating up and arresting journalists who were mostly working for Horn Cable TV. Police also hunted down other journalists who took part in the protest and arrested journalists and media practitioners at their homes."[70] This can clearly reveals that the government is demolishing the free press by violating the constitutional order and the press law. In this connection, the CPJ report indicated that "Somaliland authorities are ignoring their own legal system to censor, whether it is arbitrary detention of journalists or, in this case, an arbitrary suspension order".[71] Journalists are often arrested and accused of inciting violence for reporting clan land related disputes.[72]

Apart from government restrictions, lack of journalist's professional competence and objective reporting is the other challenge facing the press in Somaliland. They have been intimidated, arrested, tortured and detained partly because of their incompetent professional skills. Above all, there is a perception that Somaliland's journalists often fail to provide balanced coverage of issues, with one-sided or opinion-based pieces are far more prevalent than objective reporting. [73]They do not often engage in field reports to provide different perspectives to the public on issues or perform minimal-fact checking. This is to say that they often depend on biased sources which are one-sided and not based on concert information. Reports and news based in unreliable and single sources may trigger political tension and violent conflicts. Therefore, there is a need to invest in short and long term training and capacity building of journalists so as they will improve their professional skills.

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[69] See Academy for Peace and Development. (2002). A Draft Document on the Role of Media in Political Reconstruction, Hargeisa, Somaliland.
[70] See A Report by the National Union of Somali Journalists (NUSOJ). (2012). Annual Press Freedom Report 2012.
[71] See CPJ Report, Attacks on the Press in 2013, P.43.
[72] Ibid.
[73] See BBC-World Service Trust, policy briefing. *(2011). The Media of Somalia: A Force for Moderation: No.4 , P. 6*

7. CONCLUSION

Somaliland declared its defacto independence from Somalia in 1991 after liberating itself from the dictatorial regime of Said Barre. Since then it has made a significant progresses towards democratization and consolidation of democratic institutions. It introduced the first constitution in 2001. It constitutionally guaranteed democratic rights and freedoms to its citizens including a commitment to freedom of press in its effort to build democratic society. Consequently, it resulted in the proliferation of the free and independent media. Moreover, the government introduced the press and media law in 2004 in order creates a healthy environment for the media so as to boost awareness and participation of public by feeding them reliable information.

Contrary to these democratic developments, the government has been interfering arbitrarily with politically motivated decisions which obstructed the dissemination of information and opinions to the public. Journalists have also been intimidated, arrested and detained by the government officials without legal procedures. It has been taking measures which degrade the rights and freedom and the function of the press. The press in Somaliland is operating in a very hostile environment which hinders its constructive role in the development and democratization of the country. Therefore, Somaliland's existing media actors are few, representing only a narrow section of public opinion and reaching an equally narrow audience. This in turn has challenged the process of democratization and political liberalization.

Although the government issued laws that have been regulating the operation of the press, it has suffered from inconsistent implementation. Thus, laws and regulations should be implementation consistently to ensure the deepening of democratization processes and rule of law. There is also a need to achieve consensus on the interpretation and application of concepts related to the media and press law. In addition, an independent body should be established in order to regulate and license the broadcast sector, rather than leaving this important and sensitive matter up to a government ministry. Generally, the government of Somaliland should introduce more legal, policy and institutional reforms in order consolidate democratization and free press to take root. This is because freedom press plays a decisive role in creating a vibrant democratic society by informing the public of matters of public interest and serving as the watchdog of government.

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PART TWO

ELECTIONS AND AID POLICY

Paper Six: A Critique of UNSOM'S Approach to Somaliland: Politicizing Aid & Development Assistance

By Deqa Osman

Abstract

This paper presents a diagnosis of the United Nations assistance mission in somalia (UNSOM) due to come into effect june 3rd 2013 and responds to it with a clear delineation of its potential impact on Somaliland's development needs and priorities. The integrated mission is firstly situated in a political context to help divulge its implications on diplomatic relations between Somaliland, Somalia and the un as well its impact on humanitarian operations. This is followed by a set of instructions of possible ways of engagement with Somaliland to assist its own development trajectory which essentially provides a 'one-door-to knock-on' approach for the international community. The question Somaliland is posing to the international community is; why fix something that is not broken? In other words there is a working aid and development framework between Somaliland and the international community which has matured and taken its own roots within the Somaliland context. Further, Somaliland government has engaged in developing the capacity of its institutions to ensure aid effectiveness as well as providing a favourable environment for positive donor-recipient relationship to flourish, hence lending support to the idea that Somaliland does not require a system built from scratch.

Context

Somaliland has remained a de facto state without juridical recognition since 18 May 1991 following a civil war with Somalia (1988-1991). Despite this legal ambiguity, the government of Somaliland with the international community and other regional actors has managed to develop and engage within the past two decades a workable aid system surrounded by formal agreements and negotiations. The type of aid given to Somaliland is of a stabilisation nature thus focused on humanitarian and development areas. The small portion of aid that Somaliland receives is not controlled by government nor does it appear in its budget as it is directly administered by local NGOs and aid agencies. (War-Torn Societies Project, 2005:96). With this kind of assistance

Somaliland has managed to reach a level of development and stability hailed by the international community in an area usually characterised by conflict and governance crisis, thus making its achievements stand out in even greater contrast (ICG, 2003: 1).

At the heart of the UN Assistance Mission in Somalia (UNSOM) is an objective to integrate and coordinate all the UN's humanitarian and political operations in Somalia which includes Somaliland. This is apparently to help with operational capacities or as stated by the Somalia Ambassador to the UN to enable the international community to have 'one door to knock on.' [74] The integrated mission will be led by a Special Representative of the Secretary-General, with a deputy Special Representative (and a second deputy as of January 2014), and will also be backed by a Director of Mission Support/Director UN Support Office for AMISOM (UNSOA).[75] Given the current political and humanitarian priorities present in Somalia which are in no way comparable to Somaliland's development situation, it is argued that this system of integration is rather dismissive and insensitive vis-à-vis the needs of the people of Somaliland. This can be exemplified by the results of a recent technical assessment mission to Somalia, deployed from 17 to 29 March which has supposedly found strong support for the mission in all areas.[76] During the meeting with the Technical Assistant Mission of the UN, Somaliland civil society actors made clear their views of the new integrated system, yet the 2012 Strategic Review does not reflect these in any shape or form, hence illustrating a blatant disregard of Somaliland position with regards to the new system. Also, omission of Somaliland's position from the review underestimates the positive benefits Somaliland can bring for Somalia in terms of contributing its own experiences of achieving peace and positive state-building.

Further, it talks of the strong political will of Mogadishu government to rebuild the 'country' and provide an enabling security environment for such a mission but not of the official position of the government of Somaliland. The changes within the UN cooperative and stable relationship the government and UN agencies operating in the country share as was recently stated by the

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[74] http://reliefweb.int/report/somalia/briefing-uns-integrated-mission-somalia
[75] http://www.securitycouncilreport.org/monthly-forecast/2013-05/somalia_7.php
[76] http://www.un.org/News/Press/docs/2013/sc10944.doc.htm

Somaliland Minister of Foreign Affairs. The minister urged the UN to respect the working protocols which exists between them.[77]

Situating UNSOM's Approach in a Political Context

As an external actor the UN has occupied a longstanding role in the Somali narrative over the past decades. An inescapable fact is the contribution of its humanitarian agenda and operations in helping countless Somalis to escape harrowing ends during periods of prolonged famine, drought and civil war. Having said this, there has always been a difference in the UN's engagement in Somaliland and Somalia and its response. In Somalia, due to the breakdown of the central state, UN interventions were more of care taker role which encompassed military, political and humanitarian issues. On the other hand, UN and other aid agencies in Somaliland were 'hosted' by budding government structures based on traditional elements and a nascent civil society. Over the period, the UN literally witnessed with its contributions, Somaliland pick itself up from a state of rubble to a stable and functioning level. Ironically, to the extent that it became a safe haven for the UN to be able to operate and coordinate its efforts to South Central Somalia. This initial milieu has shaped the nature of aid and development assistance given to Somaliland by the UN.

The UN is and *should* remain an essentially humanitarian organisation and with UNSOM it runs the huge risk of delegitimizing its humanitarian principles as well as those of other International Non-Governmental Organisations operating in Somaliland. Those working in the humanitarian sector have echoed this concern of integrating political and military operations with the humanitarian ones. "By requiring UN humanitarian coordination to fall under the political mandate of the new UN peace-building mission in Somalia, the neutrality, impartiality and independence of humanitarian action will be compromised." [78] Potential challenges and confrontations due to the politicisation of aid and development assistance may breed an environment which challenges especially humanitarian actors to fulfil their required operations.

To further understand the political context and the implications of UNSOM in this regard, the recent talks between the Somalia and Somaliland government need to be mentioned. The two sides have

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[77] http://www.haatuf.net/2012files/5990.html in Somali
[78] http://reliefweb.int/report/somalia/briefing-uns-integrated-mission-somalia

agreed to avoid language or acts which may inflame their dialogue and cooperation. [79] Surely calling for a system of integration which harmonises the political and humanitarian issues of Somalia and Somaliland into a single mission is rather divisive and contentious given that the latter has remained explicit in its political ambitions to gain recognition as a separate state.[80] Somaliland's position about its independence coupled with the implications of the United Nations Assistance Mission in Somalia (UNSOM) forebodes a political future characterised by tension and perhaps even conflict between the two entities. Understandably there is much distrust and suspicion about what an integrated system which is under the authority and guidance of government institutions in Mogadishu could mean for Somaliland's destiny and its people. There are reasonable apprehensions about the role political interests will play in deciding the allocation and distribution of aid and development assistance for Somaliland.

Why Fix Something that is not Broken?

The country began its recovery from the ruins of the civil war with no revenue, no financial institutions, no social services and no direct international support (Bradbury, 2008: 77). By 2006 Somaliland could boast a popularly elected government and a political system with democratic credentials to rival any in the region and most Muslim states (ibid: 1). Somaliland has become the subject of praise for its self-help attitude and the reconstruction it undertook from the rubble without recognition. However, it seems that with UNSOM, these are proving to be mere pageantry rhetoric than anything else. With this system of integration, Somaliland is effectively been told its arduous effort in dragging itself into a state where it functions and resembles its internationally recognised neighbours has all been in vain. Such blatant dismissal gives rise to suggestions that 'Somaliland' was merely a stepping stone towards the revival of Mogadishu state.

A 'Single Door to Knock on' for Somaliland

The debate surrounding donor-recipient relations characterised by lack of equality and balanced consultation has found its centre of gravity in Sub-Saharan Africa. Recipient countries are often criticised for not bringing something to the table when it comes to contributing to the achievements

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[79] http://www.mfa.gov.tr/ankara-communique-_-between-somali-and-somaliland_-13-april-2013.en.mfa
[80] http://www.guardian.co.uk/commentisfree/2013/may/07/london-somalia-conference-somaliland

of core developmental objectives of the international aid system, and instead relying or waiting upon the prescriptions of donors. Some have even suggested support of their backwardness has often been welcomed and exploited by the representatives of the developing world or recipients of aid (Bauer, 1981: 61). This has helped bring forth an international norm in which financial and technical aid or debt relief has become a legal *and* moral obligation (Jackson, 1990: 111), leading Third World countries to advertise their poverty and demand the international community's assistance (ibid).

The aforementioned points have led to calls that "... African countries... need to more precisely define what external assistance they require, based on clearly defined national goals and an exhaustive mobilization of national capacities and resources…" (Mkandawire and Soludo, 1999: 121)

Arguably, Somaliland has managed, through its national development plan (NDP)[81], to define explicitly what external assistance it requires from the international community and other key stakeholders both domestic and international. This plan reflects a great deal and aligns its objective with those of the Millennium Development Goals (MDGs). This national plan can essentially serve as the 'single door to knock on' for donors when it comes to Somaliland. The international aid and development actors can play a key role in an already defined and targeted framework, rather than take on the typical 'caretaker' role in the development of poor countries. The 'one- door- to- knock on' approach for Somaliland is supported by a vibrant civil society which has over the years successfully managed to forge an effective relationship between Somaliland and international donors and aid agencies.

A way for the international community to engage with Somaliland is through the recently approved Somaliland Development Fund[82] which is aligned with the National Development Plan and has no specific conditions attached to it therefore elevating principles of recipient ownership and sustainability. This can be built on if the international community is interested in supporting the needs of the people of Somaliland. "Donor contributions and their efforts, though welcome, often

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[81] http://slministryofplanning.org/
[82] http://projects.dfid.gov.uk/project.aspx?Project=202946

lack coordination and coherence, which results in an inability to properly address and fully satisfy the needs of the region on a long term basis."[83] The initiative can be expanded to enable more donors to contribute aside from DFID and DANIDA[84] and can serve as a national development fund which aims to bring into practise the grand proposals within the Somaliland National Development Plan. Somaliland's development plan provides a comprehensive breakdown of the key priorities and how the international community can assist them in their efforts. It does not need a system which is built from 'scratch' but rather assistance which complements and responds to the needs they have put forward. Moreover, the Somaliland government can play a more defined role in monitoring this improved and expanded aid and development assistance as it is being pooled in one basket. Currently there is a lot of confusion for the government in terms of understanding what international aid comes into the country, where it is spent and how due to weak government influence as a result of its legal status.

The Somaliland Business Fund (SBF) is already catering to the needs within the private sector through provision of funds for business ideas, a sector crucial for economic growth. The Business Fund is under the review of a Grants Advisory Panel (GAP) which consists of relevant ministries, civil society groups and universities. This approach is an innovative way of strengthening state-society relations and also diversifying the actors which can participate in the development of their society whilst addressing priority sectors. While Somaliland Business Fund is focused on the private sector, a collaborative and ample Somaliland Development Fund can assist with dealing with the needs which exist within the public sector by helping public institutions to become better deliverers of social services (through capacity building, financial resources etc). This model is still adhering to the existing aid and development modality established between Somaliland and the International community which is not political (direct/bilateral aid) but development focused. The international community can co-ordinate its assistance between the Somaliland Business Fund (Private sector) and Somaliland Development Fund (public and governance). These ultimately cover the national priorities and needs of the country and essentially feed into the National Development Plan created by the Ministry of Planning with the input of key stakeholders.

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[83] http://shuraako.org/sites/shuraako.org/files/casestudy-sdf-final-two.pdf
[84] Department for International Development and Danish International Development Agency.

Conclusion

The orthodox position of the UN can be appreciated with regards to Somaliland's legal status, but considerations of Somalia's territorial integrity risk concealing positive developments within Somaliland. Therefore, UNSOM's approach seems to be a way of derailing and disrupting established aid modalities between Somaliland and the international community which have proven to be effective. While Somaliland does not require a system built from scratch, but rather improvement on existing ones which it already has with the international community, the UN mission can be viewed as an initiative which lacks contextual understanding and respect for Somaliland's own achievements. By approving the new mission, the donors are catering to their own interests to create a more harmonised and uniform basket to contribute to, than the actual needs of the Somaliland people.

Through UNSOM the UN is engaged in instrumental behaviour generated by a logic of expected outcomes such as development, security, good governance etc in Somalia in the hope that that this would serve a preventative purpose i.e. migration, exported terrorism, piracy and so on as well as strategic purposed. In this thread, it seems that the new Mission for Somalia is generated in an environment in which the logics of consequences dominate the logics of appropriateness, for instance Somaliland and its people, and perhaps this can explain why core developmental objectives are often undermined within the aid system. Aid ought to be guided by appropriateness and the needs and priorities of the recipients; however, strategic calculations will ensure that humanitarian assistance will continue to be underwritten by political interests. Subsequently, relationships between donors and recipients within the aid system will remain an ambivalent factor with often contradictory and open-ended outcomes.

To conclude, Somaliland and the UN as well as other aid agencies have enjoyed a workable and stable relationship over the years in a small part of what is usually a volatile region. Therefore, it seems short-sighted to risk discarding a collaborative system of delivering development assistance to the people of Somaliland and delegitimize the UN's humanitarian principles. The latter should not create a situation which deepens the political impasse between Somaliland and Somalia resulting in an environment which does more harm than good for all sides.

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Paper Seven: Lessons from Somaliland 2nd Local Council Election: My Field Experience

By: Dr. Mohamed Fadal

The Context

This election had two equally heavy objectives: a) Election of the Local Councilors b) Qualification of National Political Parties

There was a lapse of nine years and seven months between the first Local Council election which took place in December 7, 2002 and this last one held on 28 November 2012. During the major part of that period, especially in 2007-2010, both the society and its Governments were wrestling with the realization of the second Presidential election and have by choice turned their attention away from the Local Council one in an attempt to circumvent the myriad of issues to address before it is accomplished. Having successfully crossed that first critical milestone of electing a President on 26 June 2010, the eyes of the nation turned to the long overdue Local Councils Election and with it the highly charged issue of whether the existing three national political parties had a monopoly to compete for national seats or the political space has to be opened for new political parties.

A decision was taken to open the political space and with that second milestone of Somaliland development was crossed when as a result of that decision, fifteen new Political Associations and the three existing political parties registered themselves with the newly formed Registration and Approval Committee (RAC). A third milestone was also successfully crossed when subsequent to RAC's pre-selection screening process, however imperfect it was, qualified seven political associations and the existing three political parties to compete in the second Local Council Election. However, down the road UDUB - the first ever party formed in Somaliland- and two of the new Political Associations dropped out of the race, leaving only a total of seven contestants in the local election: five political Associations – WADDANI, RAYS, XAQSOOR, UDHIS, DALSAN and the remaining two political parties – KULMIYE and UCID.

The fourth and most critical milestone was crossed when the election successfully took place on the 28th of November 2012 as a result of which a) The National Electoral Commission announced that three hundred and fifty three (353) councilors were elected   and b) the Registration and Approval Committee qualified three National Political Parties (KULMIYE, WADDANI and UCID) on 26 December 2012. The Somaliland population greeted the New Year 2013, with all these success stories in their record, but also heavily bruised from the struggle of the last two years to accomplish the herculean task of crossing all above milestone.

Every step of the above processes was to the infant Somaliland democratic process akin to moving mountains; and indeed with the unwavering will of the people, socio-political mountains were moved. In all the above crossed milestones, high stakes competitions were involved and as a result, some high profile political aspirants were not able to achieve their objectives and hence put up a stiff fight, but in the end got reconciled with the realities on the ground - the popular resolve not to be bogged down in the imperfections of the system and that reflected maturing of the Somaliland democratic system. Building a new state will always involve winners and losers in key junctures and especially when carving institutions and systems of elections.

To say few words on the level of resistance to change, first, the reigning three political parties put up a stiff fight against the opening of the political space in the public debate and ultimately at the Parliament floor, but eventually lost and accepted the outcome. Secondly, the Associations which were not qualified by the RAC in the pre-selection process also fought back through demonstrations and the use the legal channels, but eventually reconciled with its final decision. Thirdly, some of the Associations which did not make to become National Political Parties organized protest demonstrations which resulted in regrettable deaths. The hope though is that Somaliland's democratization process will go on and the society and government will sort out what went wrong in good time to achieve the requisite political reconciliation to move forward. In that backdrop, I would like further discuss some of the key challenges faced in the above process.

II. Challenges of the Election Process

1. Problems of Open list System

The first Local Council election was held using the closed party list system and therefore the candidates won seats according to the sequence of the candidate list of their parties/associations' counting from the top. However, in this second cycle of local elections, the Electoral Law was changed to make it an open list system. In the first case, the voters were voting for the party, which had control of how to prioritize its candidate positions. In the second cycle, the voters were voting directly for the candidates and the party role was only secondary, almost only a legal formality.

The open list system posed logistical as well as social challenges to National Electoral Commission (NEC) and also to other key stakeholders. In the open list system, each candidate should have his/her own space to mark on the ballot paper, which required a unique sign for voters to identify him/her. Following the experience of the parliamentary election, candidates and their voters expected to have on the ballot paper a photo of the candidate, his/her name and a unique logo for each candidate. However, considering the number of competing Parties and Associations, seven in total, and the number of local council candidates totaling (2411), designing a suitable ballot paper became a serious bottleneck. The design finally adopted by NEC produced an unusually large ballot paper which contained names of seven parties/associations and under each of these names were listed "numbers" assigned to each of their candidates. The ballot paper contained no candidate names, logos or personalized signs. Later on, public frustration with this system played a significant role in the post-election crisis and confusions.

The open list system has also facilitated the social and political fragmentation of the society. It in fact, contradicts the core objective and aims of Somaliland's limited multi-party system philosophy, which is to curtail further breeding of clan divisions through political fragmentation. That is why it is enshrined in the Somaliland Constitution that only three political parties may compete for any national-level election seats. In order to avoid a spiral of sub-clan competition, clan input in the institutional development of political process was allowed at grass root levels to form political associations, at the entry level of political party development process. Furthermore, the Local Council Election Law reinforced that philosophy by adopting the closed list system, where the

political parties were in control of the choice and prioritization of the candidacy list. The first Local Council election in 2005 was run through party lists. However, that wisely crafted system was replaced with the open list system during the preparation for the second Local Council elections.

The main result of the application of the open list system is that the candidates are selected by the clans and not by the political parties or associations. This led to the unprecedented fragmentation of the society into sub-sub-clans. Each denomination of a sub-clan decided to have its own candidate in as many of the seven political parties/associations fielding candidates as it can. Furthermore, the parties and associations on their part competed for voters and hence for candidates to fill their candidate quotas in all 23 electoral districts of Somaliland; for instance 25 seats in Maroodijeex, 21 seats in each of all other five electoral regions etc. The cumulative effect of the open list system was a deepening fragmentation of the sub-clans and hence the of the society in general, as well as the elevation of the political influence of the clan system over that of the political parties and associations.

2. Lack of Voter Registry

The first voter registration in Somaliland has been corrupted by multiple registrations of individuals and other fraudulent entries, which unfortunately were aided and abetted by all actors of Somaliland political spectrum including the existing political parties of the time, the government and above all the clan system. After repeated trials to clean it by international technicians and institutions which supplied the sophisticated biometric system failed, the data base was eventually discarded through a parliamentary ruling in 2011. Therefore, that set the stage for the Local Council elections to be held without a voter registration system in place. The choice was between further delays and uncertainty of the time span it will take to pursue the path of new voter registration or to get on with this Local Council Election without a voter registration. The latter choice was taken, by the Executive, the Legislature, the Political Parties, and the civil society and was also accepted by the public. The donor community was swayed by the solid ground support for the process.

It is, however, widely believed that the absence of voter registry facilitated the alleged irregularities of the Local Council Election. That may be the case, but most of earlier Somaliland elections were conducted without a Voter registry and still allegations of irregularities were not as widespread as

this last one. The good news is though, by law, the next election should be held with a voter registry system in place. The challenge now is how to avoid the pitfalls of the last discredited voter registration, which is recognized to have been the underlying cause of most of Somaliland's election woes in the years 2006 through 2010.

3. The Sool and Eastern Sanaag Factor

In the first Local Council election, most of the Dhulbahante and Warsangeli inhabited territories of Sool and eastern Sanaag regions were exempted from voting mainly due to security reasons. This time round though, that was not the case. While the reality was that the security situation was as tenuous as before, still voting materials and personnel were allocated for the districts in these regions and dispatched to them. The only exceptions were the two major election districts of Badhan and Dhahar both Warsangeli inhabited regions , which were cancelled only few days before the voting date, when Puntland forces made incursions into it. On the contrary, the Dhulbahante territories in the Erigavo District, in Las Anod District and in Buhodle District were all treated as secure places for voting, although their security situation has not changed significantly to allow voting but rather worsened. It is an open secret that serious breaches to voting procedure were common in those areas and the critical question is: was the NEC in control of the polling material and personnel in those areas and what steps has it taken in situations where parties and associations complained and claimed that it was not?

4. The Anomaly of the Distribution of the Polling Stations

The way the polling stations are distributed throughout the country is not based in any serious population statistics or formal censuses taken during the Somaliland statehood period. How did they come about? The first NEC sent out members of its team to different parts of the country to identify polling station locations. It was a pilot process and should have been reviewed thoroughly later in the subsequent elections, but that did not happen. Later on, as a result of the corrupted and recently discarded Voter Registration most of the polling stations were made into a double stream to accommodate the convoluted number of 1.3 million voters, which also spawned an article in the Electoral Law which sets the number of voters for each box to be not more than 750.

Furthermore, during the preparations for the 2012 Local Council Election, the NEC attempted to change these arrangements again as a result of the further reduction of the number of ballot papers assigned to each box to 525. This arose from the need to accommodate the seven competing political entity names and to print designations of over 2400 candidates, which naturally complicated the size of the ballot paper. Since the ballot paper was going to be larger than previous elections, the NEC attempted to also change the number of boxes in each polling station by increasing some areas to triple stream and reducing some areas from double to single boxes basing their decision on the number of ballot papers cast in the different elections and to adjust to the new 525 ballots in each box. This created uproar from the communities of the reduced areas. As a compromise, the NEC had retreated from the reduction component but not from the increases. This definitely will result in further distortion of the polling stations' distribution to different communities and the number of ballot papers allocated to different polling stations[85]–Therefore, there is a serious need to attend to the distribution of polling stations and especially in the rural areas.

5. Voter Fraud and Election Complaints

In this election the most widespread fraud method was multiple voting. The ink was said to be weak and people used bleaching chemicals to remove it easily. So it degenerated into a frenzy of repetitions especially for the youth, often constrained only by the shortage of ballot papers. The second method is where the polling station management and monitoring teams acquiesce to allow one party or distribution among present parties to stuff the remaining ballot papers and adjust the paper work accordingly. This method is difficult to uncover. The third and most dangerous form of election fraud is outright appropriation of the voting material by force or through naked corruption and without any voting population involved ballot papers are marked and stuffed in the boxes. This

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[85] Why is the number of ballot papers so important? There is one good reason and one bad reason. Usually the number of ballot papers sent to polling stations is used up before the end of the polling day and by law, all those still in the queue by 6pm are allowed to vote. But in reality, outside major towns sending new consignment of ballot papers on time is difficult which often leaves many people in the queue not having the opportunity to cast their votes. On the other hand, the bad reason is that different constituencies fight for more ballot papers to have opportunity to stuff the remaining papers in the boxes when the queue ends, by corrupting or even by coercing the election management and monitoring teams. This s a common occurrence in remote rural polling stations and it has the effect of a continuous distortion of the election results and an disqualify any attempt to use these numbers for development planning purposes or for population growth forecast.

method has been very rare in earlier elections, but has increased in greater proportions in the 2012 and primarily was perpetrated openly by those responsible to ensure the integrity of the election, the Government. The difficult part in the voter fraud saga is who is mandated to follow up and take action against this looming menace.

The Somaliland Election Law provides a process of election complaints and their management. However, the courts of law in Somaliland which have the mandate to address these claims starting from the district level are not yet prepared to take that responsibility seriously and to handle the claims judiciously.

Although, individual parties and associations or coalitions of them filed serious complaints in Erigavo and in Zeila, no satisfactory due process has been followed by the concerned district courts, which reinforces the widespread belief that the Judiciary is not independent from Government and hence will not rule against the ruling party.

Problems Encountered During the run-up Period to the Local Election

a) Deployment of polling Station management personnel

NEC started earlier on the recruitment process for four NEC officers to man each Polling Station, through its regional offices. They were selected from the universities' students and some of their teachers in each of six electoral regions. Local Election Candidates and their clan constituencies, therefore, were keen to identify how many of the recruited are from their clans and have campaigned for the inclusion of their members. Eventually a final list of boys, girls and teachers were prepared in each region. These lists were sent to Hargeisa and the national NEC office deployed them in regions and districts other than their own, obviously with no prior consultation with the local stakeholders, especially the candidates as a result of which suspicion fever of foul play gripped the latter.[86] Let us take Erigavo as an example of how uninformed communities can react:

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[86] NEC might have been in contact with the political parties and Associations' representatives, but has overlooked that this election is a unique one when it comes to the relationship between the parties/associations and their candidates. The latter operated their business as independents as a result of the open list system.

In Erigavo, the deployment of NEC personnel was far from smooth; series of crisis marred the operation in the run-up to the voting day. The first crisis happened when the local candidates could not find their clan boys, girls and teachers in the final list of people to act as polling station chairpersons and vice chairpersons. The list was sent from Hargeisa few days before the voting day. Each one of the four major clans in Erigavo panicked and fed itself with its own rumours that the other clans outmaneuvered it to have their university students and teachers man the district polling stations, while weeding out theirs. The Political parties and Associations representatives were under fire for some days until finally they found out that NEC decided to swap regional lists. The former had to shoulder the role of convincing their candidates and by extension the clans, that all those students and teachers recruited to be chair persons and vice chairs from all Somaliland six Electoral Regions are going to be swapped between the regions; those recruited from Sanaag will go to Sahil and vice versa. This package of information to pacify the situation also included that the other two persons in each polling stations will not change and shall not be included in the swapping formula. This gave some solace to the candidates that they at least still have some of their kin members in the polling stations.

However, hell broke loose again, when on the eve of the deployment of polling materials and personnel, NEC sent the final consolidated list of personnel deployment which contained more swapping, this time affecting the two other NEC members. What happened this time was that the NEC swapped the non-management other two team members in each polling station, within the districts of each Electoral Region. Candidates and their clans could not recognize any of the personnel sent to their polling stations. While in theory this was good for the integrity of the election, in practical terms and considering the realities on the ground to issue such a list in the last moment was a disaster that almost derailed the election; a cloud of suspicion was already hanging over the actions of NEC and the Government[87]. In this case, when the list came to light in the evening of 26th of November, all clans and candidates were up in arms each thinking that NEC has sealed their fate; after an all night turmoil within each clan, in the morning things cleared especially for Kulmiye candidates and supporters. The other candidates, including the powerful

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[87] There were rumours circulating in Erigavo that to manage the voting process in the Dhulbahante areas of southern Erigavo electoral district, only security or election personnel hailing from Dhulbahante will be allowed there.

Mayor of Erigavo used the occasion to express their dissatisfaction and concern about other aspects of election preparation and mobilized their supporters into the street, which eventually turned into a blockade of the NEC compound which housed the election materials to be transported that morning to outlying remote areas. The standoff lasted until 5:30 pm without a single vehicle leaving the compound to deliver the election material to some of the remote areas which would take a whole day and in some areas even the night to reach their destinations. Eventually just before sunset, the demonstrators disbursed due to the reluctant intervention of the Mayor and other city elders, though their fears were yet not allayed.

Many of the above stated problems could have been avoided if the NEC was more proactive in providing election information to all stakeholders, including the Political Parties and Associations, the candidates and regional officials; similarly if the NEC heeded where there is credible community concerns before election takes place. NEC is usually very stingy when it comes to providing information on the election process. This was hailed as positive in the Presidential election, because their predecessors were notorious in using the media individually and to contradict each other. However, this time round the election was much more complex than the Presidential election and therefore required much more openness and information to bring all kinds of actors on board. This would have saved a lot of headaches later on.

b) Logistics issues: The transport of the election material and personnel and the Preparation of the Polling Station venues according to the law[88].

The Logistics was another area of the election process which posed serious challenges and which required more professional preparation and robust management capacity. While the NEC receives significant technical support from its partner organizational, its logistical functions, except the contracting aspect, are often weak in the regions. Much of the technical support it receives is concentrated at the headquarters office functions, while most of the problems are happening in the field and in the regional headquarters. It is not also helped by the state of the roads in Somaliland,

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[88] Article 6: Rights of the voter: (3). Voting shall be personal, free, direct, and secret, and all votes shall be given equal weighting (see somalilandlaw.com).

which impact the integrity of the election. Fraud is commonplace in the remote rural areas, in single clan dominated polling stations, which is also away from the eyes of the media and challenges of diverse clan populations. Obvious challenges include: a) The prohibitive costs of transport component in the election budget b) Difficulty of delivering election materials and personnel on time to and from remote areas, and c) ensuring the security and integrity of the voting results, especially in the rural polling stations.

The delivery of the materials in the remote areas often depend on luck, i.e. against rains, flash floods, breakdowns of vehicles as well as adverse security situations which can all alter the smoothness of the election process. Furthermore, even when material and manpower are delivered in the destination, a good percentage of the election management teams are left on their own. Often, there is no adequate security, no food and water supply and no adequate facilities to handle the election. By law, voting usually ends by 6pm on voting day with a provision to allow the number of people in the queue at the time to cast their votes. After the counting is completed, then the boxes start to be returned to the collection base at the regional HQ, and latest arrivals are expected by mid next day. However, it is common that after counting finishes in the rural areas, teams are held back when local stakeholders are negotiating on how to deal with the unused ballot papers. Any of three scenarios happen and is definitely no secret to anybody including the NEC: parties agree and divide the spoils among them; a dominant actor buys out the team and takes all; or in some occasions which by no means are the norm, the team sticks to its guns to apply the law and unused ballot papers are returned.

On the quality of the Polling Stations: In this election the application of the concept and practice of "secret ballot" principle was quite tenuous. The use of numbers rendered the non-literate population to rely on the election monitors to mark their ballot papers for them, which not only negated the secret ballot principle but also made open to manipulation of the vote. Anecdotes abound how widespread was that monitors marked their own choice instead of the voter's choice. The standard of the polling station venues is also problematic to qualify for criteria required for a free and fair election. This is a widespread problem, not only in the rural areas, but in major cities as well. Some of the problems include lack of tables and chairs for the election staff and the election material; no private space for the voters to mark their ballots; no light in the night for counting- it will be quite

interesting to survey what percentage of the polling stations used mobile telephone lights to count and record results, even in major cities. Some flashlights came with the package but how many have worked needs to be followed up.   There is no doubt that many polling stations were only under the shade of a tree with minimum of the above materials available. So the question is what is the impact of these shortcomings to the integrity of the election and are the election requirements in Article 6 of Law No 20 dispensable or even waved, especially in regards to the rural areas? How could the impact of logistics challenges be minimized in the election results?

II. The Election Management and its shortcomings

i. NEC Performance in Preparing and Conducting the Election Process:

It is recognized that this was an unusually complex election with multiple objectives, chief among them the election of 353 local councilors and the qualification of three national political parties from seven contestants. This was further complicated by serious flows in NEC's management capacity and judgment especially at the regional level: 1.The ultimate vehicle to realize the above objectives was through the marking of the ballot paper, and therefore, it is of at most importance that it should be as simple as possible for the voter to access it. As was explained above the voters had to choose among numbers when marking the ballot paper. This clearly disregarded the fact that the bulk of the Somaliland population is not literate and do not work with numbers. This problem is further exacerbated by the fact that the majority of the population lives in the rural areas and access to TV is quite limited to have the opportunity to get acquainted with the candidates' numbers and visualize them as signs.

Furthermore, in the management of the election, NEC performance was barely satisfactory. Many of the regional NEC officers are generally considered to be incompetent and are often influenced by local clan politics. In fairness though, for them to be free from clan influence is easier said than done, since they were mostly selected through clan representation. However, while accommodating the clan components, the competence and qualification aspect should have been emphasized, because at the end of the day, they are frontline staff whose integrity has the greatest influence on the election process and its results. The national Commissioners have only a monitoring and verification role. The actual contact of managing the polling stations and subsequent tallying of the

results are the responsibility of local NEC officers.[89] The electoral law puts the emphasis of safeguarding the integrity of the election results primarily on the regional/district election officers and also in collaboration with the regional courts when it comes to dealing with complaints.

ii. The Role of the Government for peaceful and a Credible Election

The Government is ultimately accountable and responsible for the people to conduct elections on schedule and efficiently and to ensure them to be free and fair. How did the current government fair in fulfilling those responsibilities? There is a lot to be desired in this regard. On the primary issue of creating a secure atmosphere for election to take place, the Government encountered serious problems, when armed groups from Puntland made incursions into the eastern Sanaag regions of Dhahar and Badhan. The Government failed to prepare against such a situation and when it happened was powerless to do anything about it. In that situation, the NEC could do nothing else but cancel and hence, disenfranchise any voting citizens in those districts.

The Government has been accused of throwing its weight behind the ruling Kulmiye and has aided and abetted the ballot stuffing described above in Sanaag and reportedly also in Awdal. The armed forces were used to take over election material and its management in eastern Sanaag and in the Las Anod and Buhodle districts of Sool. Similar incidents were also said to have taken place in Awdal. Furthermore, the Government Ministers and employees were openly campaigning for the ruling party. The National Election Monitoring Committee have identified many cases of such infractions and have even addressed the President in the media to reign on his employees not to meddle in the election process but to no avail, clearly in disregard of an issued presidential decree to that effect. In Erigavo, four Government Ministers were stationed there to influence in favour of Kulmiye. These Ministers were there for three weeks on tax payer's costs and using public time, vehicles and perks – they were led by the powerful Minister of Aviation, accompanied by the Minister of Defense, the Minister of Rural Development and Environment, the State Minister of Finance, and an array of other civil servants hailing from the region.

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[89] Somali saying "wadaanta isha ka qalloocata fayga ayey la tagtaa" – the water drawing vessel from deep wells not properly positioned to fill from the sources comes empty to the top.

Post-election Violence

The way that the Government handled the Hargeisa post-election crisis drew widespread criticism from the public and from the Somaliland diaspora in all corners of the world. The President and his administration lacked a leadership strategy and the creativity to handle the situation except to hide behind the NEC mandate to deal with it. The government was also criticized on the disastrous way it handled the demonstrations, the lack of professionalism of its security forces that were anything but trigger happy to disperse unarmed youths who were at most throwing stones. While technical mistakes from the NEC in Hargeisa might have been the trigger of violent rioting, the main reason behind them was general frustration of the public to the widespread allegations of rigging from in outlying regions. An even more serious post-election crisis resulted from the elections of the mayors of different cities of Somaliland, which again led to widespread riots and also deaths –examples being what happened in Zeila, Eil Afwein, Erigavo, and above all in Berbera.

III. Way Forward and Recommendations

1. Improving NEC capacity and accountability: It is unfortunate that the NEC capacity in the and its independence have been seriously questioned in this last election. It is no wonder, that there have been calls from the public, the national stakeholders, and the diaspora that it failed and has to resign. While it has the prerogative to resign, it is more important that it needs to review what happened in this election and not bury its head in the sand. The NEC has to come clean, to identify all the shortcomings of this election and come up with a clear strategy to restore the integrity of the electoral process in Somaliland to regain public confidence.

2. Focus on free and fair election principles – accountability of the Government

There is a need for a National Commission (non-partisan) to hold a national debate and to address the election fraud issues in an open and transparent manner: During the period 2006-2010, the Somaliland society in collaboration with its international partners succeeded to put in place a regime of regulations, laws, and codes of conduct all designed to ensure that Somaliland elections will be free and fair. The public, media, the Political parties, the Legislature, and ultimately the

Government should all work together to nurture a culture of accountable stakeholders in advancing Somaliland democratization and state-building processes.

3. Post-election national reconciliation and healing: The society is fractured now and not because of the campaign, because that happened in an exemplary manner so much so that experts from the neighbouring countries were on the record stating their desire to learn from Somaliland. The society is fractured because of feelings of injustice in the elections and the Government's inability to take responsibility. If the Government is not initiating such a process, it is going to be the responsibility of the opposition parties to start a process of reconciliation and social healing.

4. Focus on negative impact of Sool and eastern Sanaag situation to Somaliland elections: the conflict situation in Sool and eastern Sanaag is already draining Somaliland energy for development and stability. The population of these areas are victims of this conflict. It is a callous and unscrupulous act from any political force in Somaliland to exploit the plight of these regions and its populations for elections gains. That act has already destabilized Somaliland and its ramifications were felt in the heart of the capital city. That act has also discredited the most priced achievements of the Somaliland people and state, their democratic election process. There is an urgent need from the side of the legislature and opposition political parties to study what happened and to come up with solutions for this not to happen again.

6. Voter registration and review of polling stations locations: It is a legal requirement that any subsequent elections should be conducted with a voter registration system in place. However, the issue to address is how to make a credible "voter Registration" which reflects the actual voter population in Somaliland. How to avoid the pitfall of last Voter Registration is in the mind of every stakeholder. The Voter Registration should not be used again to delay elections and to make the Somaliland democratization process hostage to it. All stakeholders especially the opposition parties should focus on crossing that milestone for elections to take place. The technology has improved and need to be explored: finger, facial, and iris scanning are now established systems widely used in the Voter Registrations and by immigration departments.

7. The Claim system – The Somaliland judiciary needs to grow from being the weakest link of the Somaliland state building and democratization process. If the Judiciary and law and order

institutions and ministries were taking their responsibility seriously and independently, a lot of Somaliland's woes would have been overcome. Somaliland needs to explore the possibility of establishing a special court for election claims to learn from countries that practice it such as South Africa. The jurisdictional mandate, which the Electoral Law gives the local courts, needs to be reviewed and options to transfer the claims to the national level courts need to also be explored.

8. To revisit the choice of the open list system: many of the election problems and public confusion arose from that system as was detailed earlier in this report. The national government bodies, the political parties, and the civil society need to commission studies and to start a debate on the merits and demerits of the open list system before the Parliamentary elections in 2015.

Paper Eight: Somaliland Forever

By: Abdirahman Mohamed

Abstract

Since its Separation from Somalia in 1991, the east-African nation of Somaliland has become one of the most vibrant democratic states in eastern Africa. Yet, Somaliland has never been recognized by the international community. This paper examines the Somaliland historical background briefly, from the beginning of the colonial time 1888 until Somaliland (the former British Somaliland Protectorate) gained full independence on June 26, 1960. The researcher also wants to cover the Somaliland second liberation struggle process spearheaded the Somaliland National Movement (SNM).

Background

The Republic of Somaliland is situated on the eastern horn of Africa. It shares its borders with the Republic of Djibouti on the west, Federal Republic of Ethiopia to the south, to the north the Gulf of Aden, and Somalia to the east. Somaliland comprises of a total area of 137,600 square km. The region has a monsoon type climate, with two distinct rainy seasons, the major known as *GU* between the months of April and June and the minor known as *dayr* in October and November. It has two dry seasons the major one, the dreaded J*ilal* and the minor the *Haga.*

The population is estimated at 3.5 million, with an average growth rate of 3.1%. 55% of the population is nomadic or semi-nomadic, with 45% living in urban areas mainly in Hargeisa the capital city. The average life expectancy for males is 50 years old, and for females 55.

When it gained its independence on June 26, 1960, thirty-five countries recognized Somaliland immediately. Five days later, the new state of Somaliland opted to join with the former Italian Somalia, which became independent on July 1960. Unfortunately, the union turned into a disappointment for the people of Somaliland because it ushered them into two decades of political suppression and ten years of armed struggle against Southern domination. By 1988, the conflict

turned into a fully-fledged popular resistance lead by the Somaliland National Movement (SNM). In retaliation, Siyad Barre's forces destroyed the City of Hargeisa to the ground through air bombardment and heavy ground artillery fire. Tens of thousands were killed or injured and about one million fled to Ethiopia and other countries as refugees and displaced persons.

As a result of victory of SNM to liberate Somaliland soil and the fall of the dictator, the people of the land exercised their inalienable right to withdraw from the union and reclaim their sovereignty in May 18, 1991. The historic re-declaration of independence was the main achievement of the famous Burao Conference, which was attended by all the clans of the former British Somaliland Protectorate. Without doubt, the people's verdict signified two major achievements: the end of the union with Somalia and the rebirth of the Republic of Somaliland. Needless to say, it was done in accordance with the nature of the union between the two states which was predicated, to begin with, on a de facto union--never made de jure for the act of the union was never ratified by the joint legislature of the two unified states.

Restoration and reconstruction

Soon after the withdrawal from the union, the new national civilian government appointed in Burao embarked on the difficult task of nation building. Rebuilding of the capital of Hargeisa which was 80% destroyed, and other urban centers including Burao were immediately started. A few years later, about 1.5 million land mines were cleared.

Repair and restoration of destroyed and dilapidated infrastructure were immediately started. Soon after, the disarmament and redeployment of the freedom fighters was successfully completed. Within less than a year, the first group of the refugees who were living in camps in Ethiopian began to come home. All in all, more than 95% of the refugees living in Ethiopia and other neighboring countries have returned to their country.

Democratization and institutional building processes

By May 2001, the democratization process and institutional building programs were in full swing. The first constitution was ratified by a landslide majority-97% of the votes. The first article of the constitution declares Somaliland a sovereign, independent republic. In December 2002, local government elections were held, followed by the qualification of three political parties as national parties. In April 2003, candidates from the three parties contested the first Presidential election, and in September 2005, the first multi-party parliamentary election for the House of Representatives was held. All those elections were attended by observers from the International community and were declared transparent and free.

It is worth mentioning, that a market-driven free economic system had taken hold, side by side with the unfolding the democratization process. Today, Somaliland is home to a vibrant and booming private sector. The forces of the market, not the government, largely regulate the system. Somaliland's private sector successfully operates airlines that connect the major population centers of the region to Europe and to the Middle East.

Provision of Services: public and private

While in most African countries the state is the lead actor in the provision of essential public services, in Somaliland, it is the private sector that provides most of the basic services. Indeed in Somaliland, the private sector controls most of the economic and social services and infrastructure provision, including financial services, telecommunication services, water and electricity, private education, clinics, pharmacies, and public transport, to mention a few. For instance, Telecom services are 100% private, while private companies who were started to fill in the vacuum left by the collapse of the Somali state in 1991 provide about 96% of electricity and 80% of water supply.

One of the major changes in Somaliland over the past decade has been the phenomenal growth of the private sector. Indeed, Somaliland's private sector has experienced rapid growth that is more in line with the fast growing economies of Asia (China and India) during the past 10 years. Although there are no reliable statistical figures showing the scale of economic growth, it is estimated that in

Somaliland, the economy has been growing between 8% and 11% for the past 5 years and had not been affected by the downturn in the global economy. Some of the main businesses that have been growing most include; remittances, telecommunications, and Import-Export companies, as well as the service sector like hotels and restaurants and small industries.

The search for international recognition

To date Somaliland is a de-facto independent republic that has not received de-jure recognition. Nonetheless, its quest for international recognition is consistent with article III of the OAU charter and article IV of the Constitutive Act of the African Union (AU), which states that the Union shall function in accordance with the following principles: respect for the borders existing on achievement of independence". Somaliland today is within the borders it inherited on the 26 of June 1960, when it achieved its independence.

Somaliland, therefore complies with Article 4 of the Constitutive Act of the African Union. Other African states have been united with neighboring states and subsequently reclaimed their independence in accordance with these principles. They include those, which made up the Mali Federation, the union of Senegal, Gambia and Sao Tome and Principe. The dissolution of the United Arab Republic (the union between Egypt and Syria) followed the same pattern. Likewise the principle of self-determination was accepted when recognition was given to Bangladesh in 1971, having successfully seceded from Pakistan; and so are Eritrea from Ethiopia, and the ceding of East Timor from Indonesia and above all the ongoing internationally supported unilateral declaration of Kosovo to succeed from Serbia.

Moreover, Somaliland fully fulfills the criteria of statehood according to article 1 of the 1933 Montevideo Convention on the rights and duties of states. It has 1) a permanent population, 2) a defined territory (the former British Somaliland) with defined boundaries (Somaliland's boundaries were drawn in 1884) of which it has almost full control, 3) the capacity to enter into relations with other countries. In addition, Somaliland fulfills the criteria for recognizing new states according to the guidelines set by the European Union. Such criteria were applied to recognize the European states mentioned above.

It is appropriate to mention here that Somaliland's application for the AU membership has been received well. The report of the AU fact-finding mission to Somaliland (April 30 to May 4 2005) states: the message was the same every place: "the irreversible independence of Somaliland; no return to the union with Somalia; the quest for recognition from the AU and the international community."

Relations with Somalia

In the light of the foregoing, Somaliland's position vise-a-vise Somalia has been and is that which defines bilateral relations, though there is none now, between two separate entities as they were prior to the union of 1960. As such, any future relations will be akin to the relations Somaliland has with other neighboring countries in the Horn of Africa like Djibouti and Ethiopia, both with the Somali-speaking populations. In this vein, it is important to note that Somaliland did not attend any of the over ten reconciliation conferences held for Somalia since 1991 when it reclaimed its sovereignty. This is because, a) it withdrew from the union and, b) it had no one to reconcile with. Now with the conclusion of the last reconciliation conference in Kenya and the formation of what is called the transitional Federal Government (TFG), now trying with apparent difficulty to have a foothold in Somalia, Somaliland's position remains the same.

However, the people and the government of Somaliland would like to extend their hands to their former partner to forge friendly relations through which mutual recognition will be exchanged as two sovereign states. This is because unity cannot be forced, and in reality, we trust that Somali solidarity and unity of purpose will undoubtedly be greatly enhanced by having two independent political systems in Hargeisa and Mogadishu. In this regard, it should be remembered, that another Somali speaking entity, which had also decided against the unity mania, is the republic of Djibouti.

The Islamic fundamentalists

Islamic fundamentalists are a relatively new phenomenon in the culture of the Somali-speaking communities in Horn of Africa. Traditionally the Somalis adhere to the Sunni sect of Islam and overwhelmingly follow the Shafii School of Islamic jurisprudence. As a matter of fact, Islam was

spread by the Sufi brotherhoods (Tariqa) led by al-Qaadiriya. They are known for their scholarly orientation, gentility, and tolerance. However, the advent of the petro-dollar--propelled neo-Wahabism has seriously eroded the Tariqas influence in the last thirty years. Indeed it did not only supplant them, but it pushed them against the wall.

A Call from Somaliland to the United States People and Government

Students and scholars of political history are of the view that the entire economic and sociopolitical framework of the world has changed totally at the end of Cold War and has changed the possibilities that face African nations. Yet within this period and changed environment, Somaliland has presented itself as a maturing democracy to the new world. As such, Somaliland, has within the constraints imposed by its history - beginning from its ill-fated union with the former Italian colony of Somalia and its resultant successful struggle to disentangle from it, has been trying to build itself into a recognized country. Recognizing America's strategic significance as the sole superpower in a world, indeed as the leader of the Free World, Somaliland-as a matter of national survival has undertaken, to the level allowed by its current limited capabilities, extensive efforts to forge close relationship with the US. This is because such a relationship will, among other things, have a positive influence on our relations with the rest of the international community and to advance our cause.

Somaliland's known assets in developing such a relationship are imbedded in its strategic location at the southern shores of the Gulf of Aden, its commitment to stand shoulder-to shoulder with the US in the fight against international terrorism, and its ability to not only deepen the roots of its democratic system, but to also be a fearless defender of human dignity and freedom.

In this relationship, it is understood that the onus is on Somaliland to prove its compliance with US standers and to demonstrate that the country is a state under democratically achieved rule of law. And this, Somaliland had done successfully. Somaliland stands tall as a beacon for democracy and human dignity in the turbulent Horn of Africa. Nonetheless, it is standing lonely for the free world has been hesitant, thus far, to meet its moral obligation toward this deserving democracy. Time has come for the free world to meet this moral obligation.

What the people of Somaliland need from gallant American people and its government is threefold: 1) Political/diplomatic support to ensure its existence and its survival as viable democracy, 2) Security and security related support to withstand the onslaught of Islamic terrorism, and 3) economic support to meet its pressing need without which its viability will be gravely undermined. I hope that this Congress will go down in history as the initiator of this policy.

Conclusion

The people of Somaliland have spoken. They have tried unity and the payback was a disaster. They paid in blood, plenty of it, to regain their Sovereignty. They are not willing to lose it again come hell or high water. It is Somaliland today, tomorrow, and forever.

Paper Nine: In Search of a Suitable Quota System for Somaliland Women: Access to the Policy and Decision Making Arenas of Their Country

By: Zeinab Yusuf H Adan

Introduction:

Somaliland women continue to be marginalized from the decision making process since the inception of their new state in 1991, albeit major efforts by the women activists supported lately by international and regional groups as well as progressive men among all walks of the Somaliland society. Despite their profound role in peace making during the civil wars in Burao (1991) and Berbera (1992) women were denied the opportunity to participate in the peace conferences in Sheikh (1991) and Borama (1993). Consequently some women activists organized women groups in order to raise their awareness so that they can fight for their rights. Among these groups were Advancement of Somaliland Women Association (**ASWA)** and Allah Amin Women Association which were both established in 1992. Many other groups followed suit in the following years.

Today, after more than two decades, the Somaliland women are still fighting for their right to participate and be represented at the decision making arena. The Somaliland women struggle has been taken into a higher level with the establishment of Women Political Forum **(WPF)** in 2001. Through their rigorous campaigning, they won the support of the civil societies and progressive men from all walks of life in Somaliland as well as some international agencies.

Under the guidance of NAGAAD and the support of international agencies and civil society, WPF started educating the women about their civic and human rights. They conducted capacity building workshops for the women and embarked on debates, dialogue and conferences with the civil society, religious and traditional leaders, parliamentarians, other politicians, and elites. This has resulted in the significant increase of the number of women aspiring to run for the positions of local councillors in the municipal elections of 2002 and parliamentary seats in the elections of 2005. Unfortunately the results were very disappointing. In the 2002 municipal elections, out of 332 candidates, 40 were women but only two got elected and for 82 parliamentary seats, 246 candidates were contesting of which only 7 were women but only one was elected. These dismal results

generated discussions regarding why this happened and how to rectify this. These discussions concluded that it is crucial to establish quota system in order to improve women's access to the decision making bodies at all levels of Somaliland state.

Women activists and civil society organizations started engaging supportive parliamentarians to bring a motion in the House of Representatives requesting to establish quotas for the women and the minority groups in Somaliland in 2007. Quotas represent effective tools that safeguard women's representation in the decision making bodies. This paper discusses the different types of women quotas applied in the world and explores the most appropriate type in the Somaliland situation

Background

Throughout history women have been marginalized, including in the developing world where the vast majority of countries where excluded from the decision making at some point in their recent hisory. During last quarter of the twentieth century several international conferences were dedicated to rectify that. Most important ones included The Convention on the Elimination of all forms of Discrimination Against Women **(CEDAW)** in 1979 which advocated that special measures such as quotas are needed to 'kick-start' women's political representation, particularly in countries where women have traditionally been under-represented in the national legislatures. The Third International Women's Conference which took place in Nairobi in July 1985, called upon governments to take measures that ensure effective and equal participation of women in the decision making bodies of their respective countries; it was followed by the International Conference on Population and Development **(ICPD)** which took place in Cairo in September 1994, whose recommendations included the establishment of mechanisms for women's equal participation and equitable representation, and finally the Beijing Declaration and Plat form For Action in July 1995 declared that "Women's empowerment and their full participation on the basis of equality in all spheres of society life , including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace*."*

Despite all these declarations and recommendations, the inequalities between men and women have persisted and major obstacles remained in the developing world. This resulted in increased calls for the introduction of women's quotas which is increasingly viewed as the most effective policy

measure to enhance women's participation in political decision making and leadership roles throughout the world.

Quotas

Quotas are used as mechanisms to boost the representation of historically excluded or under-represented groups in politics. The core objective of the electoral quota system for women is to recruit women and safe guard their representations into elected institutions such as the parliaments and local councils. Women quotas demand that women must constitute a certain number or percentage of the members of decision making bodies, in order to overcome the problem of women under representation. That means quotas are not only a way for women to gain entry into politics' playing fields, but also to improve equity in the gender representation.

The use of the electoral quotas for women in the world started in the 1970s in the Nordic countries. In the following two decades, employment of women quotas became the highest priority agenda for women activists, and with the support of international organizations used the international fora effectively to advance this cause.

*According to the United Nations Division for the Advancement of Women, "Since the 1990s, gender quotas have been recognised and endorsed by many countries as the most effective mechanism for increasing women's political representation. In 1995 a report issued by the United Nations Development Programme concluded that **30 per cent** was the 'critical minority' required for 'women as a group to exert a meaningful influence in legislative assemblies'. This was to be achieved through a range of mechanisms including quotas for women's participation in governance." (1)*

In Africa, the quota discussion was forcefully introduced for the first time during the United Nations conference in Nairobi in July 1985. This conference, which concluded the UN- decade of women (1976-1985) provided the African women with the opportunities to mobilize for quotas in order to overcome the gender imbalance in the political field and their under representation at the decision making bodies of their respective countries. Ten years after the end of the UN- decade for women and one year after the ICPD, the Beijing Platform for Action in July 1995 called upon all

governments of the world to take measures ensuring women's equal access to power structure and decision making bodies. Furthermore, this platform action called upon all governments to employ electoral quotas - a minimum of 30 percent - to be allocated for women.

 According to the International Institute for Democracy and Electoral Assistance, half of the world's countries currently have some form of electoral gender quota system.(2)

It is widely known that quotas have been instrumental in ensuring women access to decision-making bodies. The greatest increase in women's parliamentary representation occurred in those countries where quotas, whether legislated or voluntary, are in use. Nine of the ten countries with the greatest increase in women MPs (in lower houses) had adopted an electoral quota (3).

Types of Quotas

 Electoral quotas may be constitutionally or legislatively mandated (legal quotas) or they may come in the form of voluntary political party quotas. Legal quotas set a target or minimum threshold for women candidates proposed by a party for an election, or they may take in the form of reserved seats in the legislature or local councils.

 Dahlerup (2009) has identified the most common types of political quotas used to address the under-representation of women in parliament as follows:

1. Reserved seats' Quotas:
2. Candidates' Quotas (Legal)
3. Voluntary Party Quotas

The reserved and legal gender quotas approach has been more commonly adopted in developing countries. The reserved seats mean certain percentage or number of seats in the parliamentary assemblies, or local councils are set aside for women. Reserved seats are employed in different ways in different countries as elaborated by Dahlerup "reserved seats today come in many different types, some excluding, others including, the election of women, rather than appointment, to fill these seats. In Uganda 5 seats, one elected in each district by a special electorate, are reserved for women. In Rwanda, 30 percent of the seats, elected by a special procedure, are reserved for women

according to the constitution. In Tanzania 20 percent of the seats are reserved for women and allocated to the political parties in proportion to the number of parliamentary seats won in an election. Reserved seats can also be filled by appointment, as in Kenya and in some Arab states."(4)

The Legal candidates' quotas mean certain percentage or number of candidates is set aside and specified either in the constitution, electoral or party laws. These quotas oblige political parties to nominate certain number or percentage of women candidates for the elections, however there are no guarantees that this will lead to their representation in the parliament unless there are extra measures taken to put them in winnable positions of the party lists.

Legal quotas could be only a symbolic gesture, if they are not combined with enforcement mechanisms. These mechanisms come in various forms. Some may impose sanctions on the parties who do not comply with these laws. In some countries electoral commissions reject the list of candidates if they do not comply. For example, in Mauritania, the electoral law demands that 50% of the candidates should be women in winnable positions. That means women should be on the first or the second positions of the partly list, otherwise, the Electoral Commission will reject the list of any party that does not comply. In other countries there are financial incentives or sanctions, as in Burkina Faso, where the electoral law demands minimum of 30% of the candidates to be women. If a party fails to meet that target, it loses 50% of it its political funding for the campaign and if it exceeds that target, it gets additional funding.

In other situations, political parties of some countries adopt voluntary party quotas, but these are not legally binding. Generally this type of quota is used in the Western democracies. These vary from just a recommendation type, which are also known as **Soft Quotas** and among the countries that apply this type is the USA, to a mandatory type, also known as the **Zipper Quotas** which require alternating male and female allocation on the party lists. Sweden is one of such countries that employ the latter type. The same notion is also used in some Southern African countries and is known as **Zebra Lines Quota.**

Different regions of the developing countries use different types of quotas. Most of the countries in Sub-Saharan Africa, South Asia, and the Arab region, which use quota systems, employ the reserved type, while Latin American countries prefer the legal quotas as noted by Dahlerup .

Certain types of quota systems tend to be associated with particular regions. Reserved seats, for example, are the most widespread gender quota system used in South Asia and in the Arab region, where this type of quota system has been adopted for other under-represented groups. Reserved seats have also been adopted in a number of Sub-Saharan countries, as well as in some countries of Asia and the Pacific. Legal candidate quotas are the preferred system in Latin America and the Balkans, while voluntary party quotas or targets are generally preferred in liberal democracies (5)

Impact of the Quota systems

Quotas have proven to be effective tools that have had positive impact in addressing the under representation of women in the decision making bodies. This has also been illustrated by the inter parliamentary Union:

Women continued to fare better when either legislated or voluntary quotas were used. In 2012, electoral quotas were used in 22 countries holding elections. With legislated quotas, women took 24 per cent of seats and with voluntary quotas they gained 22 per cent.(6)

The Quota expert Drude Dahlerup who is considered as the guru of quotas describes the legal quotas as the fast-track approach which boosts the number of women in parliaments directly. However the application of reserved quotas has the greatest impact on women representation in the developing world, especially where cultural and religious attitudes hinder women's access to politics.

The following table indicates different legal quota systems and their impact on the women representation of some developing countries

Selected Countries with   Electoral Quota systems and Percentage of Women in their Parliaments.

Country	Type of Quota and Number in %	Present Quota System	Percentage of Women Lower House Upper House		Year Introduced
Tanzania	Reserved	20, 30	36		
Argentina	Legal-Constitutional	30	37.	39	1991
Afghanistan	Reserved	25, 25	28	27	2004
Algeria	Reserved	30, 10	32	7	
Uganda	Reserved	30	35		
Angola	Legal-Constitutional		34		
Zimbabwe	Reserved	30,30	32	48	
Burundi	Reserved	30, 30	31	46	
Costa Rica	Legal-Constitutional	40	39		1996
Rwanda	Reserved	30	56	39	2003
Ethiopia	Voluntary		28	16	NA

Country	Type of Quota and Number in %	Present Quota System	Percentage of Women Lower House	Upper House	Year Introduced
Sudan	Reserved		25	18	
Bangladesh	Reserved		20		2004
Pakistan	Reserved		21	17	2002
Tunisia	Legal-Constitutional	30	27		
South Sudan	Reserved		27	10	
Iraq	Legal-Constitutional		25		
Kenya	Reserved		26	19	
Djibouti	Legal		18		
Jordan	Legal		20		2003
Eriteria	Constitutional				

Source: Women in National Parliaments by IPU Quota Project Database (7)

Somaliland Women and Quotas

Although the positive contribution of Somaliland women in nation building is clearly recognized, their role in the politics is severely undervalued.   While some important strides have been taken and significant developments occurred with regards to women in politics in the recent years, nevertheless women remain in the side-lines of the politics playing fields. To remedy this , engendering the decision making is fundamental for the very existence of Somaliland infant democracy. Increased participation of women in politics requires bold interventions, tangible commitments and an unwavering political will from the side of the national leadership and legislatures. Hence, it is crucial that the Somaliland government takes concrete steps to incorporate women into to the democratization and decision making process and to address the prevailing situation of their under-representation. It has to be understood that incorporating women in the political and decision making processes is achieving their basic right and not a privilege.

> Promoting increased women's political leadership and gender equality is a development issue, a human rights issue and also a moral obligation. More inclusive parliaments also have the capacity to strengthen civic engagement and democratic participation among its citizens …. A political system where half the population does not fully participate limits the opportunity for men and women to influence and benefit from political and economic decisions. [8]

Implementing a quota system is a great vehicle to achieve the inclusion and empowerment of women in elected positions.

Appropriate Type o n quota for Somaliland

Legal Candidate quotas:

The introduction of legal quotas requiring a certain percentage or number of candidates on the candidates' list does not guarantee women winning those seats. Party lists may meet the target of the required number of female candidates but place them at the bottom of the lists. This type of quotas may work where there is an enforcement mechanism to place the women in winning positions.   In a conservative traditional society like in Somaliland, placing the candidate in a

winnable position (either by mandatory placement or by the good will of their party) may not work Because of the entrenched conservative patriarchal views and interests in the Somali society. Furthermore, since the election is based on an open list system as the case was in 2005 parliamentary elections and also in the 2102 local elections, the odds became further stacked against women candidates.

Voluntary party quotas

This type of quotas could work in egalitarian liberal societies like the Nordic countries and may still take decades to be effective. It has taken Sweden, for example, 80 years to reach 45 percent representation of women.

 In a society like Somaliland, where gender biases and stereotypes remain pervasive at all levels of society, women will remain to be at the mercy of their party leaderships which is dominated by men and are influenced by patriarchal clan politics.

Dahlerup argues that voluntary party quota is no longer the model for countries in the developing world

The incremental changes in old democracies are not an option for newer democracies. The fast track approach is a symbol of the impatience of women around the world that they will not wait for women's representation to come on its own, but are demanding special measures to make this a reality (9)

Reserved Quotas

This type of quota has proven to be the most effective policy measure to enhance women's participation in political decision making and leadership roles throughout the world. Reserved quotas mainly come in two different forms, election or appointment forms.   In the election form all female candidates list is presented to the voters in the Election Day, and they are voted for separately.

Rwanda and Uganda are example of countries that use this system. In the appointment form, the reserved seats are allocated to the political parties proportionally in line with number of votes they have received. Parties nominate and ultimately elect the women to the reserved seats. Pakistan and Bangladesh are examples of the countries that employ this form. While Tanzania uses a mixed form of these two systems

In addition to the cultural biases against women in leadership role, there is absence of policies which could support effective participation of women in decision making and democratization process of Somaliland. As noted by Yusuf

Somaliland's conservative patriarchal society, as well as, the absence of effective governmental policies and procedures that aim at helping women and enhancing their political participation has made it very difficult for women to be accepted as leaders and to be granted votes in elections. (10)

This has been proven in all elections that took place in Somaliland since the establishment of multi party system, namely the two municipal elections in 2002 and 2010 and the parliamentary elections in 2005.

Hence the best option for Somaliland women is this type of quota is the reserved type.   .

Conclusions
- Increased participation of women in politics requires intervention. This can be achieved by enacting constitutional provisions and adopting quota system
- Quotas represent great vehicle to achieve the inclusion and empowerment of women in elected positions
- The application of reserved quotas has the greatest impact on women representation in the developing world, especially where cultural and religious attitudes hinder women's access to politics.
- Reserved quotas are considered as fast track approach to increasing women's access to parliamentary seats and only their introduction will end current under-representation of Somaliland women at the decision-making bodies

- Institutionalized and sustained effective participation of women in the decision making will contribute immensely to enrich the democratization process of Somaliland

Recommendations

- Pressure from women's organizations and other groups is necessary for the successful

  Implementation of quotas. Women's mobilization has to generate support for legal reform such as constitutional amendment

- Women activists should make concerted lobbying and advocacy efforts to remind the government, political parties and the supportive members of the parliament constantly to ensure increased female participation in decision-making.
- Women should demand that Political Parties include development and implementation of an engendered decision making programme in their political platforms.
- Women should promote men's initiatives and their engagement in supporting women's participation in the decision making process.

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ANNEXES

Annex-1: 2013 Annual Conference Report

Freedom of Press: Challenges and Opportunities

24-25th August, 2013. Ambassador Hotel; Hargeisa Somaliland

SORADI

The Social Research and Development Institute (SORADI) is an independent social research and development institute, which is aiming at fostering culture of democracy and sustainable development in Somaliland and in the Horn of Africa Region. Started in 2007 SORADI is recognized as a center of quality research, a hub of scholarly innovation and entrepreneurship, and an agent of transfer of knowledge and harbinger of the democratic culture in the region. Its Mission is to carry out activities that promote the democratization and socio-economic development of Somaliland and in the Horn-East African region such as this annual conference.

It has its headquarters in Hargeisa: Airport Road near Ambassador Hotel |Hargeisa, Somaliland

E-mail: info@soradi.org and website: www.soradi.org

The Conference Process

Day one was devoted to the discussions of the challenges and opportunities of Somaliland media. The second day of the conference focused on widening the participants of the conference by inviting international scholars, media experts and other participants who could not attend the conference through. To get more scholars across the globe get involved in the discussion and obtain more tangible and innovative ideas, video conferencing and live-streaming was introduced for the first time.

Keynote Speeches: by government officials to brief about the conference theme, and conference presenters to define and frame the annual conference agenda and to pave the way for discussions for the presentations. There were six well researched papers presented in the two days of the

conference. There were also three separate panels: TVs and Radio Panel, Universities and Media associations' panels.

Plenary Sessions: These sessions were the largest working sessions designed to discuss and question about the papers presented in the conference.

Breakout Sessions: These sessions assessed opportunities for action through guided group work questions by the conference committee. The topics of the day were also examined in those breakout Sessions and issues presented in the corresponding plenary sessions. These simultaneous sessions focus on topical and controversial topics and identify opportunities for action through the way of recommendations.

SUMMARY OF PRESENTATIONS

Session I: Summary of Opening remarks and Addresses

Keynote Speakers: Dr. Mohamed Fadal (Director, SORADI), Abdilahi M Dahir Cukuse (Minister of Information, Hon: Abdulahi Osman Geljire (Former Minister of Fisheries and Marine Resources).

Before the conference was officially opened by the Minister of Information, Abdilahi M Dahir Cukuse, SORADI Director, Dr. Mohamed Fadal delivered the opening speech and welcomed the guests and thanked all conference goers and presenters who gathered here today to reflect on the challenges and opportunities to devote their invaluable time and contributions. He remarked that media institutions in the country are propping up and experiencing fast growth in terms of numbers. He pointed out that written media including daily newspapers and news websites are tremendously increasing in number and in influences. He emphasized on the importance of such conferences for development of the media industry and exercise of freedom of press. He noted that SORADI annual conferences always intend to create platforms for exchanging ideas, sharing knowledge, presenting and critiquing research finding projects, encouraging young professional take on contemporary issues that affect the society at large and find solutions for contemporary issues.

Dr. Fadal wrapped his speech by pointing out that SORADI conferences are places where there is freedom of expression and thought and every view is valued and respected. Finally, he welcomed the Minister of Information and Culture Abdilahi Mohamed Dahir Cukuse to the microphone.

Abdilahi Mohamed Dahir (Cukuse), the Minister of Information and Culture acknowledged the immense intellectual and experiential opportunities SORADI conference is offering to young media professionals to share ideas, debate issues that affect their profession and arrive at possible solutions for the challenges that impact on the development of their profession. In addition, he also urged them to explore on the opportunities that are pertinent in the field of media and harness the resources to the best of their skills ensuring that they protect the public interest. He went on saying that professionals in the media have two opportunities, individual gains and common values he/she shares with the public and the society. He pointed out that the media should play a critical role in the development of our society by enabling the citizens to have access to factual information. With the current government, there hasn't been any hindrance that prevented media persons to carry out their work. However, despite of this, it is frequently seen that some intend to create chaos and confusion in the society and pretend they are being oppressed and suppressed and say they want to voice their concerns because they believe they want to attract the attention of NGOs, or international community so that they can create their vested interest in finding funds and money for their own projects.

"The government of Somaliland plans to take up several projects in order to enhance the skills and knowledge of journalists and other media professionals. With this vision, young professionals would be encouraged to share innovative ideas, generate new knowledge and increase confidence and ability to safeguard the code of ethics for journalism. Therefore, they can't complain today if they don't want to participate in these projects" He cited the release of the jailed local newspaper editor, HUBAAL in support of his view that the government is not crippling the media, but rather supports them. "This correspondent is found guilty by legal court for four different crimes and his sentences coincided with the first day of my appoint as the minister of Information and culture. Immediately, together with some others, we tried to bail him out. The media groups organized themselves and met with me, asking his bail. They also met with the President and requested to lift the ban from the local newspaper, HUBAAL. They have apologized for the entire crimes he committed and found

guilty by the court. The President then accepted the delegation's request, lifted the ban and the he was released."

The Minister firmly stated that he believes that the media in the country enjoys utmost freedom and is respected by the government in all spheres. The government will have to work towards the implementation of media law and will not listen to those few people propagating that there is nowhere in the whole world where the media is controlled by a law. Media laws are adopted in everywhere and media is guided by ethics and law in all the regions around us and in the world. It is ironic to see media people opposing the implementation of this Act and yet it was them who drafted and prepared the Act. We all know that the previous government and the media groups had misunderstanding and conflicts over the implementation of this act and now the same thing is happening between current government and the media groups.

Towards the end of his speech, Minister CUKUSE presented the statistical of license applications for new Media. He state that there are 14 functioning newspapers out of 57 newspapers given license, 108 websites of which 86 are functioning. There are 8 TV stations in Hargeisa and only 5 TV stations were given licenses where the remaining 3 TV stations are mobile but not completely functioning. Currently, there are 32 requests for TV stations licenses, pending in my office. On the other hand, there are 3 Radio stations, two in the Diaspora and one in the country, Radio Hargeisa. So the question is, like the beverage industry where there could not be a market for another and another plants producing for same limited market, could Somaliland sustain all these media outlets and groups often with no known knowledge and skills? Can Somaliland sustain such growth of the number of media stations, websites and journals in the near future? The websites don't take any permission from the government and operate in any way they like. They are often owned single persons in the Diaspora and appoint one person in the country who is responsible for the collection of information on the ground. Both of these two individuals are accountable to nobody and tend to write whatever they want. If they are not pleased with one official, they start writing so many baseless allegations that can damage the national image. They are not like newspapers, no editorial, no discussion, and no peer review and therefore not accountable to any authority. They are mainly read by people in the Diaspora, who then get the information back to their families, elders, and clans only to create confusion in our social cohesion and stability.

Dr. Fadal: took the opportunity to thank the Minister for his candid talk and for taking interest in the discussion. He also acknowledged the importance of having the Minister for presenting the views of the government and listening to the concerns and views of the independent media professionals in order to give feedback to the government and its policy makers.

Abdillahi Geeljire, the former Minister of Information and Culture, was also among the key note speakers. He started off by saying that since the dawn of the media civilization, governments and media were in conflict; *"in our case, democracy and media institutes are still very fragile and there is a need to nurture them properly, improve upon the existing system and guide them well."* He said that while he was the Ministry of Information and Culture, he met with very young professionals, competent and capable with no equipment, but seemed to have desire and energy that their creativity saw no boundaries and they used every method to present their ideas and the views of the public in a very difficult process. However, Somaliland media are steeped in the opposition ways adopted from the time of SNM without still any change in sight. *They should have been neutral, working for the sole interest of the public so that the masses know what is going on and since that they can present the needs in our society to the government, policy makers and planner*. He also added that there is nothing wrong by pinpointing the wrongs in the society and in the government approaches to development and in fact it would have been a golden chance for the President to know about reality reported on the ground but it seems that they are acting as opposition institutions. It is unfortunate to know that fairness is not in the list of priorities for media professional. Many times we encounters phrases like "we are not responsible for the views expressed in the article and we couldn't reach out the other side" and yet it is them who write the article, who give their views about a situation without researching it well and knowing the concerns of the other parties involved.

He welcomed the idea of providing chance to young professional to enhance their skills and the government should be very active in training these young professionals whose career in the media needs to be guided and mentored. This training must be for both those who work for government owned media institutes and independent media groups. The speaker cited Thomas Jefferson quotes *"government without media and media without government, I would have selected media without government*" to show the significance of the media. He also said our media needs to grow up and its

growth should reflect the number of years it endured. It is almost 20 years since we established our State and right from the very first days, media was operating and reporting and yet the development in media can't be counted on and rationalized. The government is obliged to show patience and support. Finally he said "*In such podium, institutions like SOARDI can take on social research and share the findings with the media and by doing so can start creating a close links with the media and use them as chance to correct and find answers for social problems.*"

Session II: Summary of Presentations

This session was moderated by Khadar M Akule a media expert and head of programs at Radio Hargeisa. The first presenter was *Adam H Ali, Advocate and Conflict Resolution Practitioner & Director of Institute of Peace and Conflict Studies (IPCS) University of Hargeisa (UoH).*

Adam presented a paper about **The Role of the Legal and other regulatory frameworks in the development of the media: the Case of Somaliland (See the paper above).**

The second speaker of session two, *Dr. Mohamed Fadal,* made a presentation on the **Summary of Media Sustainable Index and Democracy Assessment framework applied on Somaliland.**

A Panel Discussion followed these two presentations:

In this session, three panelists from **Radio Hargeisa**, **TV stations** and **Social Media** were given an opportunity to discuss on pertaining issues that are relevant to their specific fields of the media. The points provided below are the questions and their answers

Following Questions are raised by the audience:

Q1. Apparently, Radio Hargeisa, which is a national radio station, has plenty of broadcasting time; it seems important to utilize this available time for social and economic issues that affect the society, instead of airing too much songs and advertisements. Why is it not feasible to have private radio stations to be opened in the country?

Q. The foreign language programme of Radio Hargeisa don't seem to be well prepared and organized, specially the English program could have been better produced with the right and skilled people; what is your plan to improve on the English programme?

Q. It was pointed out that is it important to create public domains that are capable of initiating debates on social and economic issues so that radio stations and TVs can become an essential pillar of democracy and social development. Regarding social media, it must not be a place everyone can write on and post whatever he/she wants, but rather the ethics and responsibility of media should be respected.

Q. Why is it not possible for Radio Hargeisa to fulfill the need for find reliable and firsthand information and news from and about the government functionaries? For instance, during Riyale's regime, they used to speak with the media and media personnel used to get firsthand information of what was happening in the government institutions and about situations that were in hand.

Q. there is a need to work on the drafting of access to information Ac. How can a policy drafted by the media houses fulfill the needs to regulate the media and its professionals?

Panelist answers

ANS. Mohamed Ilig, Horn Cable TV, replying questions regarding TV stations, stated that experience is the mother of wisdom. At one point, the profession is growing and at another point, they are gaining experiences. It is true that HCTV has involved so much the political campaign for the incumbent government, however, now it seems that we are gaining experience, realizing the importance of being neutral and professional, protecting the interest of all and respecting professional ethics. The growing technology and its requirements to have professional who know how to use these new technology equipment get into the way of producing valuable and required pictures. However, we are trying our best to always produce quality and relevant pictures.

Mr. Abdishakur, News Representing Websites, said it is a fact that there are a lot of things that need to be corrected and improved upon. Something is wrong with the media groups themselves, the public has its own difficulties and the government has a share in the bigger problem. Ethics and professionalism is left behind and no longer practiced. It is hard to think of stopping the small

amount of money being given to the media personnel because there are a lot of needs with these young media people and they need to fulfill their personal and professional needs. However, even though there are needs, it should not have been a cause for the deviation of media professionals from the professional ethics and the rule of law. It is possible for local laws to merge with and be compatible with the International standards. If we want Radio Hargeisa to represent our needs, it is essential that the public should give their views and the management needs to collect these views to see what the public feels about their schedule and programs. The public and the Radio Management should work towards achieving a quality and relevant programme for the national interest. Somaliland News Agency, SOLNA should be responsible for providing news and information for all the media groups, not only for the government owned media houses.

Geeljire, the former Minister of Information and Culture: the government Ministries are ordered to have spokesperson and they were asked to send the names of these. However, there are challenges and gaps in all our national institutions, but it is important the medial groups should be sure of the sources they are taking their information from and its details. They need to contact both sides when there are two sides or more involved in the issues.

The last presentation of the day one was made by Abdikadir Abdirahman- a prominent figure and active member of the Institute of Social Studies. His presentation was about **Exercising the Code of Conduct during the Elections: the case of the Somaliland Media – see the paper above.**

Group Work:

This was followed by a group discussion on the issue of Somaliland of media. At the closing section for the day, the above issues were given out to the participants, who were split into three groups to discuss the following three areas/questions and report back to the plenary.

1. Press law and Licensure for medial houses/outlets

2. Social Media, how can it be contextualized?

3. How can the print media and Radio stations be nurtured and improved

Day two:

The second day of the conference started with the group's report back. Members representing groups have presented their discussion and conclusions/recommendations.

All the three groups agreed the importance of improving the status of print media and radio. The importance of protecting ethics and professionalism was agreed by all the groups. Below is the summary of each group's discussions and recommendations.

Group One *(Press law and Licensure for medial houses/outlets)*

- Amendment should be made on the existing Press Law, and new one should not be produced
- All stakeholders should be given a chance to participate in the process of amending the Press Law, especially the views and contribution of medial scholars, professionals and outlets should be respected.
- This Law should be expanded to other media groups such as printing media, Television, Radios, and the social media.
- This Law or Act should not have any criminal regulations, all media preaches or infractions should be handled by civil laws.
- It should have long term vision
- The process of licensure for media houses should be clearly spelled out in this Act with criteria and requirement for media personnel and houses.

Group Two *(Social Media, how can it be contextualized?)*

- Importance of Social Media:
  - Social networking
  - For fundraising for social purposes
  - Organization of projects nationally
  - Lobbying and advocacy for recognition
- Responsibilities
  - Rights and importance of Social Media should be recognized and respected
  - Personnel of Social Medial should comply with the Media Ethics and must be able to protect the interest of the public as well as their rights

- Accountability: there is a need for social media professional to be accountable for all their actions
- Social Medial should not be used only for news but should explore on other ways of utilizing more on it.
- National Media Laws should be expanded to the Social Media and its application
- Social Media needs to ensure its source of information for all the postings they make.
- Social Media should be encouraged to come up with their own internal policies so that they can at least be able to regulate their actions internally.

Group Three *(Improving the status of print media and radio)*

- Professional journalism
- Human resource development
- Search investors/funding
- Improve public relation skills
- Diversity of publications
- Improve consistency of quality of publication and media
- Enhance media houses capacity and facilities
- Create public contributors
- Community radios
- Ensuring the quality of the Programmes of Hargeisa Radio
- Review the schedule of the broadcasting of the Hargeisa Radio
- Concentrate social issues, health, education and development
- Trained staff must be encouraged to continue their program
- Create media awards: recognition of invention
- School of journalism
- Capacity building

Session I of second Day: Paper Presentation

The first presenter of session one was **Zeinab Y. H.Adan**, *a development professional and a long time civil society worker*. Zeinab presented about **Freedom of Press and the Role of Diaspora (see paper above).**

Session Ii: Video Conferencing and Live Streaming:

The second session of the day two of the conference was devoted to the participants living outside the country who couldn't attend the conference. To get more scholars across the globe get involved in the discussion and obtain more tangible and innovative ideas, video conferencing is used to stream the entire discussion and to draw attention of great number of scholars. A number of scholars and media personalities in the UK, Spain, Kenya, Uganda, and Somalia were encouraged to share their ideas with the conference participants through the use of live streaming and video conference system. These include three journalists from Britain, Chairperson of Kenyan Journalist Association, Al Jazeera Journalist in Spain and Student of journalism in Uganda.

In addition to this, live streaming has drawn a huge discussion from Facebook viewers and other social network users. A Facebook page had been created for conference and discussion questions were posted to stimulate media professionals and others who didn't get chance to attend share their viewpoints and ideas with the conference. It was constantly reviewed by the conference organizers and questions that are excerpted from the page were discussed in the conference by panelist and presenters**Session two: Panel Presentations**

Universities Panel: The role of Universities:

The panel consisted of several members representing the University of Hargeisa who briefed the participants about their trial of beginning a journalism courses in the UOH. They shared with the participants about the challenges they faced. The group have highlighted that there was only one batch of around 30 students that attended for a short journalism course and most of them are now the driving force of Somaliland media. Since then, the university couldn't maintain the continuity of these courses due to financial problems. The University panelists have pledged before the

conference that they are now planning to restart journalism courses which will contribute a lot to the Somaliland media.

Closing Remarks

Dr. Fadal stated that it was two days of experiential and intellectual exercise. He thanked all the participants and contributors for their efforts and contribution. He indicated that it was successful gathering and at the end, Dr. Fadal invited some of the participants to provide their views on what we have learned from this two day conference:

Su'ad Ibrahim Abdi – Rep of Progressio: it is a conference we needed to engage with because it shows the desire we have for freedom of expression and that we are getting along with the democratic process in the country**.** It created a special interest in me, for a long time I have been writing on the media and I used to have special interest in reading journals. I believe that as citizen it my right to get information and news about the happenings. I am delighted for the role of the media persons and they deserve my regards for their continuous efforts to provide us with news and information. Our media is still growing and needs a lot of support, and scholarly discussions like this one. The recommendations produced here should be followed up and be made implementable so that our media gets improved and guided.

Mustafe Sa'ad- Editor of Jamhuuriya Newspaper: first and foremost, I want to thank SORADI for its efforts to create a podium for us. As media person, it is great pleasure that we see the brightest group of scholars, media professional, intellectuals, leaders come together and talk about the challenges and opportunities of Press. The conference has come into being in the right time, when there has been so many issues around the media. The Hubaal newspapers' office has been closed down; the president's order to release the Hubaal reporter, and the apology from the media houses for this case, that Hubaal action was wrong and misbehaving. There seemed the need to have an Act that regulates the media and protects its rights and that of the public is upheld. In fact, I am so much thankful for the whole participants who came from different fields and from the regions to share their views and intellectual contribution. We will be glad to accept your advice and views to better our professional standards and I expect all the concerned stakeholders should respect the recommendations of this conference. I hope this would not be the last conference. Thank you all

Katrin Seidel: Regional Director of HBF: it is my third time in Hargeisa, and I have participated in two SORADI annual conferences. Thank you for the invitation and thanks for creating this extensive debate on critical issues. I am delighted to thank all of you for having participated in the conference for the couple of days. You are coming from different perspectives and expertise and you have been sharing your ideas and opinions in these long days and I am really impressed that we have contributed. Thanks SORADI for showing us the utilization of latest technology, video conferencing, live streaming and demonstrating how the technology has the power and potential to connect people across the globe. That was a very powerful demonstration today.