



ELECTIONS AND
CONFLICT IN
SUB-SAHARAN
AFRICA 2013

SOMALILAND
CÔTE D'IVOIRE
KENYA

Photo: Dustin Turin

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Project Advisor: Jeff Fischer

Princeton University ♦ Woodrow Wilson School
February 2013

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The Somaliland team meets with civil society leaders in Boroma, Somaliland (photo courtesy of Eugene Yi)

ABOUT THE GRADUATE POLICY WORKSHOP

This Princeton Policy Workshop is a unique project sponsored by the Wilson School of Public and International Affairs that allows students in the Master in Public Affairs program to examine a complex policy problem and provide relevant clients with analysis and recommendations.

In 2012, nine students with a wide range of experiences working on African issues organized a workshop to examine electoral conflict in Africa. Under the direction of Jeff Fischer, we spent several months studying African electoral systems and interviewed numerous stakeholders, such as election commission administrators, the International Criminal Court, the International Foundation for Electoral Systems, and United Nations (UN) agencies.

In October we chose three case studies – Somaliland, Côte D'Ivoire, and Kenya – and traveled to these locations for field research. Through nearly 100 interviews with political parties, candidates, UN agencies, electoral management bodies, government ministries, security officials, civil society groups, donors, and NGOs, we identified specific challenges for each country and developed policy recommendations for UNDP, USAID, local electoral stakeholders, and other international partners.

While the entire workshop contributed to the preparation of this report, the combined assessments presented here do not necessarily reflect the views of any individual author, Princeton University, the project advisor, or organizations interviewed for this report.

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Cover Photo: *Voting at a Somaliland Polling Station in November 2012. Photo Courtesy of Dustin Turin.*

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ACRONYMS

Somaliland

AMISOM	African Union Mission in Somaliland
APD	Academy for Peace and Development
CSO	Civil Society Organization
EMB	Electoral Management Body (RAC and NEC)
GoS	Government of Somalia
GoSL	Government of Somaliland
INGOs	International Nongovernmental Organizations
IRI	International Republican Institute
MoE	Ministry of Education
MoI	Ministry of Interior
MoR	Ministry of Religion
NEC	National Electoral Commission
RAC	(Political Parties) Registration and Approval Committee
SONSAF	Somaliland Non-State Actors Forum
SSC	Sool, Sanaag, and Cayn
UNDP	United Nations Development Program
UNPOS	United Nations Political Office for Somalia

Côte d'Ivoire

CC	Constitutional Council
CDVR	Dialogue, Truth and Reconciliation Committee
CEI	Independent Electoral Commission
CNCA	National Council of Audiovisual
CNP	National Press Council
CNSI	National Commission of Identification Supervision
COFEMCI	Coordination of the Women of Côte d'Ivoire for Elections and Post-Crisis Reconstruction
CPC	Permanent Committee of Consultation
CSCI	Convention of Civil Society of Côte d'Ivoire
ECOWAS	Economic Community of West African States
EU	European Union
FANCI	National Armed Forces of Côte d'Ivoire
FN	New Forces
FDS	Defense and Security Forces
FPI	Ivoirian Popular Front
FRCI	Republican Forces of Côte d'Ivoire
ICC	International Criminal Court
LIDER	Liberty and Democracy for the Republic
ONI	National Office of Identification
OAP	Ouagadougou Political Agreement
PDCI	Democratic Party of Côte d'Ivoire
RDR	Rally of the Republican Party
RHDP	Houphouëtiste Assembly for Democracy and Peace
UNOCI	United Nations Operation in Côte d'Ivoire
WANEP	West Africa Network for Peace-building

Kenya

CRECO	Constitution and Reform Education Consortium
CPJC	Catholic Peace and Justice Commission
DFID	Department for International Development (UK)
ECK	Electoral Commission of Kenya
ELOG	Elections Observation Group
GOK	Government of Kenya
ICC	International Criminal Court
IDP	Internally Displaced Person
IEBC	Independent Electoral and Boundaries Commission
IPYF	Inter Party Youth Forum
KEPSA	Kenyan Private Sector Alliance
MRC	Mombasa Republican Council
NDI	National Democratic Institute
NSC	National Steering Committee on Peace Building and Conflict Management
TA	Transition Authority
TJRC	Truth, Justice and Reconciliation Commission
UNDP	United Nations Development Program
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

Elections play a critical role in democracy, allowing citizens to articulate their interests and hold government accountable. Yet, in many Sub-Saharan African countries with weak institutions and a history of conflict, high stakes electoral competition leads to violence and threatens the stability of democratic institutions. In these contexts all stakeholders must collaborate in a robust security framework that recognizes the underlying causes of electoral conflict and mitigates the risk of violence.

This study identifies drivers of electoral conflict and proposes policy responses for three diverse case studies—Somaliland, Côte d'Ivoire and Kenya—which face some risk of future electoral violence.

Common themes also emerge, and comparisons can help answer broader questions about electoral security in Sub-Saharan Africa and identify common policy solutions. Within this general framework, the report considers the following key questions:

1. What are the patterns of past electoral violence within a country and how do these change given recent alterations in its political structure?
2. What are the underlying causes of electoral violence, and how can international actors most effectively support peaceful elections?
3. What is the appropriate sequencing and timing for institutional reforms and conflict mitigation mechanisms and how can donors promote peaceful and fair elections in the longer term?

Somaliland

Situation Assessment

Somaliland has held five democratic elections since transitioning to multi-party democracy in 2001. The most recent occurred at the district level in November 2012 to select (a) three national political parties for a ten-year term and (b) members for Somaliland's 23 district councils. Despite the calm and success of past electoral cycles, the incidence of conflict is increasing, and several emerging vulnerabilities threaten the peace of future elections.

Vulnerabilities

Volatile and vague electoral laws lead to conflicting expectations and interpretations among

voters and candidates; undermine the ability of Electoral Management Bodies (EMBs) to establish predictable, permanent electoral processes; and perpetuate dependence on informal, clan-based mechanisms for resolving electoral disputes.

The **weak political party system** mostly serves as a vehicle for fluctuating clan interests and individual ambitions. Thus, parties and associations have low capacity for developing permanent, broad-based constituencies and policy agendas. This situation increases the risk for violence since political contests are truly an expression of clan and personal divisions.

Lack of a valid voter registry contributes to widespread voter fraud. Moreover, the lack of voter registration undermines the National Electoral Commission's (NEC) ability to equitably distribute polling stations and allocate sufficient materials.

The **low capacity of EMBs** feeds public suspicions of bias and weakens confidence in electoral outcomes. Poor public relations and transparency and nonexistent inter-agency coordination marred the reputations of the NEC and the Political Party Registration and Approval Committee (RAC) in 2012. Though NEC's past successes bolsters its credibility, RAC's status as a new agency with questionable neutrality and an unclear mandate undermines its legitimacy.

Poor security force training aggravates electoral conflicts. The 2012 elections revealed that police do not know how to control crowds properly and manage spontaneous demonstrations. Police often respond with excessive force, which intensifies the conflict.

Al-Shabaab's losses in Somalia may be driving the Islamist group north, and it has singled out Somaliland's elections as a prime target.

Territorial disputes in Sool, Sanaag, and Cayn (SSC) between Somaliland, Puntland, and the new separatist administration in Khatumo inhibit voting in these areas. NEC's attempt to create polling stations in SSC aggravates tensions and incites violence.

Recommendations

1. Parliament should form a commission with all relevant stakeholders to conduct a **comprehensive review and reform of electoral laws**. If Parliament can eventually produce a cohesive, clear electoral legal framework, it will minimize the risk for conflict created by volatile and vague electoral laws.

2. The Ministry of Interior (MOI) should **develop a civil registry**. A Civil Registrar, district offices, and mobile registration teams should implement the process, and a Joint Civil Registration Committee comprised of MOI, NEC, and other end users should provide oversight. NEC can then use the civil registry for voter identification and electoral preparations, which will reduce voter fraud and boost the public's willingness to peacefully accept electoral outcomes.

3. Parliament, RAC, and NEC should develop comprehensive **political finance regulations**, requiring political parties and associations to disclose the source and amount of political contributions above a certain threshold. Strong regulation will limit the influence of illicit funding sources and reduce the use of political money for vote buying, voter intimidation, or electoral violence.

4. Parliament should **bolster RAC's capacity** to regulate and support the political party system by making it a permanent body with five year terms.

5. RAC and NEC should establish a formal mechanism for **interagency coordination** in order to prevent misunderstandings that could lead to conflict and help the institutions better address security risks.

6. RAC and NEC should hold **joint weekly press conferences**, distribute regular updates, and strengthen public relations during election seasons to increase transparency and public awareness.

7. Local and international NGOs should increase **capacity-building programs for political parties** in policy agenda development, effective messaging, building a permanent constituency, and other skills. This support will help combat clan-based politics and mobilization (which increases the risk for conflict) and promote development of parties based on policy issues and ideology.

8. CSOs and the Government of Somaliland (GoSL) should strengthen **civic education programs** and permit **independent radio**. These efforts will complement capacity-building programs for political parties and further facilitate the maturing of political competition.

9. MOI and international partners should provide special **election security training for police** in managing large crowds during demonstrations.

10. Religious, clan, and civil society leaders should establish informal channels for **Track II Diplomacy** (also known as citizen diplomacy) between Somaliland and Puntland to encourage dialogue and cooperation between the two states.

Côte D'Ivoire

Situation Assessment

Côte d'Ivoire's political landscape and security remain fragile after the country's first presidential election in about a decade. The 2010 presidential election led to a contested outcome, an international intervention to assist in the removal of the former president, and more than 3,000 deaths. In advance of the 2015 presidential elections, serious vulnerabilities still exist that could spur electoral violence. Mitigating the risk of conflict in 2015 will require structural reforms and the political will to commit to the proposed changes.

Vulnerabilities

Election Management Bodies (CEI/CC) – The appointment process for the Independent Electoral Commission (CEI) and the Constitutional Council (CC) remains highly politicized. This undue political influence can create substantial instability as witnessed in the 2010 announcement of presidential election results. Decision-making based on political considerations undermines the reputation of state institutions in managing the electoral process, while also making them the target of accusations from the opposition. Moreover, absent a review and clarification of the electoral laws and the powers of the CEI and CC, decisions will continue in an ad-hoc manner, and confusion and delays are expected leading up to 2015.

Voter registration – The voter list has not been updated since April 2010 and many cases that were neither validated nor disqualified (grey lists) are still pending review.

Political – Since Ouattara's rise to power, progress on political reconciliation has been minimal. Only recently have there been overtures towards some Ivorian Popular Front (FPI) leaders remaining in country, as the trial of former President Laurent Gbagbo moves forward in the Hague.

The political alliance between the RDR and the PDCI that propelled Ouattara to power remains fragile. PDCI officials have voiced willingness to break this alliance if it damages their chances of victory in the upcoming February regional and municipal elections.

If sufficient political concessions are not offered to the PDCI before 2015, this political relationship could be easily severed and the confusion it generates could spark electoral violence in 2015.

Security – Proper security sector reform (SSR) and disarmament, demobilization, and reintegration (DDR) have not occurred. The demobilization of former combatants and the integration of pro-Gbagbo and pro-Ouattara forces into the national army (FANCI) has not proceeded as planned and after a string of attacks in the second half of 2012, substantial doubts remain as to whether security will be permanently restored in the country before the 2013 local elections.

Firearms remain widespread in Côte d'Ivoire and neighboring countries. While few incentives exist for the ex-combatants on both sides to relinquish these weapons, bilateral cooperation with the Liberian and Ghanaian governments is starting to bear results on the delicate issue of cross-border violence from rogue elements in the opposition.

Socioeconomic – Stability is a necessary condition for the economic recovery. Main causes of conflict are rooted in the inappropriate use of state resources and unequal access to wealth and income. The Ouattara administration must address these long-term issues to mitigate deep-rooted drivers of conflict. In particular, land tenure is a divisive issue - especially in the western region, where foreigners are viewed with suspicion. Without proper awareness and application of the land laws by state and customary authorities, this problem will persist into 2015 and trigger electoral violence.

Recommendations

1. The government should **enhance the capacity and neutrality of CEI and CC** tasked with the electoral process by reforming their composition, instituting a new appointments process, and ensuring that the institutions have the proper mandate and resources to update the voters list for 2015. Implementing mechanisms to improve the structural impartiality of these bodies will help de-politicize their decisions and reduce potential backlash and violence.
2. The government should **facilitate political reconciliation** through dialogue at the executive level with the FPI and seek justice for those on both sides of the violence. An essential preliminary step is to release or bring to trial pro-Gbagbo supporters held in detention centers. The government should also

commit to decentralization of the Dialogue, Truth and Reconciliation Committees (CDVRs) and assist local actors who have already initiated the process. Concrete steps towards reconciliation and impartial justice will reduce tensions and help normalize political life.

3. The government should properly implement the **DDR process** to reduce the quantity of arms in circulation and incentivize alternatives to violence.

4. The government should **build the capacity of FANCI forces** to monitor and secure the 2015 elections by giving them adequate financial and personnel resources. A unified and robust force will ensure public confidence in the national army and deter electoral violence.

5. Côte d'Ivoire, Liberia, and Ghana should enhance **cross-border military and judicial cooperation** to arrest perpetrators of electoral violence.

Kenya

Situation Assessment

In March 2013, Kenya will hold its first presidential elections since the post-election violence (PEV) of 2007/08 that left over 1,500 people dead and 660,000 displaced. The International Criminal Court (ICC) has charged four instigators of the violence – two of whom are currently running together for president and vice president. However, few individuals have faced domestic prosecution for their involvement in PEV, raising concerns that the pattern of electoral violence has become further entrenched in Kenyan politics. Additionally, Kenya held a peaceful referendum for a new Constitution in 2010 that established a devolved local government structure with 47 new counties of administration. The referendum was lauded for its peacefulness, but it remains unclear whether that will translate to peaceful political elections.

Despite a pervasive “never again” mentality regarding electoral violence among Kenyans, most stakeholders expect some violence in the upcoming elections; the question is whether it will be contained. Kenya boasts a strong civil society and has begun to implement security sector reforms. Still, the country faces many security vulnerabilities both recurrent and new.

Vulnerabilities

Socio-Economic vulnerabilities that have marred Kenya's past remain present in 2013. These include

the challenges of a **youth bulge, diaspora influence, tension over land and resources, unemployment, and inequality.**

The new system of **devolution** also poses a major threat. When Kenyans go to the polls in March, they will be voting for as many as six new positions, including County Governor and Senator. Much of the country is still uninformed about the responsibilities of each position. There are even reports that candidates for these positions are unaware of the duties. An **uneducated electorate**, coupled with the **poorly managed Transition Authority**, the body responsible for overseeing the devolution process, create medium to long-term security threats as elected officials begin jockeying for power. Already, this has resulted in a return to the patterns of pre-electoral violence witnessed in the 1992 and 1997 elections, albeit at the county level.

Security vulnerabilities also remain prevalent due to **security sector capacity constraints**. Some reforms have been passed to help the police transition to the new structure outlined in the Constitution, but few have been implemented. There are major concerns for the short-term about the security sector's capacity to keep the peace on Election Day, as well as long-term concerns about its ability to merge into a cohesive new police force to function throughout the full electoral cycle.

Finally, transitional justice vulnerabilities have developed. **Judiciary reforms remain incomplete** and the electoral management body, the IEBC, has yet to set up the necessary system to adjudicate electoral crimes. The ICC trials have become a divisive point, especially with two indicted candidates running for office. It remains unclear what role the ICC will play in the elections, but the trials could possibly destabilize the post-election period, particularly in the event of a presidential run-off.

Recommendations

1. Continue support for **civic education programs** in the post-election period to mitigate medium and long-term security vulnerabilities associated with the devolution process.

2. **Implement security sector reforms** on an on-going basis, including police training and peace-building forums between police and local communities. Also, clarify the **role of the Provincial Administration** in security provision at the county level. These actions will help prevent post-election

violence in the upcoming election as well as improve the long-run competency of the security sector.

3. To mitigate socio-economic vulnerabilities, provide **victim services**, particularly related to mental health, for victims of electoral violence in past and future elections.

4. Undertake **political party reforms** to help move the country away from ethnic and personality-based politics. Effective reforms will bring issue-based politics to the fore and mitigate some of the most divisive lines along which electoral violence is perpetrated.

Unifying Conclusions

1. A rich understanding of the historical patterns of electoral conflict, as well as emerging dynamics in situations of political change, is necessary for the effective mitigation of electoral violence.

2. International actors most effectively support peaceful elections through a combination of technical assistance and the promotion of accountability for the perpetrators and orchestrators of violence.

3. Donors and domestic stakeholders should work in partnership to implement medium and long-term strategies to strengthen elections and governance systems.

INTRODUCTION

Aim of the Report

Elections play a critical role in democracy, allowing citizens to peacefully articulate their preferences and hold government accountable. Yet in many Sub-Saharan African countries with weak institutions and a history of political conflict, intense competition in high stakes elections leads to periods of violence and turmoil. Violent elections, in turn, threaten the stability of democratic institutions and processes, particularly in transitional democracies. Managing elections in this context necessitates collaboration between various institutions—government, civil society, non-governmental organizations (NGOs), and the international community—to establish a robust security framework that recognizes the underlying causes of electoral conflict and mitigates the risk of violence.

The purpose of this study is to shed light on the factors that contribute to electoral conflict in diverse transitioning democracies and to propose interventions that can prevent or mitigate violence during elections. The three case studies used in this report—Somaliland, Côte d'Ivoire and Kenya—all face some risk of future electoral violence. Not only do these countries have diverse political histories and demographics, but they also exhibit varying patterns and degrees of electoral violence, with different timetables for upcoming elections. Thus, this report provides a separate analysis and set of recommendations for each case.

Nonetheless, common themes emerge, including a history of political instability, entrenched social cleavages, and low institutional capacity for managing electoral conflict. These comparisons can help answer broader questions about electoral security in Sub-Saharan Africa and provide common strategies that can help mitigate or prevent conflict in differing contexts. Within this general framework, the report considers the following key questions:

1. What are the patterns of past electoral violence within a country, and how do these change given recent alterations in its political structure?
2. What are the underlying causes of electoral violence, and how can international actors most effectively support peaceful elections?
3. What is the appropriate sequencing and timing for institutional reforms and conflict mitigation mechanisms, and how can donors promote peaceful and fair elections in the longer term?

Research Methods

This report is based on research undertaken by the nine authors over the course of five months. In addition to secondary resources related to each case study, the bulk of the analysis is based on interviews in six locations. Between October 25 and November 3, 2012, the authors held nearly 100 meetings with civil society organizations, political parties, candidates, electoral management bodies, international donors, government officials, security forces, and religious and tribal leaders. Meetings were held in Abidjan and Brussels for the Côte d'Ivoire study, Nairobi and Nakuru for the Kenya study, and Hargeisa and Borama for the Somaliland case study. A list of the individuals interviewed can be found in Appendix A.

Structure of the Report

The report is divided into three case studies and a conclusion that identifies cross-cutting themes and lessons. Each case study consists of 1) a brief situation assessment describing the context of the electoral systems under consideration; 2) a summary of the stakeholders involved in electoral security and conflict and a description of their roles; 3) an analysis of key vulnerabilities that increase the risk for electoral violence; 4) an overview of factors that may help mitigate electoral conflict; and 5) recommendations that can help address electoral violence in these three countries in the medium and long-term, depending on the election calendar.

The order of the case studies follows levels of past electoral violence and the ability to address electoral violence at different stages. Somaliland is the first case study, representing a low/moderate level of electoral conflict with sufficient time to implement key reforms before future elections. The second study is Côte d'Ivoire, which has experienced a high level of electoral violence but also has adequate time to implement reforms prior to the next round of presidential elections in 2015. Our final case study, Kenya, has faced the highest level of electoral violence in the past and will hold elections in March 2013. Thus, its ability to implement new programs to mitigate electoral violence in the short term is limited, but it may instead undertake long-term reforms.

The conclusion highlights broad lessons that may apply in other contexts. It calls for practitioners to conceptualize electoral security as a complex system that requires assistance throughout the entire electoral cycle (before, after, and during elections) and to appreciate the evolving political and social context.

CASE ONE – SOMALILAND

I. SITUATION ASSESSMENT

The first section examines elections in the self-declared Republic of Somaliland, in northwestern Somalia. This case study aims to (1) assess systemic vulnerabilities that may lead to violence in future elections, (2) profile the potential threats of electoral conflict, and (3) propose solutions to avert future election violence. Recent district elections will serve as a timely reference.

Although unrecognized as a sovereign state, Somaliland has achieved what only a handful of other countries in Sub-Saharan Africa have attained – peaceful elections and democratic transitions of power. Despite Somaliland's past successes, several emerging security, political, and socio-economic vulnerabilities threaten the peaceful and democratic nature of future elections. These concerns have contributed to increasing violence and instability during electoral periods.

Within this context, Somaliland held its second district-level elections on November 28, 2012. Though observers described the elections as relatively peaceful and transparent, widespread voter fraud, allegations of vote rigging, and electoral violence exposed problems in the electoral process. Future elections are at risk for further instability if the vulnerabilities discussed below are not addressed.

1. Political and Electoral History

Somaliland's system of governance is based on a mixture of traditional tribal arrangements and democratic practices. Though the tribal and religious composition in Somaliland is more homogenous than in Somalia – most people are Sunni Muslims from one of three major clans – there is significant diversity and complexity in clan relationships at the sub-clan level (see Appendix C for maps and clan geography). The Isaaq clan is the largest in Somaliland, mainly situated in the central areas. The western region of Awdal has the highest population of the Dir Clan. Finally, the Darod Clan is the largest Somali clan, and its population is distributed across eastern Somaliland and the semi-autonomous region of Puntland in Somalia. A significant part of the Darod Clan in eastern Somaliland prefers to remain united with Somalia, rather than Isaaq-dominated Somaliland. These tribal affiliations contribute to border disputes in the regions of Sool, Sanaag and the district of Cayn (collectively known as the SSC areas) between the

Somaliland Government and local militias supported by Puntland.

Since declaring independence in 1991, Somaliland has functioned as a *de facto* state, with regular, democratic elections since 2001. The 1993 Borama Conference crafted the basic structure of government, which, at the federal level, includes: (1) a Parliament (House of Representatives and House of Elders – comprised of elders from the various sub-clans), (2) an executive branch, and (3) a judiciary, including a Supreme Court. The 2001 Constitutional referendum reaffirmed the transition to multi-party democracy and established an electoral process for district councils, Parliament (both the House of Representatives and the House of Elders), and the Presidency.

During the past four elections, Somaliland has managed to overcome logistical challenges and political crises through informal clan negotiations and an entrenched collective commitment to peace. In the first district elections in 2002, six political associations fielded candidates for a closed-list proportional representation (PR) ballot, and Somalilanders voted for party-lists. The results were used not only to elect the members of district councils but also to determine the top three political associations, which became Somaliland's national political parties for a ten-year term. Because the Somaliland Constitution limits the number of national political parties to three, only the three most popular political parties in the district elections are allowed to contest Presidential and Parliamentary elections for a ten-year period. Presidential elections in 2003 remained peaceful despite the narrow margin of victory – a mere 80 votes. Similarly, the 2005 House of Representatives elections faced no major incidents of violence, although the House of Elders (*Guurti*) voted to extend its term of office and delay *Guurti* elections. Though tensions arose again when the 2010 Presidential elections (originally set for 2008) were repeatedly delayed due to voter registration challenges, the peaceful transfer of power from UDUB to Kulmiye was a major achievement. Despite these past successes, the lack of a civil registry, ambiguous electoral laws, budgetary constraints, limited external support, and a largely illiterate population remain major weaknesses in the electoral process.

2. Conflict Profile: 2012 District Elections

Prior to the district elections on November 28, 2012, Parliament passed a law permitting new political

associations to form. Five new associations and two existing political parties competed for the three national political party slots. In addition, the groups fielded candidates for open-list ballots, which allow voters to directly select candidates from party/association lists, in order to increase local accountability. As a result, an unprecedented number of candidates contested the elections – a total of about 2,400 contesting around 350 district seats.¹ Due to delays, the preparation time was constrained, and the election encountered several challenges, including the lack of a voter or civil registry, funding delays for the National Electoral Commission (NEC), and challenges in designing a complex open-list ballot for a largely illiterate population.

Conflict marked the pre-electoral period, beginning with complaints about the Registration and Approval Committee's (RAC) lack of transparency in the process of qualifying new political associations and the NEC's methodology for polling station placement, which the opposition criticized as being biased. The atmosphere remained tense in the week before Election Day, and several violent incidents occurred – particularly clashes between protestors and security officials. For example, in reaction to sporadic demonstrations against the NEC in Sanaag, Togdheer and Awdal regions, security forces fired upon protestors, leading to civilian deaths and injuries.

Voting on Election Day proceeded calmly. A preliminary statement by the international election observer team, led by Progressio, Somaliland Focus, and the Development Planning Unit of the University College of London, called the elections a “largely peaceful and transparent expression of democratic will” but raised concerns about “weaknesses in safeguards against multiple voting.”² The team also expressed concerns about fraudulent and under-age voting due to the absence of a voter registry and the insufficient supply of materials such as indelible ink and ballots at some polling stations.

Violence re-emerged after the elections, due to disputes over preliminary results in some districts. Allegations of electoral manipulation by the ruling party, Kulmiye, were first raised by the opposition

political association, Xaqsoor, which claimed that the ruling party not only rigged votes in its favor, but also cheated to help an allied political association, Waddani, win support. Other political associations followed suit, condemning the ruling party and accusing the NEC of being under the influence of the government. When results for Hargeisa district were released in early December, opposition supporters demanded a recount. The revised vote cote for Hargeisa district decreased seven percent (a discrepancy of over 16,000 votes), further fueling new protests and suspicions of manipulation.³ In late December, the NEC announced the long-awaited final results of the elections, declaring Kulmiye, Waddani, and UCID as the top three parties. Thus far, at least eleven people have been killed in violence during the post-election period.⁴ A full profile of electoral violence in 2012 is shown in Appendix D.

II. STAKEHOLDERS

State, non-state, and international stakeholders are involved in electoral security. They include regulatory and security institutions that organize the elections, as well as potential perpetrators and victims of electoral violence. Below is a description of the main election stakeholders and their role in electoral security.

1. State Stakeholders

National Electoral Commission (NEC)

NEC is the lead state institution for electoral operations. Composed of a national secretariat and regional and district sub-offices, the NEC's role includes: organizing polling stations, designing and distributing ballots, coordinating voter education, and regulating campaigns. The NEC Secretariat includes seven members – three nominated by the President, two by the House of Elders, and two by registered opposition political parties. They serve five-year terms. Informal discussions with political parties and civil society prior to the elections revealed that the NEC is generally seen as an experienced and objective institution, with a very technical (rather than

¹ Voice of America, “Somaliland Voters Go to the Polls,” November 28, 2012.
<http://www.voanews.com/content/somaliland-elections-28nov12/1554518.html>.

² Somaliland Focus/Progression/DPU, “International Observers Statement on the Somaliland Local Elections,” Press Release, December 3, 2012.
<http://www.somalilandfocus.org.uk>.

³ Yusuf Hassan, “Somaliland NEC Reshuffles List of Successful Hargeisa Municipality Councillors,” *Somalilandsun*, December 15, 2012,
<http://somalilandsun.com/index.php/politics/1963-somaliland-nec-reshuffles-list-of-successful-hargeisa-municipality-councillors>.

⁴ Somaliland Press, “Anti-election protest escalates and spreads in Somaliland,” December 17, 2012.
<http://somalilandpress.com/anti-election-protest-escalates-and-spreads-in-somaliland-38710>.

political) role. However, in the post-election period, delays in announcing results and poor handling of allegations of vote rigging may have raised concerns about its capacity and impartiality.

Registration and Approval Committee (RAC)

The 2011 Political Parties Law created RAC to register all new political associations, judge which were eligible to contest district elections, and determine which political parties/associations won the three “National Party” slots based on the outcomes of the district poll. RAC played a controversial role in the 2012 district elections due to its lack of transparency during the qualifying rounds for political associations. Given that RAC is a new institution with low capacity and an unclear mandate, it has not yet earned the trust of opposition parties and CSOs. Additionally, the president appoints all of RAC’s seven commissioners – subject to parliamentary approval – which undermines the public perception of RAC’s independence.

Ministry of Interior (MoI)

The MoI works closely with the NEC and other government bodies to coordinate security efforts through weekly security meetings during election periods. On Election Day, MoI aims to station two to three soldiers or police officials at each polling station to protect ballots and ensure public order. To prevent voter intimidation, the Presidential and Local District Council Elections Law (Article 43) allows these security officials to enter polling stations only upon the request of the Polling Station Chairman. In 2012, security officials were also deployed to maintain order during peaceful demonstrations in Hargeisa, Awdal, Togdheer, and Sanaag regions, which resulted in civilian deaths due to excessive use of force.

2. Non-state Stakeholders

Civil Society Organizations (CSOs)

Civil society contributes to electoral conflict prevention through civic education, peace-building and conflict resolution initiatives. Through voter education and mobilization, many CSOs advocate for voter participation as a peaceful and democratic means of choosing leaders and peacefully effecting change. The Somaliland National Youth Organization (SONYO) and other youth groups successfully lobbied to reduce the minimum age for candidates from 35 to 25 and are active in supporting youth candidates and mobilizing voters. Other local organizations focus on creating a peaceful environment for elections by organizing forums and dialogues. For example, the Academy for Peace and

Development (APD) organized a successful dialogue between RAC and political parties prior to the 2012 elections to negotiate the 2012 Electoral Code of Conduct. Traditional and religious leaders have also long played a role in dispute resolution by building peace between various sub-clans.

Political Parties and Associations

In 2012, seven political parties and associations competed for the three national political party slots and fielded candidates for district elections. This included two of the three existing political parties – Kulmiye and UCID – and five new political associations – Waddani, Xaqsoor, Umadda, Rays, and Dalsan. Kulmiye and UCID retained their positions as national parties, while Waddani won the third position. Since political parties must gain strong voter support in all six regions, all political parties and associations claim to have cross-clan and cross-regional support. However, members of the Isaaq clan from the central regions often dominate political party and association leadership posts. Furthermore, political parties tend to be personality-driven and/or based on sub-clan alliances negotiated through traditional leaders. Finally, allegiances to parties are fluid – for example, the dissenting factions of UCID split to form Waddani. Thus, political parties have few policy or ideological differences and often invoke clan identity to mobilize voters, which heightens the potential for electoral violence.

3. International Actors

International Non-Governmental Organizations (INGOs)

Interpeace is the main international organization providing technical support for NEC and for elections. It provides assistance in logistics, NEC staff training, voter registration, and dispute resolution – often through its local partner APD. Interpeace has also engaged Creative Associates to examine civil and voter registry issues. The International Republican Institute (IRI) works with political parties and candidates to strengthen outreach, communications, and campaign strategies. The British NGO Progressio coordinates international observation teams.

International Donors

Donors hesitate to provide direct support for electoral assistance, given that Somaliland is not internationally recognized. The Democratization Steering Committee (DSC), based in Nairobi and currently chaired by representatives from USAID and the EU, plays an advisory role for the Government of Somaliland in the democratization process. UNDP supports democratization through Somalia-wide rule

of law and governance programs, including a program that facilitates community consultations on local development projects and helps build the capacity of local government. UNDP's programs also strengthen the Ministry of Justice, which helps improve electoral conflict resolution mechanisms.

III. VULNERABILITIES

1. Political Vulnerabilities

Ad-Hoc and Ambiguous Electoral Laws

Parliament has so far failed to produce a cohesive legal framework for elections and multi-party competition. Although ongoing improvements are expected in new democracies, the haphazard development of Somaliland's electoral law undermines its stability and integrity. MPs hastily overhaul the electoral law before each election, with new procedures that often last for only one electoral cycle. For example, Parliament has rewritten 57% of the articles in the Presidential and Local District Councils Elections Law – some multiple times – since initial ratification in 2001.⁵ In the 2012 electoral cycle alone it passed three major tranches of amendments while polling preparations were already underway.

Parts of the law are also inconsistent and ambiguous. For instance, the 2011 Political Parties Law sketches RAC's mandate and the process for selecting three national political parties. Yet it fails to provide for the appointment of the next RAC, and it leaves unanswered questions on politically sensitive issues such as penalties for political organizations and the process for merging individual election winners from losing political associations into the three winning parties. One especially complicated legal topic deserving special attention is the set of procedures and vote tabulation formulas used to determine the three winning political parties. Appendix E examines the problems in this system. These legal ambiguities compelled political parties/associations, RAC, and NEC to negotiate an eighteen-page "Electoral Code of Conduct" shortly before elections to clarify these issues. However, one month prior to polling, party and association leaders were still confused about many vital procedures such as vote tabulation.

Compounding these problems is the weakness of the judiciary and its widely presumed bias in favor of the ruling party. Though anyone may file a complaint

with the Supreme or regional courts, opposition parties do not trust the judiciary. Moreover, the Maroodi-Jeex Regional Court's refusal to arbitrate the dispute between the NEC and the political parties over the district election recount in December 2012 suggests that courts may simply decline to hear a case. Thus, the NEC processes most complaints internally, and clans negotiate settlements to major political disputes outside of formal institutions.

A poor electoral legal framework increases the risk for electoral conflict in three ways. First, it impedes the development of NEC, RAC, and stable electoral institutions. Without clear, permanent guidelines, it is difficult for the NEC to establish consistent processes for voter education, registration, polling, tabulation, security, and dispute resolution. One former NEC member reports, "I remember each of the three articles [laws] had its own shortcomings and gaps which became apparent while we were at the beginning of the election process."⁶ Such limitations weaken public confidence in the system's legitimacy.

Second, this uncertain legal and institutional environment leads to conflicting expectations and interpretations among voters and candidates, and these discrepancies can easily incite conflict. If political actors do not have a common, basic understanding of the basis for electoral outcomes or administrative decisions, political contenders or their supporters may prematurely raise accusations of corruption or bias and respond violently.

Finally, this poor legal framework for elections perpetuates Somaliland's reliance on "negotiated democracy."⁷ Despite increasingly robust democratic norms, Somalilanders often defer to clan or political leaders to *negotiate* solutions to controversial questions (such as the vote tabulation formula in 2012 for determining the three national political parties). Unclear electoral procedures perpetuate this custom and undermine the rule of law and institutions. Although "negotiated democracy" has helped maintain peace for two decades, negotiated solutions may not always be attainable as the political system grows in complexity and the collective memory of the civil war fades.

⁶ Somaliland Non State Actors Forum (SONSAF), "Somaliland Elections Review Report," March 2011, 22.

⁷ Note that political observers in both Somaliland and Kenya use the term "negotiated democracy" to refer broadly to political solutions and electoral outcomes negotiated by tribal leaders. However, as the Kenya Section demonstrates, the concept of "negotiated democracy" has slightly different meanings in the two contexts.

⁵ Ibrahim Hashi Jama, "Unofficial Consolidation and Translation of the *Presidential and Local District Councils Elections Law*," Somalilandlaw.com, September 15, 2012.

Weak Political Party System

Since 2001, Somaliland has combined elements of its clan-based social order with multi-party democracy. Yet, political parties are still impaired by undeveloped policy agendas, narrow personalistic interests, unstable political allegiances, the dominance of clan interests and norms, and weak regulatory oversight. Field interviews with leaders and candidates from the three established parties and five new political associations revealed few ideological or policy distinctions. Besides clan and regional interests, prominent political figures often drive parties and associations, and most groups fail to articulate well-defined objectives and ideas. The formation of new political associations for district elections in 2012 exacerbated the problem, as the process encouraged politically ambitious individuals or groups to finance themselves and form an association. Although registration requirements (see Appendix E) made it more difficult for groups with narrow constituencies to advance, opening up the political process still provided a platform for individual interests. One NGO leader noted that the associations simply represent a “reshuffling of the deck chairs” – the same players just with different fronts.⁸

Consequently, the political party system is very weak. Parties focus on Hargeisa, with minimal outreach to peripheral regions. This exacerbates Somaliland’s problems with separatist movements and outbreaks of violence in Sool, Sanaag, and Cayn. Moreover, according to a 2012 study by SONSAF, parties and associations lack properly registered membership, and they retain few permanent supporters between elections because of their poor constituency maintenance efforts. Groups spend huge sums of money to create a transitory base of followers each election cycle, which breeds corruption, and both voters and politicians constantly shift their allegiances. For example, prior to the 2012 elections a rift occurred in the UCID party between long-time leader Faisal Ali Waraabe and his deputy, who broke away with the majority of the membership and formed the Waddani Association (which became one of the three winning parties in 2012). Then, the former ruling party UDUB imploded, losing its primary financier to UCID and much of its grassroots support to Kulmiye.

Moreover, parties and associations are still beholden to clans. The constitution restricts the number of national political parties to three in order to mitigate clan-based fragmentation, and the national

competition among all political organizations every ten years for one of those three spots – which forces them to garner support across all regions – helps ensure that political parties are diverse. However, most parties represent a careful coalition of clan interests, and traditional leaders still largely orchestrate the political process behind the scenes. For example, interviews with traditional leaders and individual candidates just prior to the 2012 district election revealed that most candidates need clan endorsement. Progressio’s report on the 2005 parliamentary election asserts that “clan leadership played a key role in selecting the candidates and in financing their campaigns,” with the aim of building clan representation in Parliament.⁹ Additionally, the “open-list” ballot for parliamentary and district council elections, whereby voters choose individual candidates, facilitates clan-based voting.

This weak party system increases the risk of conflict because differences between parties/associations are not based on issues or ideology but on personal and clan divisions. For example, during the recent internal UCID struggle, Faisal Ali Waraabe explicitly called upon his clan for support, and in parliamentary and district council elections traditional leaders jockey to ensure their clan is represented. Also, during the 2012 elections, disputes about the NEC’s methodology for locating polling stations almost escalated into a crisis after clans began comparing the number of stations in their respective territories. Without political groups that cut across clans, the electoral system merely pits clans against one another in an inherently conflictive situation and exacerbates the risk for violence.

Finally, as RAC is a new institution with low capacity and an uncertain mandate, supervision of political organizations is weak. One prominent manifestation of the permissive political environment is the lack of campaign and political finance regulations. Currently, the 2011 Political Parties Law contains only two specific provisions. Article 19 bans foreign funding, and Article 20 requires *only* the three national political parties to submit an annual statement of accounts to the NEC. Otherwise, parties and associations are not subject to any restrictions on how they acquire or use money. The law does not specifically ask the three national political parties to disclose donors, funding amounts, or itemized expenditures, and associations face no requirements. Thus, financial abuse such as vote buying and bribery is currently undetectable, undermining voter confidence in the system. Lastly,

⁸ Interview with INGO leader in Hargeisa, Somaliland, October 30, 2012.

⁹ Adon Yusuf Abokor et al., “Further Steps to Democracy: The Somaliland Parliamentary Elections September 2005,” London: Progressio, 2006, 9.

the ban on foreign funding is inadequate. The law states that all funding must come from indigenous entities or Somaliland citizens, but it does not specify a minimum level of ownership in donor entities that are only partially owned by Somalilanders.

Lack of a Valid Voter Registry

Parliament mandated voter registration for the first time in July 2007 due to opposition suspicions of electoral fraud instigated by government supporters. The NEC implemented a sophisticated dual-identification system with fingerprints and paper identification cards. However, time and funding constraints hindered adequate preparation, staff training, and voter education. Thus, the system was rife with flaws, which individual voters and clan leaders illicitly and systematically exploited to their own advantage. Voters often registered multiple times, as registration officers allowed them to use fingers other than their right index or simply did not require fingerprints at all. After the registration period, the NEC discovered that it had fingerprint data for only 47% of the 1.3 million voters on the list. Moreover, clan leaders and political parties bussed in supporters from other regions and used other schemes to inflate their numbers.¹⁰ The debacle led to the resignation of the NEC and fears of renewed conflict because of the fierce clash between the ruling party (UDUB) and the opposition (UCID/Kulmiye) over the viability of the system. The episode demonstrated the political sensitivity of voter identification and fraud issues. Though the new NEC refined the system for the 2010 presidential elections with supplementary measures to verify voter eligibility, Parliament suspended the system for the 2012 district elections.

Thus, in 2012, the lack of voter registration severely compromised the integrity of electoral outcomes. In an official statement shortly after the November election, the international observers stressed that the greatest problem was the absence of a voter registry and other safeguards to prevent multiple voting.¹¹

The Presidential and Local District Council Elections Law states that only Somaliland citizens who are at least 16 years old may vote, but clear, objective procedures for voter identification do not exist. Interviews with local officials in the Awdal region

suggest that the polling station chairperson ultimately decides cases of questionable eligibility. Furthermore, voters may use any polling station. Although vehicle movement is suspended on Election Day, groups from neighboring countries regularly cross the border before the election, and political parties/associations are free to strategically relocate supporters to different regions just prior to polling day.

Thus, double voting and voter fraud were widespread in 2012. Between the 2010 and 2012 elections, the vote count increased by an inexplicable 50% to over 810,858 – significantly higher than any previous election. Though the NEC uses indelible ink to deter multiple voting, it is only partially effective.

If parties/candidates have reason to doubt the legitimacy of results due to multiple voting, electoral results can easily spark conflict. For instance, in December 2012 allegations of voter fraud by the ruling party and its supporters sparked unusually violent protests following the announcement of voting results.

The lack of a voter registry also impedes proper distribution of polling stations. In 2012, the NEC based these placement decisions on voter turnout in the 2010 presidential elections. A geographic information analysis (see Appendix F) of polling stations and population in the four western regions reveals that nearly 20% of the population in Awdal, Sahil, Togdheer, and Maroodi-Jeex are above the voting age and do not have access to a polling station within a two mile distance. Voters in the disputed eastern regions may face even greater challenges accessing polling places. Basing the number of polling stations on past turnout favors individuals who face fewer barriers to voting, while continuing to disadvantage those who may not have voted in the past because they face more obstacles (i.e., poorer, less access to transport, etc.). Thus, five of the seven political parties/associations protested the NEC's methodology for polling station distribution in 2012. Yet, in the absence of voter registration, the 2010 voter turnout was the best estimate for calculating polling station needs in 2012.

Low Capacity of EMBs

NEC and RAC are the two institutions charged with managing the electoral process. The current NEC was lauded for its management of the 2010 presidential elections and its preparations for 2012. However, insufficient funding and the ad-hoc electoral framework continue to undermine its capacity, and poor transparency weakens its credibility.

¹⁰ International Crisis Group, "Somaliland: A Way out of the Electoral Crisis," Policy Briefing, Africa Briefing, No. 67, Nairobi/Brussels, December 7, 2009.

¹¹ Somaliland Focus/Progression/DPU, "International Observers Statement on the Somaliland Local Elections," Press Release, December 3, 2012, <http://www.somalilandfocus.org.uk/>

These problems were particularly acute during the 2012 poll. For example, the NEC's decision to locate polling stations on the basis of 2010 voter turnout stirred up considerable controversy and prompted allegations that the NEC was favoring certain political parties or clans. Also, due to the complexity of an "open-list" ballot and the lack of a voter registry, the NEC encountered several logistical problems. For instance, some polling stations reported ballot shortages and long queues on Election Day. Political associations and the media also strongly criticized the NEC's vote tabulation process and its strategy for announcing results. Claiming massive vote rigging, supporters of Xaqsoor and other political associations protested the results on December 6. The NEC then failed to reach an agreement with these organizations on the terms of a recount, and the Maroodi-Jeex regional court refused to arbitrate. Finally, the NEC was forced to recount Hargeisa district votes and release a revised vote count, which decreased by 7%. The recount altered individual winners for two district council seats, but it did not alter the number of seats won by each party. The NEC explained that 27 ballot boxes from the Faroweyne district were counted twice due to an administrative error.¹² Although it does not appear that the NEC deliberately manipulated election results, the episode reveals insufficient capacity to mitigate major errors and a lack of transparency.

The 2011 Political Parties Law created RAC to register new political associations, establish qualifying criteria for competing in the 2012 district election, determine the three winning parties on the basis of the election outcomes, and regulate the parties after the election. RAC has been a magnet for criticism, and several problems have plagued the institution since its debut.

First, many stakeholders suspect that RAC may not be a neutral body because the president nominated all seven members (with Parliamentary approval). These perceptions of partiality are exacerbated by the highly subjective and political nature of RAC's work. RAC's primary responsibility is to determine an association's eligibility to contest local elections and to referee the activities of both parties and associations during the electoral process – on the basis of a very ambiguous legal framework. The 2011 Political Parties Law sets broad guidelines and assigns RAC several challenging

responsibilities, as noted in Appendix G. Yet, RAC's capacity to oversee this mandate is limited, not only because it is a new institution, but also because the government was its only source of initial funding.

Poor public relations have also hindered RAC's effectiveness. On April 20, 2012, after a second round of reviews, it disqualified nine of the fifteen political associations it had initially registered in late 2011.¹³ RAC provided no justification for its decision, and immediately after this announcement it disappeared for nearly two weeks. Interviewees noted that it literally did not answer phones or respond to inquiries. Finally, on May 3, RAC provided a brief explanation of the disqualifications – emphasizing the groups' failure to meet round two requirements (see Appendix E). However, it did not provide details for each association or evidence. The nine associations unsuccessfully appealed RAC's decision to the Supreme Court and attempted to stir up violent protests; however, these demonstrations quickly disbanded – reportedly because these groups lacked a strong base of support anyway. Ultimately, although RAC may be following the law and judging political organizations fairly, this lack of transparency on politically sensitive matters perpetuates the public's perception that it is distorting the process.

Finally, RAC's long-term mandate is tenuous. On the one hand, RAC's term expires after two years, with the NEC assuming its outstanding responsibilities, and the 2011 Political Parties Law does not provide for RAC's reappointment to manage the registration and selection process again in ten years. Yet, the president has the authority to renew or extend RAC's term, and it is lobbying to position itself as a stronger, permanent stakeholder. This uncertainty about its mandate undermines RAC's authority to fill the crucial role of political party regulator. Moreover, it hinders coordination with other key stakeholders. The relationship between RAC and NEC was nonexistent during the 2012 elections. Both bodies – but particularly RAC – are concerned about safeguarding their own turf given the unclear legal boundaries between them. As one observer noted, the lack of willingness to cooperate comes "more from the resistance of the RAC who clearly want to

¹² Somaliland Sun, "NEC Reshuffles List of Successful Hargeisa Municipality Councilors, December 15, 2012. <http://somalilandsun.com/index.php/politics/1963-somaliland-nec-reshuffles-list-of-successful-hargeisa-municipality-councillors>.

¹³ RAC accepted applications from new political associations from 12 November 2011 to 28 December 2011. It announced on 29 December 2011 that 15 political associations fulfilled round one requirements and were granted provisional registration – including Ummada, Gurmud, Jamhuuriga, Damal, NDP, NASIYE, Xaqsoor, NUUR, SSCD, RAYS, Horyaal, Badbaado, UDHIS, DALSAN, and Waddani.

establish themselves, but are meeting resistance from all sides, have few resources, and have gained no confidence from the parties or the NEC.”¹⁴ If RAC and NEC are not cooperating on election planning or delivering unified public messages on sensitive political processes, it could lead to confusion about the rules of the game and exacerbate electoral conflict.

2. Security Vulnerabilities

Al-Shabaab Threat

Al-Shabaab – a militant Islamist organization that emerged in Somalia in 2006 – has consistently condemned the conduct of elections in Somaliland. Before the 2010 presidential elections, al-Shabaab’s Supreme Leader Sheikh Mukhtar Abu Zubayr warned Somalilanders that they would “face the consequences” if they cast a ballot, and he sent the following message to local media: “We are warning the people in Somaliland against taking part in the elections, because democracy is totally against Islamic law and what we are fighting for is to implement Islam in Somalia.”¹⁵ Somaliland security forces thwarted two known attacks in the month leading up to the 2010 election.¹⁶

Under pressure from AMISOM and the Somali government, al-Shabaab’s influence has waned in southern and central Somalia in recent years, and it has lost many key strongholds. However, rather than defeating al-Shabaab, these attacks may be pushing the militants north into Puntland. Both Puntland’s government and the international community have expressed serious concerns about this relocation.¹⁷ Al-Shabaab’s presence around Bossaso in Puntland would be particularly dangerous because of the potential for establishing safe havens in the nearby

Galgala mountains. Moreover, Puntland provides the militant group with closer proximity to the Gulf of Aden, which may facilitate easier access to arms and stronger cooperation with al-Qaeda in the Arabian Peninsula. Especially since Bosasso is very close to the border with the disputed Sanaag region in Somaliland, the possibility of militants spilling into Somaliland is strong.

Although al-Shabaab has not carried out a major attack in Somaliland since the 2008 Hargeisa attacks on UNDP, the Ethiopian consular mission, and the Presidential Palace, it remains a major threat. Indeed, Zubayr has often indicated his desire to expand al-Shabaab to his native Somaliland. Given the growing lack of employment opportunity and the youth bulge, al-Shabaab could also attempt to expand recruitment efforts inside Somaliland.

Territorial Disputes in Sool, Sanaag, and Cayn (SSC)

Territorial disputes between Somaliland and Puntland over the SSC areas exist mainly because of the wide geographical distribution of the Darod/Harti clan family throughout eastern Somaliland (Sool/Sannag), Puntland, and Somalia. With some international support, Puntland launched a semi-autonomous state in northeast Somalia in 1998, which – unlike Somaliland – is non-secessionist and affirms the unity of Somalia under a federal system. (See Appendix C for a map of the disputed territories.)

Puntland is based on the idea of a united Darod/Harti territory, and thus it claims sovereignty over parts of Sool and Sanaag in Somaliland. Although the Darod in these regions (the Dhulbahante and Warsengeli clans) originally agreed to join Somaliland in 1993, Hargeisa failed to establish effective support and governance in these regions, and the dominance of the Isaaq in Somaliland has alienated many Darod. However, the dispute is very complex because loyalties vary by sub-clan. Moreover, although the inclusion of Sool and Sanaag is important to Somaliland because it validates the notion of Somaliland as a plural, multi-clan state, control of the region is equally important for Puntland in order to ensure Darod unity.¹⁸ Elections exacerbate these territorial conflicts. Even though most residents of this region refuse to participate, the Somaliland government sees them as disenfranchised voters and pushes the boundaries to hold elections in SSC. However, when the NEC and Somaliland security forces push their way into disputed areas to

¹⁴ Steve Kibble and Michael Walls, “Preparing for Local Elections in Somaliland,” London: Progressio, August 2012, 14.

¹⁵ African Press Agency, “Al Shabaab threatens to disrupt Somaliland elections,” June 25, 2010.

http://www.hiiraan.com/news2/2010/jun/al_shabab_threatens_to_disrupt_somaliland_elections.aspx;

Kulmiye Party, “Somaliland: Peaceful presidential election defies al-Shabaab,” June 28, 2010.

<http://kulmiye.com/6619/6619>.

¹⁶ Jacob Zenn, “Al-Shabaab’s Unavoidable Clash with Somaliland Democracy,” The Jamestown Foundation, August 19, 2010.

[http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=36766](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=36766).

¹⁷ Reuters, “Somalia’s al Shabaab, squeezed in south, move to Puntland,” November 9, 2012.

<http://www.reuters.com/article/2012/11/09/somalia-puntland-shabaab-idUSL5E8M96UZ20121109>.

¹⁸ Mark Bradbury, *Becoming Somaliland*, London: Progressio, 2008, 129-130; 197-199.

distribute ballots and secure polling stations, Puntland perceives it as a gross violation of its sovereignty.

Furthermore, in January 2012, leaders of the Dhulbahante clan (part of the Dardo/Harti clan family) formed a separate semi-autonomous region in SSC called Khatumo. It is also non-secessionist and seeks full unification with Somalia in a federal state. However, both Somaliland and Puntland have vehemently opposed its formation, and both claim sovereignty over the territory. Khatumo officials have recruited their own security forces to protect their sovereignty, and they have occasionally clashed with Somaliland troops. For example, on Election Day in 2012, Khatumo rebel forces ambushed Somaliland forces carrying election ballots in Sool, resulting in at least four deaths. These territorial disputes represent a major threat to electoral security and inhibit even basic election tasks.

Poorly Trained Security Forces

Poor security force training aggravates existing electoral conflicts. The 2012 elections revealed that police do not know how to properly control crowds and manage spontaneous demonstrations. Police often respond with excessive force, which intensifies the conflict. In response to rumors that the ruling party Kulmiye rigged ballots, violent protestors in Sanaag blocked main roads with rocks and burning tires. Also, multiple demonstrations occurred in Hargeisa before and after the elections, as well as in Burao, Boroma, and Sool. Security forces often responded by firing live rounds into the air or sometimes shooting demonstrators directly, resulting in several deaths.

Availability of Firearms

Although the government was partially successful in convincing clan militias to relinquish heavy weapons and join the regular army in 1993, Somaliland remains awash in small arms. In 2010 the Danish Demining Group estimated that approximately 74% of households own small arms – most of which are Kalashnikov assault rifles. The prevalence of arms is partially explained by the pastoralist culture, which has encouraged arms ownership among pastoralists for protection and for the safety of their herds.¹⁹

The widespread diffusion of small arms has the potential to exacerbate electoral conflict and clan-based disputes. Nevertheless, a 2012 Small Arms Survey report on Somaliland indicates that the

decrease in political violence has facilitated major security improvements. Moreover, the report argues that state institutions have gradually established a monopoly on the use of force, which somewhat mitigates the threat of small arms.

3. Socioeconomic Vulnerabilities

Clan-based mobilization

Somaliland comprises three main clan families – the Isaaq, Dir, and Darod (Harti), with the Isaaq as the dominant clan. In the traditional clan structure, various types of *xeer* – i.e., traditional Somali customary laws or social contracts – regulate political, civil, economic, and social relations in society at all levels of social division. Clan institutions are much stronger in Somaliland than in Somalia because the British strengthened clan leaders during first half of the twentieth century. Thus, they played a substantial role in the Somali National Movement's uprisings against the Barre regime in the 1980s and the subsequent reconciliation processes in the 1990s. The Boroma Grand Conference in 1993 affirmed the central role of clans by establishing a system of government that fuses traditional clan leadership and Western democracy. In an environment generally characterized by weak state institutions with limited capacity to meet citizens' needs, the clan system has continued to provide social welfare, regulate social and civil relations, and arbitrate major disputes.

Despite these critical functions of the clan system, it introduces three key risks for electoral conflict. First, politicians use clan identity as a tool for galvanizing political support, and political parties still depend heavily on clan support and clan-based alliances. The use of clan identity for political mobilization fragments the political system on the basis of deeply entrenched social divisions and pits clans against one another in inherently adversarial elections and political debates.

Second, clans undermine the development of formal institutions. Somalilanders still rely on clan leaders to settle controversial questions or disputes through traditional negotiation and consensus, which crowds out state institutions like the court system or Parliament and the rule of law. Although traditional institutions must continue to play a role, formal institutions must also be allowed to develop in tandem in order to provide a mechanism for adjudicating an increasingly complex electoral process.

Third, clan identity weakens national unity. Individual Somalilanders usually do not perceive themselves as

¹⁹ Ekkehard Forberg and Ulf, "Small Arms in Somaliland: Their Role and Diffusion," BITS Research Report 99.1, March 1999, 56.

citizens of a geographical town or region, but as members of a social group, clan, or sub-clan. Thus, clan allegiances are still the fundamental organizing principle in society. Clans seek their own interests first and emphasize strength in numbers in order to gain a political and economic advantage. Moreover, geographic political representation merely provides a façade for clan-based representation. Clans vie to ensure that they obtain adequate representation in Parliament and other elected bodies, and citizens only feel truly represented when a fellow clan member is in the government. This mentality motivated the dispute in the 2012 elections over the distribution of polling stations. Moreover, it is the fundamental driver of the SSC territorial disputes with Puntland, which essentially pits the Isaaq against the Darod/Harti.

Youth frustrations

Somaliland youth (under 35) comprise over 70 percent of the population.²⁰ A recent change in the election law that lowered the political candidacy age requirement for district council elections from 35 to 25 years has empowered them. One youth candidate stated, “Somaliland has achieved the equivalent of a hundred years of democratic development in only a decade.”²¹ However, frustrations still exist. Job opportunities are sparse, and the thousands of youth who graduate from university each year have trouble finding jobs. Unless the government addresses unemployment among youth, these frustrations could easily spark social instability. Moreover, due to strong clan identities, youth are particularly susceptible to political or clan-based mobilization by their leaders.

IV. MITIGATING FACTORS

Election Monitoring Committee

One key outcome of the 2012 Electoral Code of Conduct negotiated by parties/associations, RAC, and NEC was the creation of a National Election Monitoring Committee. In October 2012 the NEC appointed experienced and widely respected individuals to monitor compliance with electoral rules and make recommendations to the NEC concerning violations and penalties. The commission is also a mechanism for conflict resolution between parties/associations and has the authority to deal with complaints regarding the code of conduct. The commission consisted of twenty members split

between national and regional offices to be active during the campaign season and Election Day.

Strength of Civil Society

Somaliland has numerous, well-developed CSOs supported by the international community. The Academy for Peace and Development is the lead peace-building organization and is widely respected for facilitating dialogue, contributing to the development of electoral institutions, and resolving social and political conflict. Another group is NAGAAD, which advocates for women’s rights and is involved in training candidates and election observers. Youth organizations are also very strong. Recently, they helped lobby the government to lower the candidate eligibility age to 25 for district elections. Furthermore, IRI has a program to pair MPs with local NGOs to build the capacity of MPs on policy and governance issues. These examples display the robustness of the sector.

Aversion to Violence

Because of the devastating impact of the civil war in the 1980s and 1990s and the collective memory of these events, there is a deeply ingrained national aversion to violence. Indeed, during field research, stakeholders repeatedly affirmed that peace and stability is the first priority, and clan and political leaders have upheld this commitment at all costs. Somaliland should leverage these sentiments to establish programs that will pass on the ‘lessons learned’ from the past to a new generation.

Informal Dispute Resolution Through Traditional Leaders

The clan system is very strong and enjoys widespread legitimacy and respect.²² As a result, clan leaders in Somaliland have been in a much better position – compared to Somalia – to use their authority to preserve stability and settle conflict. Moreover, Somaliland is much more homogenous and unified – with only three main clan families and a more robust system for managing inter-clan relations. Thus, it is much more difficult for al-Shabaab to exploit divisions and gain influence in Somaliland.

Rotating Campaign Schedule

Articles 28 and 29 of the Presidential and Local District Councils Elections Law prescribe strict procedures for campaigns. The NEC provides a rotating schedule granting only one party/association

²⁰ Interpeace, "Giving Somaliland Youth a Voice," Press Release, December 12, 2012.
<http://www.interpeace.org/2011-08-08-15-19-20/latest-news/389-sonyo>

²¹ Ibid.

²² Some observers, however, have argued that their legitimacy may be under question because of its alliance with the ruling party. Moreover, the *Gaurti* has voted unilaterally to extend the president’s and its own terms multiple times.

per day the right to publicly campaign. This mechanism prevents confrontational encounters between rallies and groups of supporters of rival political parties. Moreover, the NEC must also approve all campaign materials.

V. RECOMMENDATIONS

Strategic Objective 1: Strengthen the Electoral Legal Framework

Recommendation 1: Conduct Comprehensive Review and Reform of National Electoral Laws

Actors: House of Representatives and *Guurti* with input from CSOs, Political Parties, NEC, RAC

Action: Somaliland must update, clarify, and consolidate its various electoral laws. This goal cannot be achieved overnight, but a concrete first step is the establishment of a National Electoral Law Review Committee to review all existing laws; identify inconsistencies, ambiguities, and gaps; and propose options for passing a new, consolidated electoral legal framework.

Many key stakeholders already have recognized this need. The Secretary of the *Guurti* has stated, “Instead of drafting and enacting these laws one at a time and in haste, all the electoral laws should have been drafted together as package, after proper nationwide consultation.”²³ Parliament should lead this process, and it can build political support for the review and eventual reform by substantively involving all major stakeholders impacted by the electoral law – NEC, RAC, and political parties – with input from CSOs.

Clear, consistent electoral laws will reduce the risk of electoral violence by (a) minimizing confusion and the variance of expectations in the electoral process, (b) creating the basis for stable electoral institutions, and (c) encouraging reliance on formal institutions and the rule of law (rather than informal clan negotiations) during political crises or disputes.

Recommendation 2: Increase support and training for the judiciary

Actors: Judiciary, International NGOs, local CSOs

Action: Strong judicial institutions are essential for impartially resolving electoral disputes and mitigating

the use of violent tactics. However, many stakeholders in Somaliland perceive the judiciary as partial towards the ruling party and weak in capacity. Skills training and capacity building programs are needed – particularly for the regional courts and the Supreme Court, which consider electoral disputes. UNDP has previously provided similar programs in the past. Other organizations such as IRI, Interpeace, and APD may be well positioned to engage the judiciary with additional capacity-building programs such as on-going education for judges, training to recognize hidden biases and improve judicial integrity, and an exchange program to observe electoral dispute resolution mechanisms in other countries.

Special attention should be given to strengthening the integrity of the appointment process for judges and funding for the courts in order to minimize executive influence over the judiciary.

Recommendation 3: Institute Comprehensive Political and Campaign Finance Regulations

Actors: House of Representatives, *Guurti*, NEC, RAC with input from political parties and CSOs

Action: Currently, the only regulations are the ban on foreign funding and the requirement that the three national parties must submit an annual statement of accounts. To enhance political finance regulation, Parliament should enact three improvements. First, it should require political parties to publicly disclose the source and amount of funding from donations that exceed a certain threshold. Second, it should impose similar reporting and disclosure requirements on individual candidates in *national* elections and new political associations. (However, it would be infeasible to require such reporting from all individual candidates in district elections). Third, it should stipulate that candidates and parties/associations may only accept funds from entities that are majority-owned by Somalilanders. Although the current law bans funding from foreigners, it does not set a minimum threshold for Somalilander ownership in entities controlled jointly with foreigners. Technically, this loophole may permit the inflow of foreign funds. These modifications will limit the influence of illicit funding sources and reduce the use of political money for vote buying, voter intimidation, or electoral violence.

RAC and NEC should create a joint working group to enforce these regulations. This cooperation will help avoid any “turf wars” between the two bodies, take advantage of their combined capacity, and help build public confidence in fair enforcement.

²³ Somaliland Non State Actors Forum (SONSAF), “Somaliland Elections Review Report,” March 2011, 19.

Recommendation 4: Develop a Civil Registry

Actor: Ministry of Interior with input from the NEC and other end users, CSOs, political parties

Action: Major voter registration flaws in 2010 followed by nonexistent registration and identification procedures in 2012 spurred most of the instability and violence during the past two elections. To boost public confidence in the legitimacy of electoral outcomes, Somaliland must develop a civil registry. First, Parliament should appoint a Civil Registrar to be housed within MoI, who will oversee the creation of a Joint Civil Registration Committee comprising representatives from the NEC, other end users, and district civil registry offices. Second, the Committee should appoint a civil society and political party advisory council to provide input on the planning process and share information about implementation with their constituencies. The district offices will serve as the point of entry for data collection, public relations, and management of the civil registry. However, provisions must also be made for mobile registration units to register nomadic pastoralists and populations living far from the nearest district office. After the registry is active, the NEC will need to replicate these mobile teams for polling purposes.

Significant investment should be made in training staff – particularly at the district level – as poor training and hasty implementation led to disastrous outcomes during the 2009 attempt to create a civil registry. The Committee should also run pilot registration projects in select districts.

It is important to sell this project politically as not only another attempt at voter registration but also as a valuable national asset that will improve service delivery, contribute to a sense of national identity, clarify the population and demographics of Somaliland, allow for a more fair delimitation of geographic and political boundaries, and strengthen national security.

Furthermore, by involving stakeholders from civil society and political parties, the registration committee can ensure strong communication with the public and build support from diverse constituencies.

Finally, Parliament and MoI should sufficiently separate the Registrar's Office from other MoI branches to ensure strong political independence.²⁴

²⁴ The substance of Recommendation 4 is based on an analysis and concept paper prepared by Creative Associates International for its ongoing efforts to provide technical

Strategic Objective 2: Build Capacity of EMBs

Recommendation 1: Establish RAC as a permanent institution with a reasonable term of office similar to the NEC's (e.g. five years).

Actors: Parliament, RAC

Action: The weakness and uncertainty of RAC's long-term mandate hinders capacity-building in this institution and, thus, undercuts its legitimacy as a regulator and mediator among political groups. RAC can play a major role in strengthening the political party system and can establish clear procedures that reduce the risk of conflict; however, it cannot fulfill this role without a permanent and clear mandate.

The Regulation of Political Associations and Parties Law (2011) undermines RAC because it only provides it with a temporary two-year term. This same law requires RAC to not only register political associations and manage the process that determines the three national parties, but also to monitor the behavior of political parties. This secondary role includes monitoring the internal processes of political parties (Article 25), resolving inter-party disputes (Article 27), and financial oversight and auditing (Article 23). However, RAC cannot fulfill these duties unless it is a permanent institution with a clear mandate and support from all stakeholders.

Recommendation 2: Clarify RAC's role vis-à-vis NEC and establish coordination mechanisms between the EMBs

Actors: Parliament, RAC, NEC

Action: Parliament should specify RAC's role vis-à-vis NEC and increase RAC-NEC coordination, especially in areas where their responsibilities overlap, by establishing formal coordination mechanisms between RAC and NEC. Such mechanisms will prevent misunderstandings that could spark conflict and help the institutions better address security risks.

Developing a comprehensive electoral law that addresses ambiguities in the system may partially solve these RAC-NEC issues. For example, the 2011 Political Parties Law mentions in Article 7 that, "No association/party shall use or utilize for its own

assistance for the development of a civil registry in Somaliland. See Jeffrey Fischer, "Development and Administration of a Civil Registry: Somaliland Program Assessment and Concept Paper, 2011-2013," Creative Associates International.

electoral activities the assets of the Somaliland nation.” One common complaint during the 2012 elections was that Kulmiye candidates were unfairly advantaged in the campaign because their party could mobilize state resources.²⁵ These allegations were not addressed, since it was unclear which institution (whether RAC or NEC) should take up the issue, perpetuating the perception that the ruling party was getting a free pass from the EMBs.

Recommendation 3: Increase transparency of RAC and NEC decisions and procedures through capacity building and improving public outreach.

Actor: International NGOs, CSOs, RAC, NEC

Action: Much of the turmoil during the 2012 elections stemmed from popular perceptions that EMBs were manipulating the process in favor of one group or another. These problems arise primarily from two sources: weak internal capacity and a lack of transparency combined with a poor public communications strategy. Weak capacity applies mostly to RAC, which, as a new institution, needs greater financial and technical assistance in effectively fulfilling its mandate. RAC staff would benefit from technical trainings, exchange programs, organizational management support, and assistance in establishing proper institutional procedures, funded by the Government of Somaliland and International NGOs.

RAC and NEC should also build transparency by holding weekly joint press briefings during the campaign and election season. Similarly, both institutions should allocate resources for communications and public outreach staff, which will ensure that relevant information is disseminated to the press and political parties in a timely and professional manner.

Strategic Objective 3: Strengthen the Political Party System

Recommendation 1: Provide political party development programs

Actors: INGOs, CSOs, Political Parties

Action: Somaliland’s weak party system increases the risk of conflict because differences between political groups are not based on issues or ideology but on personal and clan divisions. In order to combat clan-

based politics and mobilization, Somaliland must strengthen the political party system and turn the focus of political parties and voters to issues/policies rather than group identity. INGOs and CSOs should support capacity building for political parties and associations including training in platform development, effective messaging, public outreach, and coalition building. IRI has provided technical assistance to the three national political parties in the past. INGOs and CSOs should continue this work and scale it up with long-term programming. This will ensure that the three new national political parties will gain from these programs in advance of Parliamentary and Presidential elections in 2013 and 2015, respectively. Technical trainings and capacity building should also be decentralized – for example through Training of Trainers (TOT) – so that district officials and local members will understand and promote the policy platform developed by their national political party.

RAC can also play a role in strengthening political parties by clarifying and holding political parties accountable to their responsibilities under the 2011 Political Parties Law regarding membership, finances, and internal procedures.

Recommendation 2: Enhance Civic Education

Actors: INGOs, CSOs, MoE, MoR

Action: Strengthening the political party system also necessitates transforming the nature of citizens’ political participation through civic education. Changing political behavior cannot happen overnight; nonetheless, CSOs and INGOs can spur this process by promoting a sense of national unity and raising awareness about democratic principles, rights, and government accountability. Civic education programs can be implemented through various venues including school curriculums, religious institutions, and public forums, such as debates. To have a far-reaching impact, INGOs and CSOs with technical expertise in designing civic education programs should partner with government institutions such as the Ministry of Education and the Ministry of Religion.

Recommendation 3: Support the development of independent radio channels for political discourse

Actors: Government, INGOs, CSOs, the media

Action: The media also plays a role in shaping political participation. It can help promote the maturity of political discourse, turn the public’s attention toward

²⁵ Opposition political association members in discussion with authors, November 1, 2012.

policy issues, and hold political actors accountable. However, this requires a professional and independent media. The Government of Somaliland should deregulate radio, allowing independent stations to emerge. Moreover, media support initiatives are needed to improve journalistic standards, as journalists will often write anything they are paid to write.²⁶ Media organization such as the Somaliland Journalists Association and other CSOs and INGOs can foster partnerships between local and international media and supporting training on media standards to reduce inaccurate, prejudiced, and improper reporting.

Strategic Objective 4: Address Security Concerns

Recommendation 1: Train Riot Police

Actors: Government and International Partners

Action: The Somaliland Government should provide stronger training to security forces in order to prevent excessive use of force and future clashes with civilians. Specifically, the government should consider enlisting the support of international partners such as the UK for these capacity building programs. Foreign partners can help design police training and share best practices for conflict resolution, crowd control, and rules of engagement.

Recommendation 2: Encourage Grassroots Dialogue between Puntland and Somaliland

Actors: Civil Society

Action: CSOs, religious leaders, and clan leaders can use Track II Diplomacy – also known as citizen diplomacy – to increase dialogue and cooperation between Somaliland and Puntland. Track II Diplomacy involves informal exchange between members of the civil society, religious, or private sectors. It should include CSOs, traditional leaders, women, youth groups, and others who are in positions to discuss common governance and security issues, encourage peaceful co-existence, and combat political and clan-based mobilization. These interactions may be a catalyst for dialogue between Somaliland and Puntland on border disputes and basic security and economic cooperation.

Track I dialogue between government officials is sensitive because it invokes complicated questions about recognition and sovereignty. However, covert Track I dialogue between Puntland and Somaliland could still be beneficial in some areas, such as intelligence collaboration on al-Shabaab.

Recommendation 3: Explore the Development of Social Programs for Youth

Actors: INGOs, CSOs, Somaliland Government

Action: Youth (under 35) are susceptible to appeals from clan and political leaders seeking to mobilize them to violence for political purposes, as well as from extremist groups like al-Shabaab. The allure of these opportunities and the financial, social, or other benefits they sometimes offer becomes increasingly stronger as legitimate opportunities for employment and education in society wane. Though youth in Somaliland have not been particularly drawn to political violence or extremism in the past, growing unemployment and frustration – in combination with the youth bulge – are increasing these risks. Although Somaliland cannot strengthen its long-term economy and job market overnight, it can explore vocational and educational programs that deter youth from violence and extremism. Some options may include apprenticeship programs, support and incentives for higher education, greater access to financing for entrepreneurs, microfinance programs, or a stronger national investment in vocational/skills training opportunities. The Government of Somaliland, civil society groups, youth organizations, and international partners should begin to explore these alternatives.

²⁶ Somaliland Journalists in discussion with authors, October 29, 2012.

CASE TWO – CÔTE D’IVOIRE

I. SITUATION ASSESSMENT

After years of sustained conflict, the 2007 Ouagadougou Peace Accords (OAP) facilitated a settlement between President Laurent Gbagbo and the Forces Nouvelles (FN) and installed former FN leader Guillaume Soro as the Prime Minister under Gbagbo. Moreover, it established a timetable for elections, which ultimately led to presidential elections on November 28, 2010. (See Appendix H for a historical summary of the conflict.)

Despite consensus on the contested issue of voter identification, the delayed election between the Rally of the Republican’s (RDR) Alassane Ouattara and the Ivoirian Popular Front’s (FPI) Laurent Gbagbo resulted in a serious political crisis. Although both the United Nations Operation in Côte d’Ivoire (UNOCI) and European Union (EU) certified the election as free and fair, Gbagbo pressured the Constitutional Court to invalidate over 660,000 votes in seven departments favorable to Ouattara and withhold certification of Ouattara’s victory. After months of widespread clashes, Ouattara and FN forces launched an offensive and eventually arrested Gbagbo, a move facilitated by UN and French military forces. These elections precipitated a political and humanitarian crisis that left approximately 3,000 people dead, at least 350,000 displaced, and 200,000 as refugees in neighboring countries.

Two years later, former president Laurent Gbagbo awaits trial by the International Criminal Court (ICC), and some key leaders of his Ivoirian Popular Front (FPI) are exiled in neighboring countries or detained in Côte d’Ivoire. Political reconciliation has been limited, perpetuating a climate of political instability. As a result, progress has been slow on electoral commission reform, the work of the truth and reconciliation committee, security sector reforms, and longer-term growth and development planning.

This case study examines the evolution of the Ivoirian conflict and the dynamics that create instability during election cycles, with the objective of helping policymakers prepare for and prevent conflict in local elections in 2013 and presidential elections in 2015.

II. STAKEHOLDER ANALYSIS

1. State Stakeholders

Independent Electoral Commission (CEI)

The CEI has a mandate to organize, supervise, and monitor all electoral operations as defined in the Constitution and outlined in the electoral code. Most importantly, the CEI will be responsible for updating the electoral list to prevent cases of fraud and to ensure that all citizens of voting age are registered to vote. Because the CEI’s certification of the 2010 election triggered the Gbagbo-Ouattara standoff, the CEI will remain the subject of heavy scrutiny through 2015. Moreover, since the CEI is now composed of political appointees chosen by the current ruling party, the opposition in 2015 may question its impartiality, which could trigger conflict.

Constitutional Council (CC)

The Constitutional Council adjudicates electoral disputes. Since it is currently composed of Ouattara appointees, any judgment in favor of the incumbent party has the potential to spur opposition-led electoral violence.

Dialogue, Truth, and Reconciliation Commission (CDVR)

The CDVR was created in May 2011 to address tensions and grievances generated by the electoral violence in the 2010 electoral cycle.¹ With a sixty person staff based in Abidjan, its principal mandate is to promote forums for dialogue through local delegations. However, the commission has accomplished little, and the thirty-six local committees planned in five geographical areas in November 2012 are not in a position to start work.² This inaction is partially a result of inadequate funding. Although CDVR has received several external grants, the government has failed to provide the rest of the funding.³ In its absence, local religious

¹ The CDVR was created by ordinance No. 2011-167 on 13 July 2011, which is 3 months after Gbagbo was arrested and Ouattara assumed power. See “CDVR en bref,” <http://www.cdvr.ci/comprendre-la-cdvr/cdvr-en-bref.html>.

² International Crisis Group. “Côte d’Ivoire: faire baisser la pression,” Group N. 193. November 26, 2012. <http://www.crisisgroup.org/en/regions/africa/west-africa/Côte-divoire/193-Côte-divoire-defusing-tensions.aspx>.

³ It has obtained several external grants, including one of FCFA 2 billion (\$3.9 million) from the West African Economic and Monetary Union (UEMOA). ³ International

and traditional leaders have initiated the reconciliation work. However, it remains to be seen whether sufficient political will exists to equip this institution with the resources and public support to advance reconciliation.

2. Security Stakeholders

Defense and Security Forces (FDS)

Formerly the standing army of Côte d'Ivoire, the FDS became a highly politicized fighting force under Gbagbo, largely because of recruitment policies along ethnic lines that favored pro-Gbagbo groups. Many senior officers and commanders remained loyal to Gbagbo until his capture and actively engaged in violence during the 2010 elections. The majority of the senior leaders are now incarcerated, and there is much discontent among remaining soldiers and officers who have been integrated into the FANCI.

Forces Nouvelles (FN)

The FN was a coalition of rebel forces established during the 2003 Linas-Marcoussis talks to end the first Ivorian Civil War.⁴ Since its inception, the FN's presence as an armed and political force has grown significantly. Leading up to the 2010 elections, the FN comprised nearly 40,000 troops and effectively controlled the northern half of the country. It also supported President Ouattara in his rise to power in 2010, but still operates independently. Their leader, Guillaume Soro, served as Prime Minister and is now the President of the National Assembly. Although most FN forces joined the FANCI, a large contingent of non-integrated ex-combatants still exists.

Forces Armées Nationales de Côte d'Ivoire (FANCI)

After the Ivorian conflict, President Ouattara established a national army, the Forces Républicaines de Côte d'Ivoire (FRCI), recently rebranded as FANCI. This force is composed mostly of former members of the Forces Nouvelles (FN). In October 2011, the FANCI were integrated with the troops from the Forces de Défense et de Sécurité (FDS), the previous national army under President Laurent Gbagbo. International security cooperation officials have remarked that the integration of FN members

into senior positions without formal training has created discontent among former FDS officials, who believe they have been marginalized for political rather than professional reasons.

National Police and Gendarmes

Before the 2010 elections, the police and gendarmes were highly politicized agencies due to ethnic recruitment perceived to favor pro-Gbagbo groups. The post-election insecurity, which led to a temporary disarmament of the police and gendarmes, added a layer of complexity and confusion to security sector reforms. While responsible for general security in designated zones, their redeployment and equipment has been slow and uneven. Redeployment has occurred in major cities of Abidjan and Bouaké but has been limited in the smaller and medium-size communities. Lacking arms and munitions, the police and gendarmes often must request FANCI assistance, leaving them at times in a humiliating position. Furthermore, Dozos (traditional hunters), have emerged since the 2010 election as an auxiliary police force to provide general security. While originally from the north, they currently have a greater presence in the south.⁵ The multiplicity of security actors weakens the presence of the police and gendarmes, and it is likely that FANCI will lead electoral security efforts in 2015.

Youth Militias and Other Militia Groups

Youth Militias are easily mobilized for political violence and can create havoc when incited by partisans, particularly in the cities.⁶ The primary groups include the pro-Gbagbo Jeunes Patriotes (Young Patriots) and the youth wings of the Democratic Party of Côte d'Ivoire (PDCI) and the Rally of the Republicans Party (RDR). In rural areas, the aforementioned Dozos, contribute to Côte d'Ivoire's violence. These militias and youth groups are often overlooked as a security threat.

3. Non-State Stakeholders

Civil Society Organizations (CSOs)

Despite the popular perception of CSOs as highly politicized, many are effective and neutral (i.e. West

Crisis Group, "Côte d'Ivoire: faire baisser la pression," Group N. 193. November 26, 2012

⁴ The FN is comprised of [Patriotic Movement of Côte d'Ivoire](#) (*Mouvement patriotique de Côte d'Ivoire*, MPC), [Ivorian Popular Movement of the Great West](#) (*Mouvement populaire ivoirien du Grand Ouest*, MPIGO), [Movement for Justice and Peace](#) (*Mouvement pour la justice et la paix*, MJP). Mike McGovern, *Making War in Côte d'Ivoire*, London: Hurst & Company Publishing, 2011.

⁵ In February 2012, UN Police counted 10,167 Dozos south of the demarcation line and 8,132 to the north of this line. International Crisis Group, "Côte d'Ivoire: faire baisser la pression."

⁶ Katrin Eder, "Voting for Disorder: Post-Conflict Elections as a Challenge in Peace Process in Africa: The Case of Côte d'Ivoire," University of Bradford School of Social and International Studies, Division of Peace Studies, 2011.

Africa Network for Peacebuilding (WANEP). These groups can help mitigate violence and promote civic and voter education, particularly in under-served communities.

Media

The country's private press is relatively free but not politically independent. Despite an abundance of printed press in major cities, newspapers do not penetrate the rural areas, which comprise the vast majority of the country. State TV and radio, which have the widest reach, are often criticized for their bias in favor of the ruling party.

Political Parties

Three parties dominate the Ivorian political system: the FPI, the PDCI, and the RDR. All parties are heavily dependent on their leader's personality and the re-distribution of state controlled rents, particularly among their ethnic base. However, the decline of traditional leaders such as Bédié and Gbagbo may help parties move away from personalistic politics. A new party, LIDER (Liberté et Démocratie pour la République), led by former FPI interim president Mamadou Koulibaly, is attempting to break the historical pattern of personalistic politics and may become a model of the future of Ivorian politics. The 2013 local elections will serve as a litmus test for this new model of political participation.

4. International Stakeholders

United Nations Operation in Côte d'Ivoire (UNOCI)

The UN certified elections in 2010 and provided technical, logistical, and financial support for voter identification, voter registration, and ballot delivery. Due to the continued incidence of violence, the UN Secretary General asked the Security Council to postpone the reduction of UNOCI's military contingent until an early assessment in 2013.⁷ However, the budget of the electoral assistance unit has reportedly already been trimmed.⁸ It remains to be seen whether government and opposition figures will request the UN's presence as an independent election certifier in 2015. The opposition still distrusts the UN and international community for their role in the 2010 crisis.⁹

⁷ Current UNOCI security sector figures shows a total of 11,033 uniformed personnel. This includes 9,360 troops, 181 military observers, and 1,492 police (including formed units). UNOCI, "UNOCI Facts and Figures." <http://www.un.org/en/peacekeeping/missions/unoci/>

⁸ Meeting with UN officials in New York, December 2012.

⁹ Interview with FPI officials in Abidjan, November 2012.

Economic Community of West African States (ECOWAS)

ECOWAS supported the CEI's verification of the election results proclaiming Ouattara as president in 2010. Given ECOWAS's interest in seeing Côte d'Ivoire return to a leadership role in regional politics, the regional body will likely remain heavily involved in the country.

Ghana and Liberia

After the 2010 election, thousands of refugees fled into neighboring Ghana and Liberia. Many served as pro-Gbagbo militiamen and participated in the atrocities.¹⁰ Most of these figures were also senior FPI officials and hardliners. Since their move to the neighboring countries, cross-border raids on Ivorian territory and attacks on infrastructure have been attributed to these figures and Liberian mercenaries.¹¹ Ghanaian and Liberian leaders made symbolic gestures to bring these perpetrators to justice after the attacks, but substantive action has occurred only recently. The two neighboring countries have started to arrest cross-border militants, and Ghana has even extradited some. While cross-border attacks could occur during the 2015 electoral cycle, electoral security will be partially contingent on the cooperation of Ghana and Liberia.

International Criminal Court (ICC)

The ICC's verdict in Gbagbo's trial will most likely determine the FPI's 2015 presidential candidate. The trial is scheduled to start in February 2013. It remains to be seen whether the ICC will open investigations into the atrocities committed during the post-election phase by pro-Ouattara supporters.

European Union (EU)

An important trade and international partner of Côte d'Ivoire, the EU supported for the CEI's verification of the election results proclaiming Ouattara as President. The EU will most likely continue sending electoral observers and providing technical assistance for Côte d'Ivoire, both in the recovery phase and in the preparation phase for the 2015 elections. Multilateral security and trade cooperation will likely continue, with France as the strongest bilateral partner.

¹⁰ Human Rights Watch. "Liberia Takes Action on Cross-Border Attacks into Côte d'Ivoire," January 3, 2013. <http://www.hrw.org/news/2013/01/03/liberia-takes-action-cross-border-attacks-cote-d-ivoire>.

¹¹ Attacks occurred at the Azito power station in the Yopougon district of Abidjan and the installations of the Ivorian refinery company. International Crisis Group, "Côte d'Ivoire: faire baisser la pression."

The United States

The United States is one of the primary funders of the UNOCI mission (\$133 million in the fiscal year 2010) and has provided election support through the Carter Center, the National Democratic Institute (NDI), and the National Endowment for Democracy (NED). These organizations have assisted in voter registration efforts, deployment of long-term observers, conflict resolution, and community-based voter education. While Côte d'Ivoire is not a strategic priority for the United States, as opposed to Europe, American officials do have an interest in regional security developments.

III. VULNERABILITIES

1. Security Vulnerabilities

Demilitarization, Demobilization, and Reintegration (DDR)

The 2007 Ouagadougou Peace Accords (OAP) demonstrated that security was a priority for all parties. DDR was supposed to address the large number of combatants involved in Côte d'Ivoire's decade-long conflict and prevent their involvement in the electoral campaign. The DDR program aimed to demobilize the pro-Gbagbo and pro-Ouattara militias, including up to 23,777 members of the FN. Yet national and international estimates of the number of armed men demobilized vary greatly from as a few a couple hundred to as many as 18,000. The DDR program failed largely because of the mistrust between the two sides, with neither side feeling comfortable relinquishing their weapons as long as the other side remained armed. Few weapons were actually collected, which enabled soldiers who held onto weapons to enable a quick return to the militias.

Another problem is that the DDR organizational structure itself hinders progress. Some observers blame the lack of political will as the main reason for the poor design of the DDR process. Rather than implementing DDR as part of the National DDR Program, the mandate was split between the Integrated Command Center (CCI, co-led by FN and FDS representatives) and the National Civilian Reinsertion Program (PNRC), which led to bureaucratic rivalries, delays, and policy divergence. Electoral violence erupted during the 2010 elections before completion of the program, and subsequent progress on DDR has stagnated.¹² Weapons and

¹² Reintegration has had poor results: 3,000 ex-combatants were given jobs in labor-intensive sectors, such as construction and infrastructure maintenance. In the west, 1,000 men were given training courses but failed to find

disgruntled combatants remain widespread in Côte d'Ivoire and neighboring countries, creating a substantial security risk.

Security Sector Reform (SSR)

SSR remains an intractable problem. The two main groups involved in SSR are the FN and the pro-Gbagbo FDS, which was the standing army in the Gbagbo era. Before the 2010 elections, the FN and FDS formed sizable armed contingents: the FN had nearly 40,000 members while the FDS claimed nearly 43,000.¹³ Following the 2010 elections, Ouattara created by decree the Republican Forces of Côte d'Ivoire (FRCI), later renamed Forces Armées Nationales de Côte d'Ivoire (FANCI). Many senior FDS officers have since pledged their allegiance to Ouattara and the new military institution, and many former FN combatants have been integrated into the FANCI. Nevertheless, several senior FDS leaders, who were once loyal to Gbagbo, have been imprisoned on charges of electoral violence, while FN leaders have escaped prosecution. The FANCI remains a poorly trained force, and the forced integration of the FDS and FN has highlighted the stark differences in training and skills. Morale also remains low, particularly among former FDS troops who feel that former FN members are given preferential treatment.

Other Armed Groups

Other militia groups, particularly in the west, remain active and present a security threat. They have not been demobilized or integrated into the army. Youth militias remain ready to act. The police and the gendarmerie are still highly politicized, and their roles often overlap with that of the FANCI, which creates confusion. *Dozos*, a considerable force of traditional hunters who supported Ouattara in 2010 and participated in electoral violence, also have not been involved in SSR.

2. Political Vulnerabilities

The reintegration of the FPI in Ivorian politics

Currently, the FPI leader, Laurent Gbagbo, is awaiting trial in The Hague, while many senior officials are in exile or in prison. Leaderless and geographically and ideologically split, the FPI may

stable jobs. International Crisis Group, "Côte d'Ivoire: faire baisser la pression."

¹³ This total includes the 14,000 members of the armed forces, 16,000 gendarmes (rural police), and 13,000 police. Interview with diplomatic official in Brussels, October 2012.

hinder the country's recovery process. Despite some progress on political reconciliation with small non-FPI opposition parties, the FPI has refused to participate--demanding Gbagbo's return as a prerequisite. This precondition is the primary obstacle to political dialogue.¹⁴

In April 2012, the FPI sent an observer delegation to the first national summit for political dialogue in Grand Bassam. However, the five-member delegation walked out of the summit, and the FPI was the only major party that did not sign the final declaration. FPI officials in Abidjan claim that the government only pretends to want political dialogue.¹⁵ Moreover, their perception that the international community is biased towards Ouattara compounds their animosity.¹⁶

Many FPI supporters and sympathizers feel a strong sense of victimization and unfair persecution. One FPI official noted that their headquarters was looted in 2011 and in 2012. Furthermore, FPI officials highlighted that on three recent occasions the police were not able to secure their party meetings due to the aggression of their political opponents.¹⁷ While this sense of abuse and marginalization may reflect the entrenched views of many supporters, the FPI – and especially its exiled hardliners – has an incentive to polarize the political discourse by appealing to these sentiments.¹⁸ As a result, they cling to the belief that justice is uneven and reconciliation on the side of government is insincere.

It is difficult to determine whether the FPI's preconditions are genuine or just an attempt to buy time until the party finds a way to function without Gbagbo. As the case against Gbagbo advances in The Hague, the FPI may feel more compelled to join the

political process, as recent events suggest. In December 2012, senior FPI leaders met with the President of Senegal, their first meeting with a head of state since the arrest of Gbagbo. On January 18, 2013 the office of the Prime Minister announced a new working group between the Government and the FPI, which senior FPI officials greeted as a positive development. Though similar initiatives have been attempted in the past, these moves may signal a détente and a climate conducive to the reintegration of the FPI into political life.¹⁹

The status of the RDR-PDCI ruling coalition

On November 14, 2012 the RDR-PDCI government was dissolved and the Cabinet reshuffled. While the PDCI retained the prime minister's post in the new government with no substantive change in the balance of power, the move underscored the inherent fragility of the ruling coalition. The RDR-PDCI coalition is an ideological oddity, since it evolved from an alliance created to oust Gbagbo. The PDCI originally championed the concept of *ivoirité* used to bar Ouattara from the presidency. Moreover, international observers have asserted that the coalition endures solely because it would be more costly for the parties to separate than to stay together.

The perception amongst those in the PDCI is that the expected rewards of this coalition have not materialized. Specifically, there is growing discontent with the distribution of posts within the bureaucracy – which appears to favor the RDR. On the basis of this perceived unfairness, the PDCI accuse the RDR of doing “everything that we used to accuse the FPI of.”²⁰ These allegations fuel the tension between the two parties.

A major indicator of the future of the coalition will be the PDCI congress in April 2013.²¹ The PDCI's leader, Henri Konan Bédié, is 78 years old, and the party may want to find a younger leader. As a result, most observers agree that Bédié will likely relinquish his executive role and take on an honorary position. A new, younger figure may have political aspirations beyond playing a secondary role to the RDR.

Despite the tensions and political uncertainties, the RDR and PDCI coalition will likely persist provided that the February 2013 local elections and Bédié's

¹⁴ Interview with UN officials in Abidjan, October 2012.

¹⁵ FPI officials in Abidjan complain that the Permanent Forum for Dialogue (CPD) gets lost in dialogue and would prefer for top FPI officials to be invited for talks at the highest level, namely with the Presidency itself. Radio France Internationale. “Le dialogue politique ivoirien s'achève sans la signature du FPI,” April 28, 2012.

<http://www.rfi.fr/afrique/20120428-le-dialogue-politique-ivoirien-s-acheve-signature-fpi>.

¹⁶ Interview with senior FPI officials in Abidjan, November 2012.

¹⁷ Interview with FPI officials in Abidjan, November 2012.

¹⁸ Personal ties between FPI senior members in exile in Ghana and Ghanaian political officials, along with the lack of an extradition treaty between the two countries make controlling FPI hardliners in Ghana highly dependent on the political will of the host government. “Côte d'Ivoire: faire baisser la pression,” International Crisis Group, “Côte d'Ivoire: faire baisser la pression.”

¹⁹ Abidjan Net, “Reprise du dialogue politique en Côte d'Ivoire: Le satisfecit de l'ONU,” December 15, 2012. <http://news.abidjan.net/h/446884.html>.

²⁰ Interview with PDCI official in Abidjan, October 2012.

²¹ Interview with civil society members in Abidjan, November 2012.

successor do not significantly alter the balance of power within the PDCI and between the PDCI and the RDR. PDCI officials admit that in many parts of the country, including the instable region of Moyen-Cavally, the PDCI may break from the alliance and side with FPI candidates. This realignment would entail either running as independents or with the FPI if it decides to participate in the election.²²

EMB Legal Framework and Voter Registry Problems

The ambiguities in the legal framework governing the Independent Electoral Commission (CEI) and the voter identification and registration processes – in addition to the commission's reputation for politicization – are key vulnerabilities that may lead to electoral violence in 2015. For the 2010 election, multiple actors were involved in voter identification and registration. Once political negotiations came to a standstill, the CEI outsourced these responsibilities to the private French company SAGEM. It also delegated the provisional list appeals process to the National Identification Office and the National Commission on the Supervision of Identification.

Despite the logistical and technical challenges in this process in 2010, the CEI produced a final voters list after much controversy. Complications arose from a provisional voters list published in two parts: (1) a 'cleared' list of 5,300,586 individuals for whom positive matches could be established against public records and (2) a 'grey' list of 1,083,667 names for people with no records confirming nationality.²³ The final list included the names of 5,725,721 voters, which comprised 73 percent of the eligible voting population.²⁴ While the latter figure may appear high, thousands of voters were excluded from the electoral process due to delays and political disagreement, particularly manifested during the appeals process of the provisional voters list.²⁵

²² Interview with PDCI official in Abidjan, October 2012.

²³ Names on the 'cleared' list could be reviewed through normal public display and verification. Names on the 'grey' list had to be subject to a special verification process. The Carter Center, "International Election Observation Mission to Côte d'Ivoire Final Report: 2010 Presidential Elections and 2011 Legislative Elections," October 30, 2012.

²⁴ The National Statistics Institute proposed an estimated voting population of 7,835,768 in 2008. Ibid.

²⁵ Due to the extension to review the appeals process for the provisional list, President Gbagbo accused the president of the CEI, Beugré Mambé, of attempting to add 429,000 petitioners of the final list without regard to the agreed procedures and without the consent of the central commission. This crisis led to the recomposition of the CEI and the appointment of a new president, Youssouf

According to the Carter Center, the voters' list has not been updated since April 2010, and there are no plans to update it in the near future.²⁶ This implies that minors who will have reached the voting age of 18 will probably remain disenfranchised in the 2013 local elections. If this problem is not resolved, protests and potential violence could occur.

The composition of the CEI is currently not representative of the political landscape.²⁷ At the time of its creation, a compromise allowed political parties (including opposition parties) to choose a number of central CEI members in proportion to the parties' seats in Parliament. Then, the compromise also specified that the president should select the majority of the remaining positions.²⁸ Now that the opposition is not represented in Parliament, the President and his majority have appointed a significant proportion of the central CEI's membership. This appointment process does not provide for consensus building in the nomination process. Reform of the composition and appointment process is necessary, but will require tremendous political will to make such changes by 2015. In the absence of these reforms, the opposition can claim that any electoral decisions, especially the publication of the voters' list and the announcement of election results, represent preferential treatment toward the RDR. The opposition could use these vulnerabilities as an excuse to spark electoral violence.

Bakayoko. Furthermore, it delayed the election by 4 months, which is crucial given the limited time-frame available in 2010. Ibid.

²⁶ Interview with UN officials, Abidjan October 2012.

²⁷ The CEI in its current form is based on the Linas-Marcoussis Agreement. It is comprised of 32 members. One stipulation is that there should be two representatives of each of the 10 signatories of the Linas-Marcoussis Agreements. Four opposition political parties -- Parti Démocratique de Côte d'Ivoire (PDCI), Rassemblement des Républicains (RDR), Union Démocratique, pour la Paix en Côte d'Ivoire (UDPCI), Mouvement des Forces d'Avenir (MFA) —formed an alliance named Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP) for the presidential elections planned for October 2005. They decided to present one candidate for the first round and support whoever emerged from the first round against Gbagbo. The RHDP also formed an alliance with the three movements of the FN, and named themselves the G7 (Group of 7: 4 political parties and 3 movements of the FN). The Carter Center.

²⁸ The central commission is comprised of 31 members. Twenty members are reserved for each of the 10 signatories of the Linas-Marcoussis Agreements. Ibid.

3. Judicial Vulnerabilities

Weak judicial institutions and the ambiguity of the legal framework are major vulnerabilities that may spur electoral violence. Although the Constitutional Council (CC) is not a part of the judicial branch, is the final arbiter in the electoral process if the CEI is unable to meet the deadline for announcing the polling results. However, the ambiguity in the electoral law for adjudicating electoral outcomes gives the CC incredible power. For instance, the CC overstepped its mandate and overturned the CEI's provisional results in the second round of the 2010 election. The institution is highly politicized because the President and the National Assembly (controlled by the President's party) make appointments.

Moreover, the opposition also views the justice system as one-sided. Amnesty International, Human Rights Watch, and the International Federation of Human Rights reports have denounced widespread arbitrary detentions and inhuman treatment, including the torture of suspected Gbagbo supporters after attacks on the military in August 2012. These human rights abuses exacerbate tensions between the RDR and the FPI supporters. In the absence of judicial proceedings in these cases, the opposition remains outraged.²⁹ Furthermore, there have been no serious investigations of the atrocities committed by pro-Ouattara forces. President Ouattara must balance the short-term risk of altering the balance of power within his coalition with the long-term gain of a fair truth and reconciliation process. Thus, Ouattara appears hesitant to prosecute one of his own supporters – a group he owes a huge political debt.

As the case against Gbagbo moves forward in The Hague, the ICC may come under pressure to investigate atrocities committed by pro-Ouattara forces as well.³⁰ Still, the ICC's decision to investigate the alleged atrocities of Gbagbo-supporters first and then the crimes of Ouattara-supporters later is problematic. This sequencing exacerbates the opposition's suspicion and distrust of the international community. Moreover, Soro used the ICC's order of investigations as an excuse for not investigating crimes committed by Ouattara-supporters. Unless the ICC impartially investigates the crimes committed by both sides, the process of political reconciliation will remain deadlocked.

²⁹ Interview with FPI officials in Abidjan, Nov 2012.

³⁰ Interview with diplomatic officials in Abidjan, November 2012.

4. Socioeconomic Vulnerabilities

Poor Economic Growth and Youth Frustrations

Decades of political instability have wreaked havoc on the economy. Since 1993, the living standard of Ivoirians (as measured by GDP per capita) has grown on average by 1.6 percent every year, with significant fluctuations in years with major conflict (see Appendix I). While Côte d'Ivoire was economically more developed than other West African countries until the early 1990s, since then the country has lagged behind some of its neighbors such as Ghana and Senegal (see graph 2 in Appendix I).

These poor economic conditions have given rise to social instability among youth,³¹ who are often perpetrators of violence. The current youth population has experienced a decade of conflict. These youth are easily mobilized by inflammatory rhetoric and the prospect of social mobility. The latter resulting from a career with an armed group and/or its affiliated political party. Because many youth have never been formally employed, they are regularly referred to as Côte d'Ivoire's "lost generation."³²

In response to these concerns, the Ouattara government has prioritized economic growth. Its growth agenda implicitly assumes that if growth trickles down to the Ivoirian population, the economic frustrations that spur youth and others to participate in violence will disappear. However, growth will mitigate conflict only insofar as it is somewhat equitably distributed.

Cocoa Rents

The economic model of long-time president Felix Houphouët-Boigny rested on the development of a plantation industry, whose rents were distributed among various vested interests in order to enable growth and stability. The cocoa plantation industry (*filère*) grew to \$1.4 billion by 2006, representing approximately 35 percent of Ivoirian exports.³³ Unfortunately, these revenues became a funding source for violence. Between 2001 and 2006, an estimated \$20.3 million of the revenues from cocoa

³¹ While the definition of "youth" varies dependent on the source, Côte d'Ivoire's Ministry of Youth considers this classification to encompass anyone between the ages of 15 and 35. Selay Marius Kouassi, "Côte d'Ivoire: Who You Calling Young," All Africa, January 8, 2013.

<http://allafrica.com/stories/201301080567.html>.

³² Interview with UN official and Ivorian civil society members in Abidjan, October 2012

³³ Global Witness, "Hot Chocolate: How Cocoa Fueled the Conflict in Côte d'Ivoire," June 2007.

exports were used to finance the official war efforts. Moreover, Gbagbo and his supporters relied on at least \$38.5 million in profits from their stake in the cocoa industry to finance their own ‘private’ war efforts. At the same time, the parallel export tax duties imposed on cocoa transiting through FN-controlled zones during the conflict purportedly raised approximately \$30 million for the FN. Ouattara’s arrival into power gives him access to the cash cow of the cocoa industry, which could be source of funding for future conflict.

Land Tenure

The fusion of traditional customary rules for land tenure with written colonial land laws has exacerbated conflict. Colonial agriculture was based on a form of tutelage, whereby an *allogène* (foreigner) was required to find an *autochtone* (indigenous) host to sponsor him.³⁴ A similar arrangement comprised the core of Houphouët-Boigny’s policy, which was predicated on the notion that the “land belongs to those who work it.” This policy spurred the internal migration of the Baulé (Houphouët-Boigny’s ethnic group) from the center and the Joula from the North to the West – a region traditionally inhabited by the We and the Bété indigenous people (Gbagbo’s ethnic group). These groups were often portrayed as primitive and incapable of properly using the land. This massive population movement prompted the ‘Ivorian miracle’ and created an ethnically homogenous, Baulé landed bourgeoisie, which supported the PDCI (Houphouët-Boigny’s party).

However, once the cocoa industry collapsed, many young Bété who had migrated to the city returned to their rural areas to see that “their old fathers are poor while the strangers are rich...The fathers have sold their land to strangers.”³⁵ Since then, various attempts to codify land tenure have led to a confusing array of land ownership and usage rights. While national and international observers seem to agree that the current land laws are technically sound, many acknowledge that their complexity renders implementation difficult – especially when customary and statutory land rights are closely intertwined. Moreover, in some areas, the vast majority of the land is not registered (*cadastre*), making it difficult to arbitrate land disputes between past and current owners. Intractable land disputes

also arise between previous owners and peasants that have been granted the right to use the land. These peasants become targets of violent resentment, especially if perceived to be non-Ivoirians.³⁶

IV. MITIGATING FACTORS

Highly Centralized Political Parties

The fragile balance of power between parties is a risk factor. However, the centralization of political party power means that if consensus is reached at the center, party leaders can usually manage tensions on the ground more easily. Thus, the potential for political parties to mitigate conflict depends on the willingness of key personalities to promote and maintain peaceful conduct during the electoral cycle.

Legitimacy of the FANCI

The media and public have largely accepted the FANCI as the legitimate successor to the previous armed forces. This legitimacy gives Ouattara’s government the impetus to proceed with SSR and designate FANCI as the electoral security force in 2015.

Strong Civil Society and Media

Côte d’Ivoire’s civil society is vibrant with many impartial organizations. They are largely respected domestically and by the international community (which often finances them) and can help mitigate electoral conflict through education.

Moreover, the media regulatory bodies – the National Press Council (CNP) and the High Authority for Audiovisual Communication (HACA) – have made significant progress since the previous presidential and legislative elections towards ensuring equal access for political parties and coalitions. One result is that opposition and ruling party papers may publish without much harassment. Thus, all political actors are able to express their views and political platforms to the population.

Due to the penetration of mobile phones throughout Côte d’Ivoire, social media and telecommunications emerged as tools to report and stem incidents of electoral violence in 2010. Websites such as Ushahidi and Wonzomai were utilized in 2010 and should be promoted and used by authorities and the public in 2015 to report electoral violence and prevent incidents from turning into serious atrocities.

³⁴ Everyone not born in a village is technically a ‘stranger,’ even if coming from a village 20 km away who share the same ethnicity, because rights to own or use the land are typically shared among a small number of lineages considered indigenous (autoctonous) to the village. Mike McGovern, *Making War in Côte d’Ivoire*, 2011.

³⁵ Ibid.

³⁶ Interview with diplomatic officials in Brussels and Abidjan, October and November 2012.

V. RECOMMENDATIONS

Before attempting to implement any recommendation, stakeholders must recognize that the essence of most problems is political. Solutions that do not address the political aspects of any issue will fail, even if the policy is technically sound.

Furthermore, the Cabinet and the National Assembly are the main bodies that can legislate the institutional changes necessary to reform the electoral process. Because the RHDP dominates the National Assembly, the lack of political will is the main stumbling block to security and electoral management reforms. Since the majority of the opposition has boycotted the legislative elections, it is important to build consensus around these reforms both inside and outside the National Assembly through dialogue with the opposition.

Strategic Objective One: Enhance the capacity and independence of the Independent Electoral Commission (CEI) and the Constitutional Council (CC) to prevent electoral violence and to seek justice for victims.

Recommendation 1: Restructure the composition of the CEI and the CC and develop a new appointments process to strengthen the impartiality of these institutions. These reforms aim to de-politize the decisions of these bodies, and thus reduce the potential for backlash and violence.

Actors: CEI, CC, National Assembly, Civil Society, Executive Branch

Actions: The composition of CEI and CC should be restructured to reflect the current political landscape, with checks and balances to prevent one-party domination. The CEI should include civil society representatives at both the central and local levels to increase its representativeness and independence.

A new confirmation process for the remainder of the seats is also needed. One option is to require the approval of two-thirds of the members of the National Assembly for nominees. These reforms will require amendments to the Constitution.

Political Considerations:

Since these actions require legislation from the RHDP-dominated National Assembly, it will be difficult to pass any measure that will diminish the RHDP's influence. If the government wants to promote political reconciliation, the President should introduce this measure and rally members of the legislature to pass it.

Recommendation 2: Establish a clear and realistic timetable to update the voter registry prior to the 2015 elections. Reducing delays and confusion reduce the risk of protests from disenfranchisement.

Actors: CEI, National Assembly, UNOCI, National Statistics Institute (INS), National Office of Identification (ONI), SAGEM (French private technical service provider), National Commission for the Supervision of Identification

Actions: A streamlined mechanism should be designed to eliminate outdated and duplicate entries on the voters' list and include voters who have turned eighteen since 2010, some of whom were already pre-registered for the 2010 election. An independent panel of national and international experts should be established to reach a pragmatic but fair solution to the issue of "grey lists."

Political Considerations: Updating the voter registry, especially at the appeals process phase, became a politically contentious issue in 2010 since the majority of voters on the "grey list" were considered "foreigners." However, since Ouattara is now in power and the institutions responsible for updating the voter registry are largely controlled by the RHDP, fewer political bottlenecks are expected for this process.

Recommendation 3: Develop a medium and long-term strategy to increase voter and political party education to ensure compliance with electoral procedures and rules. Reduced confusion and frustration from actors understanding the rules of the electoral cycle serve as a deterrent to conflict.

Actors: CEI, CSOs (i.e. WANEP, etc.), National Press Council (CNP), National Council for Audiovisual Communication (CNCA), media, political parties, Wonzomai, Ushahidi

Actions: The CEI should establish a medium and long-term strategy to increase voter and political party education incorporating civil society, the media, and political parties. In particular, education on voter procedures should target areas that witnessed the highest levels of violence in the 2010-2011 election cycle and remote rural areas where there was a significant information gap. Meetings and various communication mechanisms should be used to properly inform political parties about the procedures for registering candidates, operating campaigns, and receiving financing. Sanctions should be applied if political parties violate these rules.

Information and communication technology should also be incorporated into electoral violence reporting,

such as the Ushahidi and Wonzomai platforms. Local CEI commissioners can serve as verification nodes for violence reported to these platforms.

Political Considerations: Many political parties breached the codes of conduct in 2010. Thus, in the future the CEI should set an example by sanctioning all parties if they disregard electoral procedures. Since the CNCA provided more airtime to the FPI in 2010, the ruling party might provide an unfair media edge to its candidate in 2015.

Strategic Objective Two: Foster political and social reconciliation in order to reduce the root causes of electoral conflict among political rivals and social groups

Recommendation 1: Seek justice for perpetrators of violence, which includes both pro-Gbagbo and pro-Ouattara forces, committed in 2010. Justice, that is applicable to all sides, will lead to accountability and decrease the perception of victor's justice.

Actors: Executive, Judiciary, FN, FDS, National Commission of Inquiry, ICC, political parties, the international community.

Actions: The government should seriously consider the findings published by National Commission of Inquiry examining the abuses by pro-Gbagbo and pro-Ouattara forces and allow for the legal redress of violations in Ivoirian courts. As a preliminary step, pro-Gbagbo ex-combatants held in detention centers should be released and fairly tried. Also, the ICC must promptly investigate the abuses of pro-Ouattara forces, and the government should comply with issued arrest warrants from the ICC.

Political Considerations: President Ouattara and the ruling party will be hesitant to investigate the abuses committed by their supporters. Threats to withdraw political support in 2015, from FN leaders and pro-Ouattara militias might prevent investigations. Thus, the international community should threaten to reduce funding if progress is not made on this front.

Recommendation 2: Open high-level dialogue with moderate FPI leadership; decentralize and sufficiently fund the Dialogue, Truth and Reconciliation Commission (CDVR). These two steps forge a stable path to political normalization and should sideline the views of the hardliners to incite violence.

Actors: President Ouattara, moderate FPI leaders, CDVR, local officials, civil society, and the international community

Actions: Open high-level dialogue, starting with the President, with moderate FPI leadership to identify ways to integrate it into the political process, especially in the upcoming local elections. The government should provide adequate funding for the CDVR to execute its mandate, supplementing the funding that international actors have already contributed. The scheduled installation of 36 local committees in five zones should be cancelled, and the CDVR should support existing local committees comprised of local officials and civil society.³⁷

Political Considerations: Although dialogue may have started again between both sides, the presence of President Ouattara will be required. Inaction on the part of the administration will be perceived by the FPI as indifference and could lead to further isolation of the FPI from the political process.

Recommendation 3: Expand political participation of women, both as voters and candidates. This addresses the gender inequity in political and civic life, and serves as a deterrent to conflict.

Actors: National Assembly, CEI, CC, President Ouattara, Coordination of the Women of Côte d'Ivoire for the Elections and Post-Crisis Reconstruction (COFEMCI), civil society, media, international community

Actions: Pass legislation that institutes a 30 percent quota for women representatives in elected offices and allocate 11 seats of the 31 in the central commission to women. In his public statements, President Ouattara should emphasize the poor representation of women in all levels of government and decision-making bodies.³⁸ The CEI and civil society must design targeted campaigns to encourage women and inform them about voter and candidate registration.

³⁷ International Crisis Group. "Côte d'Ivoire: faire baisser la pression," 2012.

³⁸ EU report, Women represent 8.5% in the National Assembly, where 20% female representation is the average for sub-Saharan countries. Only 4 of the 31 members of the Central Commission in 2010 were women. European Union. "Côte d'Ivoire. Rapport Final - Election Présidentielle 31 octobre – 28 novembre 2010." http://eeas.europa.eu/eucom/missions/2010/ivory-coast/index_en.htm.

Political Considerations: Although COFEMCI called for 30 percent representation of women in elected offices, it was not received favorably, nor did it elicit a political reaction.³⁹ The President must prioritize and promote dialogue on this issue with all political parties. The international community should threaten to withdraw funding if this issue is not addressed.

Strategic Objective Three: Enhance the capacity of security forces to enforce electoral security and demobilize former combatants

Recommendation 1: Properly implement the DDR process. This reduces the amount of arms in circulation and provides disincentives to committing violence.

Actors: Ministry of Planning, international and local NGOs, UNOCI, leaders of pro-Gbagbo and pro-Ouattara forces, ex-combatants, youth

Actions: The government should renew its focus on the DDR process, preferably under the control of one single entity to avoid bureaucratic rivalries that doomed previous attempts. In addition to demobilization, weapons collection and a compensation package that includes a livable stipend and educational programs (i.e. vocational school training) should be provided to those re-entering civilian life. For volatile areas, especially in the West where the economy is concentrated in cocoa, resources should be devoted to teaching ex-combatants how to enter this established industry.

Political Considerations: It will be difficult to force ex-combatants to relinquish their arms given that political leaders are still willing to pay them to obtain positions of power. President Ouattara should urge militia leaders and their troops to give up their weapons and ensure that adequate incentives are available.

Recommendation 2: Enhance the capacity of FANCI and ensure proper planning of security forces for the 2015 election. A unified and robust force will ensure public confidence in the national army. Adequate planning, that takes into account financial and personnel needs, will best position security forces to respond to violence during the electoral cycle.

Actors: FANCI, European Union, French, UNOCI, US, Ministry of Interior

Actions: The government and partners should provide large-scale training programs to professionalize the new FANCI and smooth the integration of the FN with the

FDS. International military cooperation can provide impartial technical advice. High-level cadres in the FANCI and security forces should be vetted to ensure that those who gave orders or committed crimes in 2010 are not in positions of responsibility. The process should be implemented transparently in collaboration with the judiciary to restore public confidence in the security forces. Simultaneously, the Ministry of Interior should allocate sufficient FANCI forces and resources to provide electoral security in 2015 to avoid the level of international intervention experienced in 2010.

Political Considerations: commitments made in previous SSR meetings by the FDS, FN, the government, and political parties should be kept. The international community, especially the EU and France, will be more willing to offer technical expertise than forces to monitor the election in 2015.

Recommendation 3: Enhance cross-border military and judicial cooperation to arrest perpetrators of electoral violence. Increased action on this front will weaken hardliners' efforts to destabilize and orchestrate violence in Côte d'Ivoire from abroad.

Actors: Governments of Ghana, Liberia, President Ouattara, Judiciary, ICC, pro-Gbagbo and pro-Ouattara supporters

Actions: Governments of Ghana and Liberia need to continue arresting the perpetrators of violence and extradite them to Côte d'Ivoire. Once in Côte d'Ivoire, the suspects need to receive a fair and timely trial.

Political Considerations: President Ouattara has been working with the neighboring countries to arrest the perpetrators, but combatants on both sides should be fairly tried to diminish the perception of victor's justice. If hardliners in the FPI are arrested, moderates should become more influential and the political discourse can shift to the center.

VI. CONCLUSION

The promise of stability in Côte d'Ivoire over the past two decades has never been fully realized. Presidential elections have either been delayed or have involved the same three political parties. While violence, and specifically electoral violence, has not reached the levels experienced by other post-conflict African nations, the 3,000 fatalities in 2010 revealed that tensions still exist in Côte d'Ivoire. With the 2015 presidential election only three years away, the drivers of conflict remain unaddressed. This report highlights the potential for a

³⁹ The Carter Center.

return to instability and violence in 2015 if the root causes of the conflict are not addressed.

The responsibility for mitigating the underlying causes of conflict rests primarily with Ouattara. He must make the bold and difficult choices to break with the ways of the past and facilitate a second Ivoirian miracle. However, regardless of the amount of good will from his part, the two other political actors (PDCI and FPI) also must participate in reconstruction. They must abandon the destructive political competition of the past.

International actors likewise face a difficult conundrum. On the one hand, the heavy-handed involvement of the international community helped break the impasse in

2010. On the other hand, by stepping in the middle of a zero-sum game, the international community has lost its credibility as a neutral interlocutor. As the country recovers from the crisis, fatigue with Côte d'Ivoire and fiscal austerity in Europe and the United States suggest decreasing international involvement. While it is true that Côte d'Ivoire has the human and financial resources to proceed quickly towards recovery, destructive and myopic political dynamics risk dragging the country away from a peaceful recovery. New mechanisms for cooperation and engagement must be devised for all national and international players in order to address the root causes of the conflict and share the benefits of recovery equally among all Ivoirians.

CASE THREE – KENYA

I. SITUATION ASSESSMENT

1. History of Electoral Conflict

Kenya has witnessed some degree of violence in each of its four elections since the transition to multiparty democracy in 1991. Electoral violence in 1992 and 1997 largely occurred in the pre-election phase of the electoral cycle as a means to displace – and thereby disenfranchise – the opposition to ensure President Daniel arap Moi's reelection. Armed militia groups, backed by government officials, attacked people from ethnic groups associated with opposition parties. The violence largely occurred in Kenya African National Union (KANU) stronghold areas, especially in the Rift Valley and Coast Provinces. In 1992, more than 1500 people were killed and 300,000 had their homes destroyed. The "success" of pre-electoral violence and the subsequent failure of the Government of Kenya (GOK) to bring perpetrators and their backers to justice institutionalized violence as a means of securing political power in Kenya.

Violence in 2002 was significantly less pronounced, partly because the main presidential contenders came from the same ethnic group, the Kikuyu. However, in 2007, electoral violence erupted on an unprecedented scale, particularly in the Rift Valley and certain areas of Nairobi. Unlike pre-election violence in previous elections, the 2007/08 electoral conflict largely occurred in the post-election phase after incumbent President Mwai Kibaki was declared the winner and hastily sworn in, despite massive electoral irregularities. High level officials supporting both of the top contenders mobilized youth militias to attack members of rival ethnic groups, resulting in the death of 1500 people and displacement of 660,000. Although the International Criminal Court (ICC) has charged four instigators of the violence, very few individuals have faced prosecution for their involvement in the post-election violence (PEV), raising concerns that electoral conflict has become further entrenched in Kenya. Moreover, the scale and pacing of changes to the security, political, and judicial systems under the 2010 Constitution raise the possibility that conflict could occur in the medium-term, as the country transitions from the electoral period to daily governance.

2. Profile of 2013 Electoral Conflict

The 2013 elections present new security concerns, including the role of ICC and the upcoming trials of

Uhuru Kenyatta and William Ruto, a poorly defined and managed devolution process, and the changing role of the Provincial Administration in security provision. Many of the socio-economic vulnerabilities that contributed to electoral conflict in the past remain relevant in 2013, including a youth bulge, diaspora influence, tension over land and resources, unemployment, and inequality.

II. STAKEHOLDERS ANALYSIS

1. State Stakeholders

Independent Electoral and Boundaries Commission (IEBC)

The IEBC is Kenya's electoral management body, replacing the Electoral Commission of Kenya (ECK), which was widely blamed for mismanaging the 2007/08 election. Kenya's 2010 Constitution and the Independent Electoral and Boundaries Commission Act (2011) laid out the framework for the IEBC's roles and management. The IEBC is responsible for voter registration, delimitation of constituencies and wards, regulation of political parties, settlement of electoral disputes, political party and candidate registration, voter education, facilitation of election observation, monitoring and evaluation of elections, campaign finance regulation, development of electoral code of conduct for political parties and candidates, and monitoring of candidate nomination within political parties. Despite poor public perception of the previous ECK, the IEBC has maintained high public approval ratings since its inception.¹ The public's confidence in the IEBC's ability to effectively conduct the March 4th elections will be vital to mitigating electoral violence on and immediately after the elections. The IEBC will also have a role in long-term stability through its mandate in voter and civic education.

Transition Authority (TA)

The TA was established in 2012 as the primary institution to implement the Transition to Devolved Government Act. A chairperson and eight additional members, appointed by the President (in consultation with the Prime Minister) and approved by the National Assembly, comprise the leadership. Members are selected from ministries of Finance, Public Service, Planning, Justice and the President's

¹ "The Status of Governance in Kenya - a Baseline Survey Report 2012," The Society for International Development, Nairobi, Kenya, 2012.

office. While the TA does not have an explicit responsibility in electoral security, its role in allocating power and resources to the newly elected county governments make it a key actor in stability.

National Steering Committee on Peace Building & Conflict Management (NSC)

The NSC (part of the Ministry of State for Provincial Administration) is an inter-agency committee responsible for coordinating and consolidating peace-building and conflict management efforts throughout Kenya. It has also established peace committees in every county, using models adopted from pastoralist communities, such as engaging community elders (or leaders) with formal government bodies, and explicating customary law for local security institutions. The aim of these committees is to mitigate conflict through local informal structures before it escalates into widespread violence.

Security Forces

Currently, there are two distinct internal security forces in Kenya: the Administration Police, under the Ministry of State for Provincial Administration, and the Kenya Police, a national force. The new constitution unites these forces under the umbrella of the National Police Service, which will report to the Inspector-General, with a Deputy Inspector-General for each of the two forces.

2. Non-State Stakeholders

Secular Civil Society

A plethora of CSOs and domestic NGOs operate in Kenya. Among those most directly involved with elections are the Elections Observation Group (ELOG), a coalition of nine partner organizations engaging in domestic monitoring of the electoral cycle, including voter registration, campaigns, and election day polls. Partner organization Constitution & Reform Education Consortium (CRECO) has conducted an electoral violence risk assessment at the county level. Other organizations provide a range of services to various segments of the Kenyan population, including women and youth, with the aim of strengthening their political involvement.

Faith-Based Organizations

The involvement of faith-based organizations in electoral violence in Kenya has been complicated. On the one hand, certain religious leaders were criticized for failing to denounce acts of PEV in 2007/08. In some cases, the Waki Commission found that preachers actively stoked violence through inflammatory language, particularly in Central

Province. On the other hand, organizations like the Catholic Peace and Justice Commission (CPJC) and the Inter-Religious Forum provided direct assistance to the Waki Commission to investigate the violence, including the provision of testimony, records, contacts, and victims' services. Many such organizations have undertaken peace building efforts in the lead up to the March elections.

Private Sector

Both domestic and international businesses in Kenya have invested in conflict mitigation programming. The Kenya Private Sector Alliance (KEPSA) has spearheaded the *MKenya Daima* ("Kenyan Forever") public education campaign, aimed at promoting a sense of personal ownership over the resources and success of the nation. Coca-cola and other multi-national corporations have likewise targeted funds towards peace initiatives and have partnered with the police to increase CCTV coverage in certain areas.

3. International Stakeholders

International Criminal Court (ICC)

The ICC has been involved in Kenya since the 2007/08 PEV. Their particular involvement with the 2013 elections is circumstantial: two of the candidates running for office (Uhuru Kenyatta as President and William Ruto as Vice President) have been indicted, and their trials are set to begin in April 2013. Of particular concern to the ICC is what will happen if the indicted candidates are successful in the March elections; the ICC remains dedicated to fulfilling its mandate, but the trials could prove destabilizing.

United Nations Development Programme

UNDP has been working in Kenya since 1964. It has been particularly involved in peace-building and conflict resolution post-2007, with a focus on improving the coordination of early warning systems in Kenya, primarily through UWIANO Peace Platform project. UWIANO was launched to prevent referendum-related violence, and has since become a main coordinating body for the many conflict early warning systems being scaled up in advance of the 2013 elections.

US Agency for International Development

USAID has been working in Kenya since the Agency was first established. Kenya is the largest USG assistance Mission in Sub-Saharan Africa (\$688 million in FY2010).. Since June 2008, Kenya has received assistance from USAID's Office of Transition Initiatives, which focuses on improving public institutions' ability to undertake fundamental

reforms and manage instability/uncertainty, as well as mobilizing the public (in particular, youth) as change agents.

US Department of State/Conflict Stabilization Operations (State/CSO)

The US government has a keen interest in security in Kenya, both as an economic partner and potential promoter of stability in the region. As such, Kenya is one of four priority countries in the Department of State's Bureau of Conflict and Stabilization Operations. Specifically, CSO's engagement in Kenya is focused on the electoral process and implementation of reforms necessary to preventing violence up to and beyond the election, particularly in the security sector.

United Kingdom's Department for International Development (DFID)

The U.K. government's main focus is on supporting stability in Kenya, with an objective towards business-led growth and improving service delivery for the poorest. DFID is also one of the key supporters of the Kofi Annan process, which brokered the National Accord peace agreement following the disputed 2007 elections.

National Democratic Institute (NDI)

One of NDI's strongest initiatives has been providing technical assistance to the Inter-Party Youth Forum (IPYF), established at the request of youth members of the country's political parties (excluding ODM) with funding from USAID. Through the IPYF, members meet together and receive trainings on advocating for platform-based party reform. NDI has also been working on conflict early warning assessments, including additional factors in their analysis beyond past incidents of violence.

International Foundation for Electoral Systems (IFES)

IFES has provided technical assistance to the IEBC on a range of electoral management capacities, including electoral dispute resolution, drafting electoral regulations, voter education, procurement, and constituent boundary division and mapping. IFES also provided assistance during the 2010 Constitutional Referendum.

III. POST-ELECTION VULNERABILITIES AND CHALLENGES

In addition to recurrent social and economic vulnerabilities, the 2013 election involves unprecedented security, political, and transitional

justice vulnerabilities and challenges that may have a significant impact on the potential for electoral violence and the transition from Election Day to stable governance.

1. Security Vulnerabilities

Security factors include the police forces, the Mombasa Republican Council, al-Shabaab, the availability of weapons, and high crime rates. Of these, the extent of reform and capacity building of the police forces will have the greatest impact on electoral security.

a. Police Forces

Police forces face capacity and training issues

Numerous stakeholders interviewed asserted that the primary security concern is not early warning systems, but rapid response to those warnings. Delays in responding result from a variety of factors, including difficult terrain in parts of the country and a limited number of responders relative to the number and size of potential hotspot locations. In addition, reforms to police training curricula and human resources policies (such as compensation and benefits) remain incomplete. Some suggest that higher level officials have been reluctant to undertake reforms, preferring to protect the current system and believing that existing crowd management techniques are already sufficient – although mid-level officers may be more open to change. Others have noted that police forces tend to think of electoral security in terms of the days immediately before, during, and immediately after the election, rather than viewing it as an electoral cycle. Recently, the police performed poorly during a mock election held by the IEBC. If it appears that the internal security forces are unable to manage their role during the election, it is possible that the National Army will be called in to assist, although army resources may be constrained by their ongoing involvement in Somalia.

Police may be slow to intervene in violence

In addition to capacity issues, police forces may hesitate to intervene in violent situations because they fear indictment of themselves or their superiors for violations of constitutional and/or human rights, particularly in light of the ICC indictment of former Commissioner of the Kenya Police Mohammed Hussein Ali. Many officers feel they are not well informed about the provisions of the 2010 Constitution, even as community members declare that they know their constitutional rights regarding arrest and harassment, for example. Political

considerations may also influence the speed with which police respond to electoral threats, as the slow response in Tana River demonstrated. While logistical difficulties certainly explain some of the delay in police intervention, many have noted the higher political priority of threats from the MRC in Mombasa over community disputes in Tana River.

Community relations remain strained

Despite initiatives like the Peace Cops program (discussed below) and efforts to network with CSOs to establish trust between communities and police forces, negative relations between communities and security personnel persist in many areas. The killing of 42 police officers in Samburu in November 2012 underscores the magnitude of the tensions that remain.² Some Kenyans still view the police negatively for their failure to halt PEV in 2007/08, or in some cases, for their active perpetration of violence. Perceptions of corruption within the law enforcement field remain.

The role of the Provincial Administration (PA) in security provision remains unclear

The PA has historically played a significant role in security provision at the local level, both through its control of the Kenya Police and through the mediation role that many chiefs assumed, mostly in rural communities. However, with uncertainty surrounding the role of the PA under the devolved county structure, it remains unclear whether and how the chiefs will be involved in the maintenance of security. Some have suggested that chiefs may foster violence, either directly or indirectly by failing to provide local intelligence to police forces, if they are excluded from the devolution process.

b. Mombasa Republican Council (MRC)

The MRC is a separatist organization based in Mombasa, Kenya's largest port and an important economic center for the entire Horn of Africa. The MRC was formed in 1999 to address what it viewed as the political and economic discrimination of Mombasa natives, in particular related to real estate and land ownership by large companies and "outsiders." In 2008, the group declared that Mombasa should become an independent state and more recently won a challenge in the High Court against being labeled as unconstitutional and illegal. Leaders of the MRC have called for a boycott of the upcoming election and have begun carrying out

hostile acts, such as collecting MRC members' ID cards to prevent individuals from voting and breaking up regional meetings of the IEBC. This instability also creates possible openings for al-Shabaab to further infiltrate the area. While the grievances the MRC cites are longstanding, and the organization is generally believed to be using the elections simply to bring these issues to a head, their reaction seems a missed opportunity to engage with, and possibly benefit greatly from, the devolution process.

c. Additional Security Factors

The possibility remains that al-Shabaab or its sympathizers will utilize the electoral period to perpetrate attacks on Kenyan targets, following the deployment of 2,000 Kenyan troops in Somalia in October 2011. Already more than 20 explosion attacks have occurred in the former North Eastern, Coast, and Nairobi Provinces since mid-2011, often coinciding with military developments in Somalia. Similarly, the availability of weapons - particularly ordinary machetes or *pangas* used for daily tasks - poses an ongoing risk for popular violence. Finally, violent crime remains high in many parts of the country, particularly Nairobi. A significant body of psychological research has demonstrated that exposure to violent acts can cause individuals to become desensitized to violence, increasing aggressive behavior and reducing their propensity to intervene on behalf of victims.

2. Political Vulnerabilities

Political factors in the upcoming elections and period of transition to governance include devolution under the 2010 Constitution and recent changes to the political party system.

a. Devolution

The devolution of the Kenyan government represents perhaps the most fundamental and far-reaching reform of the country's new constitution. This process will reorganize the current 8 provincial administrations and 175 local authorities and transfer these responsibilities³ to 47 new counties.⁴ Through this process, it bestows many of the service delivery, revenue collection, and budgetary powers previously held by the national government to the county-level

² BBC News Africa. "Kenya police attack in Samburu: More bodies found," 12 November 2012. <http://www.bbc.co.uk/news/world-africa-20294747>.

³ Disaster management, water treatment, etc.

⁴ The re-delimited boundaries were highly contentious and were ultimately resolved by the Supreme Court, underlining the degree to which devolution has become a source of conflict.

administration. The new county governments will have both executive and legislative branches, the representatives of which will be determined in the upcoming March elections. In these elections, voters will elect the positions of County Governor, Deputy Governor, County Senator, County Women's Representative to the National Assembly, Constituency Representative in the National Assembly, and Ward Representative in the County Assembly.

Potential for inter- and intra-tribal violence

Though the goal of devolution is to bring government accountability to the local level, with so much power historically tied to who controls government, devolution will increase the stakes of local elections. In ethnically heterogeneous counties, we can expect to see inter-tribal conflict for the various seats, especially that of governor, along similar dividing lines seen previously in national elections. In more homogenous counties, however, there is the potential for intra-tribal conflict between different factions of the same ethnic group. This would constitute a new dimension of electoral violence in Kenya.

Devolution could also increase the number of internally displaced persons (IDPs) as ethnic groups seek to carve out political territory. The possibility for autonomously run counties could inspire communities to attempt to remove opposing ethnic groups from their jurisdiction. This pattern has occurred throughout Kenya's recent history. Many IDPs from the 2007/08 PEV have still not returned to their homes. However, perhaps a more appropriate historical analogy for Kenya comes from 1992 and 1997. In those years, politicians instigated violence to displace people associated with opposition groups. The newly developing risks associated with devolution make these types of violent actions more likely, although the potential for violence is more decentralized than in the past.

Vulnerabilities result from poor understanding of the devolved system

There is a general consensus that most of the Kenyan electorate is unaware of the roles and responsibilities of each of the new county posts. Indeed, reports indicate that many aspirants for these positions may not even know precisely the responsibilities of the posts they are contesting.⁵ This uncertainty creates

substantial vulnerabilities in the post-election phase. In the medium term, elected officials could use misinformation to their advantage as they jockey for power. For instance, if a county elects a Kikuyu governor and a Kalenjin senator, violence could erupt over who has authority over different aspects of service provision. In the long term, if poor precedents are set in the first general election, it will be difficult to alter the pattern later. Specifically, if it becomes clear that certain seats have greater access to power, and that these seats can be won through violence, the country may witness violence used as a tool in subsequent county elections, as has occurred in national level elections since 1992.

Transition Authority (TA) lacks capacity

The institution tasked with oversight and administration of the devolution process (TA) lacks the capacity necessary to carry out its mission. The TA has three phases of responsibility. The work of Phase I is primarily concerned with county audits, the development of county-level governance, and timing decisions about when each county will gain autonomy. Phase II will take place over the course of the three years succeeding the first elections. During this time the TA must oversee the transfer of functions to county governments and facilitate the county governments' performance of these functions. (The specific tasks that this will entail have not yet been made public.) Phase III will be the process whereby the TA is phased out and its authority handed over to the Intergovernmental Relations Secretariat. According to the Transition to Devolved Government Act of 2012, the TA is responsible for determining what functions each local government will take over, when that will happen and how much federal money it will receive *before* the March 4th elections.

By all accounts, the TA is far behind. There have also been complaints of poor transparency in the TA's decision-making procedures. A poorly managed transition poses more than just technical and administrative challenges; it creates security vulnerabilities. To date, the TA has not made clear what criteria it will use to determine if a county is ready to take on these new responsibilities, and it has not yet made any of those decisions public. Thus, we could face a situation where a local government is elected only to find that it does not have expected autonomy.

Added to this vulnerability are high expectations that devolution will solve many of each community's needs. This is in part due to misconceptions that

⁵ It is expected the senators' seats will be largely contested by current or former MPs, whereas the professional class rather than career politicians will mostly control governorships.

devolution will necessarily bring more money into each county. Some counties will receive larger budgets, but some will receive smaller ones. Local populations have placed significant hopes in devolved government. When these expectations are not met – and worse, if failures are blamed on officials’ ethnicities – it could lead to social unrest and possibly violence.

b. Political Party System

New regulations are insufficient to ensure political party reform
The Political Parties Act of 2009 required all political parties to re-register with the IEBC Registrar of Political Parties (RPP) according to certain guidelines.⁶ Thus far, the RPP reports that parties have complied with the regulations for filing and gender requirements; however, others have noted worrying tendencies in the registration process. Certain parties have allegedly drawn up a supporter list based on old copies of the voter register, without verifying the desire of individuals to join their parties. Yet the RPP lacks the resources and the mandate to verify every signature on a party’s registration list, unless the behavior of the party veers into criminality. Moreover, the prohibition on the formation of ethnic parties is not explicitly checked; instead, verification is based on membership from 24 of the 47 counties, which is assumed cannot be achieved if a party maintains a narrow ethnic base. However, particularly with increasing mobility in Kenya, it is possible that national political parties could target a narrow coalition of ethnicities across 24 counties, suggesting that additional criteria for evaluation may be necessary to mitigate ethnic politics.

Personalistic politics and shifting alliances make predictions difficult

Despite the above regulations intended to reform the political party system, parties remain highly personalistic, organized around prominent candidates and identity politics. However, rapidly shifting alliances raise questions about the assumption that ethnic groups automatically follow their leaders in the election. Although Uhuru Kenyatta and William Ruto have announced an alliance as the Presidential and Vice Presidential candidates, respectively, some have expressed doubt over whether their respective backers will be willing to unite across previously hostile ethnic lines. At the same time, supporters of Ruto have reportedly rejected the possibility of aligning with Raila Odinga, whom they perceive as

having betrayed Ruto following his ICC indictment. The instability of alliances, coupled with this uncertainty about ethnic bloc voting, complicate the prediction of electoral violence, including the likely perpetrators and victims, as competing sides may change. Furthermore, the failure of one side to honor these alliances might in itself spark conflict.

BOX 1: Negotiated Democracy in Nakuru

There has been much discussion of the National Cohesion and Integration Commission’s (NCIC) facilitation of so-called “negotiated democracy” in ethnically heterogeneous counties. The term refers to a process where the elders of different ethnic groups meet to decide on a power-sharing arrangement and division of elected seats. While the extent of the NCIC’s role is unclear, the idea has gained momentum at a grassroots level. This raises the possibility of an escalation of violence if voters fail to follow their elders’ directives. Even if the exact terms of the negotiation are not known in advance, the mere perception of negotiated democracy could become politicized for violent mobilization.

In Nakuru, a group of elders came together to design the Nakuru County Peace Accord, with the help of Center for Humanitarian Dialogue. Many see it as a major step forward in inter-ethnic dialogue, as it states grievances and plans actions to overcome past disputes. While it is not a power sharing arrangement and does not even mention the upcoming elections, many have interpreted it as a form of negotiated democracy. If the Kikuyu win all of the countywide seats, Kalenjin cohorts may see this as a violation of their perceived settlement and take to the streets. Furthermore, if a minority group is left entirely out of the process, it could decide to resort to violence during the elections to disrupt the arrangement.

Funding loopholes remain

The GOK has allocated 0.3 percent of the national budget to public financing for political parties who secure at least 5 percent of the national vote and have gender parity in their leadership.⁷ Party finances and expenditures must be filed with the Registrar for Political Parties and may be audited by the Auditor

⁶ According to the RPP, only about 3 million Kenyans, or less than 7 percent of the total population, are registered members of political parties.

⁷ 15 percent of these funds are divided evenly across qualifying parties, while 80 percent is allocated according to their respective vote counts.

General. Parties are prohibited from receiving monies from foreign sources, and no individual or organization may contribute more than 5 percent of a party's spending. However, no such ceiling is placed on donations to individual candidates. Given the personalistic nature of political parties, this represents a significant loophole in party finance reform, as donors may effectively channel all their funding to specific candidates from a single political party. Moreover, the 5 percent mark creates a moving target, whereby parties with greater resources are eligible to raise more money from individual contributors, whose contributions then further increase the absolute amount of funds the party is permitted to raise. Thus current funding regulations may actually exacerbate the electoral advantages that wealthy and high-profile candidates possess.

3. Transitional Justice Vulnerabilities

In addition to the above electoral vulnerabilities in Kenya, the 2013 elections are further challenged by issues of transitional justice, as many of those most believed to be responsible for the 2007/08 PEV are contesting seats at both the national and county levels. Not only are these unresolved justice issues influencing campaign tactics and alliance formation, but these processes may potentially destabilize governance as newly elected officials try to build up the nascent institutions of a newly devolved state.

a. International Criminal Court (ICC)

In the wake of the 2007 electoral violence, the Waki Commission recommended that Kenya establish a special tribunal to try those responsible; failing the establishment of such a tribunal, the Waki Commission submitted a list of those most likely to be culpable in the violence for consideration by the ICC. While the Prosecutor gained public support from President Kibaki and Prime Minister Odinga to open an investigation and agreed to cooperate fully with the ICC, the relationship between the GOK and ICC has been strained over the course of the investigation. Many of the same government officials whose job it is to provide information requested by the ICC to further its investigation have submitted witness statements in defense of the accused.

The ICC has served as a divisive point in local campaign efforts, with politicians using approval or (more often) disapproval of the ICC process to raise support and tensions. In November 2012, the two ICC-indicted candidates, Kenyatta and Ruto, entered into negotiations to create a political alliance for the

March 2013 elections. It is believed that this may be a move to avoid ICC trials, set to begin in April 2013, if they are successful in winning the elections. Though the ICC has received criticism from the international community for the timing of the trials, the trial dates were set at the request of the defense council and at the earliest convenience to the Court's calendar.

There is no clear answer as to the best course of action. The ICC cannot postpone the trials for another 5 years until their terms are up, nor can the Court drop the cases. Conversely, Kenya cannot have a president in absentia sitting at the Hague; even if he were to be found innocent, the one case the ICC has resolved (in a conviction) spent six years in court. Of course it is anticipated that this alliance would seek to delay or squash the ICC proceedings or simply refuse to go to trial; though some argue that this would make the President of Kenya akin to Omar al-Bashir of Sudan, it is hard to imagine that would truly be the case. Unlike Sudan, Kenya is a rapidly growing democracy, and strong strategic ally of the Western powers with interests in the region. At best, the President would go to trial, necessitating an emergency election to occur, replete with many of the same vulnerabilities of the upcoming one. In any case, this will deprive Kenya of the stability and strong executive power that it needs to implement devolution in a transparent and accountable process; those who have the most to lose from devolution are, after all, Ministries and Administrations of the executive branch.

b. Domestic Institutions

Kenyan judiciary reforms remain incomplete

Under the guidance of the Ouko Taskforce on Judicial Reforms, major reforms to the Kenyan judiciary have been underway since the 2007 elections. In particular, the 2010 Judicial Service Bill outlined the reforms that a newly created Judicial Service Commission would undertake; namely, new financial autonomy of the judiciary; procedures for appointment, discipline and removal of judges and other judicial officers; and a national level Council that will bring together all players involved in the justice system.

Overall, stakeholders believe that the judiciary has made marked improvements in the past five years, particularly at the national level. Currently the Kenya High Court is hearing petitions initiated by the Kenya Youth Parliament and Kenya Youth League to determine whether Ruto and Kenyatta should be banned from running, given that they are under

indictment by the ICC. Kenya Law prevents those charged/convicted with a crime from serving as President.

At the local level, reform has been slower, with a serious backlog in caseloads. Of close to 5,000 individuals charged with crimes in 2007, only three have been prosecuted. These cases have been met with temporarily heightened tensions between ethnic groups. The delay in prosecution of so many suspects not only raises questions of due process, but also may complicate the process of reconciliation by opening past grievances at the same time that the country is trying to move forward with post-ethnic governance.

The credibility of the Truth, Justice, and Reconciliation Commission (TJRC) Report has been questioned

The Kenyan Parliament unanimously passed a bill to create the Truth, Justice, and Reconciliation Commission in 2008. The mandate of the TJRC is to investigate and recommend “appropriate” actions regarding abuses committed between Kenya’s independence and the beginning of the power sharing deal between President Kibaki and Prime Minister Raila Odinga in 2008. Since its creation, the TJRC has operated by holding hearings across the country, seeking testimony from victims, perpetrators, witnesses, and the general public, in order to compile a report and recommend prosecutions to the judiciary. Unfortunately, the credibility of the TJRC has suffered: first, its Chairman (Bethuel Kiplagat) resigned under allegations of involvement in land disputes and the murder of Kenya’s Foreign Minister in 1990; later it missed deadlines to release the report/findings.

As a result of these events, Kenyan CSOs have pulled back from supporting the process, some even stating that at this point it would be best for the report to not be released. Without being assured of its credibility, rushing to release it in the lead up to elections may be another trigger for conflict; waiting to release it after the election risks the possibility that those who have recently gained office will be amongst the perpetrators named, at best destabilizing and delaying the transition to new governance systems, and at worst generating violence, especially in districts that may have been strongly contested in the 2013 election round.

IEBC hesitant to exercise its investigatory powers

The IEBC has been granted investigatory and prosecutorial powers with respect to electoral offenses by candidates, political parties, and their agents. This includes the power to file criminal

charges against those violating the law and sanctions against those who break the Code of Conduct. However, there are questions about the capacity and willingness of the IEBC to exercise this authority, at least partly due to its desire to avoid the perceptions of partiality that plagued the former Electoral Commission of Kenya (ECK). This leaves the channels for dispute adjudication less clear for the March elections, which may increase the risk that disputing parties will resort to hostile or violent tactics.

4. Socioeconomic Vulnerabilities

As with previous elections, the potential for conflict during the March 2013 electoral cycle involves socio-economic vulnerabilities such as a large unemployed youth population, the status of women, the role of the diaspora, and land and resource conflicts. Kenya is also one of the most unequal countries in sub-Saharan Africa, as measured by the GINI coefficient. Inequality has provided a source of social tension that often serves to exacerbate other socio-economic vulnerabilities.

a. Unemployed Youth

Like most African countries, Kenya has a “youth bulge.” According to the Ministry of Sports and Youth Affairs, in 2005, 75 percent of the country’s population was under 35. Because of their economic marginalization (national unemployment stands at 40 percent), youth have been particularly susceptible to the co-option by politicians and organized crime in the form of gangs like Mungiki for involvement in political violence. Youth comprised over 70% of the perpetrators of PEV in 2007/08. The Waki Report cited Mungiki as perpetrators of violence and noted collusion between the organization and politicians to coordinate revenge against Luos and Kalenjins. While certain programs have tried to promote peace building among youth, their continued economic marginalization implies that the risk for violence remains.

b. Status of Women

The new Constitution provides that each new county will have one “woman’s seat,” i.e. a position reserved only for female candidates in the National Assembly. While this may serve to increase representation of women in government in the short term, some are concerned that these women will be co-opted by their male counterparts, and serve merely symbolic roles. Moreover, anecdotal evidence from Kenya reveals

that female candidates who contend for seats other than the “woman’s seat” may fall under great pressure by males in their communities to drop out of the race and vie only for their “assigned” seat. There have been reports of intimidation of women vying for non-gendered seats, as well as electoral irregularities.

c. Diaspora

Kenya’s US-based diaspora alone remits close to \$2.5 billion per year back to Kenya. Article 38 of the 2010 Constitution enshrines the right of every citizen to enjoy the political rights enumerated therein, including the right to register as a voter and to vote in a free, fair, and transparent election. A current lawsuit against the Ministry of Justice and Constitutional Affairs, IEBC, Commission for the Implementation of the Constitution (CIOC) and the Attorney General (AG) seeks to delay the March 2013 elections until all diaspora may be registered and execute their Constitutional rights as citizens of Kenya. A November 2012 ruling found that the Constitutional right to vote is neither absolute nor instantaneous. It may be implemented progressively, with priority given first to those living in-country, and a future aim to providing diaspora suffrage for the 2017 general election. While this is not likely to manifest in violence for the 2013 elections, it does create vulnerabilities if the expatriate vote is able to influence future electoral outcomes. This may lead to tension if people feel that their elected officials are not accountable to them, even under the new system of devolution, but rather to those living abroad.

d. Land and Resources

Land rights have been a highly contentious issue in Kenya since the colonial era. Since independence, there has been a perception that members of the Kikuyu and related ethnic groups have benefited from state patronage networks and access to land in areas outside of their historical base. Furthermore, during the 1990s, a wave of land grabbing occurred as political elites sought to gain control of resources while President Moi and KANU still retained power. Although the 2010 Constitution provides for the creation of a National Land Commission to address longstanding grievances and the irregular allocation of public land, the appointed Commissioners have not yet been gazetted. Thus, narratives of historical injustices with respect to land, often linked with ethnic identities, remain a powerful source for political mobilization.

As with land, access to resources has been a significant issue around which political leaders have mobilized communities under the guise of ethnic competition. Activities like cattle rustling have been a major source of tension between the Borana and Meru groups on one hand and the Samburu and Turkana on the other. In the Tana River region, Pokomo pastoralists have clashed with farmers from the Orma and Wardei ethnic groups over land use, grazing rights, and water access points. Such conflicts are vulnerable to manipulation by political aspirants seeking to inflame hostilities for electoral benefit.

IV. MITIGATING FACTORS

“Never again” Mentality

Many interviewees noted the pervasive “never again” mentality, the notion that Kenyans now recoil at violence after the harrowing experiences and economic repercussions of PEV in 2007/08. Although the individuals expressing this belief may sincerely intend to maintain it, in practice people may not sustain this resolution in the face of direct provocation or danger. Already, pre-election violence has occurred in Mombasa and the Tana River region. Moreover, as noted above, violence has occurred in every multiparty election in Kenya’s history, resulting in a death count in 1992 as high as in 2007/08. Therefore, psychological and historical evidence do not support optimism that the “never again” mentality will be an effective mitigating factor for electoral violence in 2013.

Presence of the International Community

The involvement of international stakeholders, including donors and the ICC, has narrowed the political space for widespread organized violence. Although the ICC has become a rallying point for supporters and opponents of the indicted candidates, its high-profile prosecutions have also raised the stakes of orchestrating conflict on the scale of 2007/08. Police may fear intervening in violence lest they be prosecuted themselves; however, by the same logic, they should also fear perpetrating violence. More generally, 2007/08 focused international attention on Kenya to an unprecedented degree; the UN, donor nations, and international investors are watching Kenya carefully for signs of instability. The potential for international condemnation and capital flight reduces the incentives to engage in massive electoral conflict, at least for politicians at the highest levels, who have significant business interests in the country.

Robust Media and Civil Society

Many of the non-state stakeholders identified above are actively working to promote peaceful elections in 2013. ELOG has 600 observers on the ground across all 47 counties, with additional trained monitors to be deployed in hotspots as election day approaches. A group of nine eminent Kenyans, including bishops and academics, have engaged the political elite in dialogue about electoral security and peacebuilding, based on ELOG's findings. Meanwhile, the domestic private sector, under the KEPSA umbrella, seeks to encourage a stable business environment. Kenya continues to enjoy a relatively robust and unrestricted media. National media outlets have begun exercising greater restraint in their reporting on sensitive issues like ethnic hatred, attempting to balance the accountability of public officials for offensive speech with the potential for retaliatory violence if certain ethnic groups are mentioned as the targets of pejorative comments.

Controls on Hate Speech

The Waki Commission identified hate speech as a significant contributor to PEV in 2007/08, when incendiary language was broadcast through call-in vernacular radio programs, spread via text message, and distributed in leaflets. Since then, the National Cohesion and Integration Act of 2008 criminalized the use of hate speech. Also, the Communications Commission of Kenya now requires screening of all bulk text messages prior to sending and bans the use of languages other than English and Swahili. The ICC indictment of radio announcer Joshua arap Sang also sends the message that those who incite violence may be prosecuted. These measures will reduce, though not eliminate, the potential for ethnically charged language to fuel electoral violence in the pre- and post-election periods.

V. RECOMMENDATIONS

At this writing, the March elections are quickly approaching. As such, these recommendations are intended to bolster the electoral process beyond the lead up to the elections and strengthen the transition from electoral outcomes to governance. They thus focus on the medium and long-term post-election periods. Indeed, many stakeholders have suggested that insufficient effort, thought, and money are currently being given to the post-election period. There has not been enough of a focus on what will happen next and how to transition peacefully from elections to governance.

Strategic Objective 1: Mitigate Political and Institutional Vulnerabilities

Recommendation 1: Continue Implementing Civic Education Programs in the Post-Election Period

Actors: IEBC and CSOs with Support from USAID, UNDP

Actions: Civic education programs across the country have been stalled due to funding and administrative challenges. Therefore, the timing of any major campaign will coincide with the political campaign season. Misinformation is common during political campaigns and the airwaves will be flooded with politicians' voices. Given the high security risks associated with an uninformed population in the post election period, civic education programs need to continue well into the new cycle of government. Kenyans need to learn who holds what authority and where to file grievances. Additionally, it will be impossible to expect the electorate to hold their leaders accountable if they do not know what they have the responsibility to do. These programs need both funding and coordination.

CSOs also play a strong role in mitigating violence and should be bolstered in the post election period to continue in those efforts. A good example is Yes Youth Can, an organization that works at the grassroots level to organize youth-led parliaments. This type of engagement helps mitigate a range of vulnerabilities, including the youth bulge, ethnic-based politics, and an uninformed electorate.

Political Considerations: Presently, there is no shortage of civic education programs; however, there is minimal coordination of these efforts. The IEBC is responsible for voter education and their capacity must be strengthened if it is to succeed. The IEBC provides funding to CSOs for conducting civic education programs, but only in the form of reimbursements. With high front-end costs, the IEBC should consider providing some portion of its funds upfront.

Recommendation 2: Undertake Political Party Reforms

Actors: Political Parties & Youth Branches, IEBC Registrar of Political Parties, NDI, IRI

Actions: In order to promote issue-based politics and strengthen the political party system, three main actions should be taken. First, the party finance

loophole should be closed. The RPP should place an absolute, rather than percentage, limit on the amount of funding that supporters can contribute both to an individual candidate and to a political party. Second, donors should continue to support forums and training programs for political parties and their youth members, such as the IPYF organized by NDI and funded by USAID. IPYF focuses on three main areas of politics: countering the negative use of ethnicity, implementing the constitution, and conducting free and fair elections. This program strengthens the next generation of political party leadership and provides internal pressure for issue-based party platforms. Likewise, programs to develop and enforce codes of conduct and party constitutions should continue after the 2013 elections, in order to provide the groundwork for more transparent political party activities in the post-election phase and the transition to the next electoral cycle. Third, donors should consider devising scorecards on elected officials' performance in order to increase voter attention to governance issues rather than personalistic politics. This strategy has had some success in Uganda. The scorecards could be simplified and potentially distributed via mobile phones to reach significant portions of the Kenyan population during future electoral cycles.

Political Considerations: While some of the above mentioned programs are well underway, it remains unclear if Kenyan politicians have the political will to take the steps necessary to move beyond ethnic-based and personalistic politics. Indeed, the pressure will need to come from the electorate, whom these programs can empower.

Strategic Objective 2: Mitigate Security Sector Vulnerabilities

Recommendation 1: Implement Security Sector Reforms on an On-Going Basis

Actors: TA, Kenya Police, Administration Police, former PA authorities

Actions: Efforts to train security forces in electoral security provision immediately before an election are too limited. Instead, the police must continue the reform process in the medium term, prior to the start of the next electoral cycle. First, police training programs and new curricula should continue to be developed and implemented. This includes civic education programs designed specifically for police officers, particularly on the Bill of Rights and the devolution process. Curricula should be coordinated

with judicial reforms, such that law enforcement officials understand how evidence must be collected or arrests conducted in order to have validity in court. Trainings should also include electoral security administration and crowd control measures.

Second, the professionalization of the service and the improvement of police compensatory packages should continue. Officers with greater professional skills and better compensation may be less likely to engage in corruption and more likely to carry out their responsibilities dutifully.

Third, forums for dialogue between the police and the community should be expanded. This may include programs like Peace Cops, who are police officers specially trained as peace monitors in the areas of negotiation, mediation, and early warning. The aim of the program is to bridge the gap between the police and the community, establish trust, strengthen channels of communication, and encourage intelligence reports on security threats. Likewise, trainings on peacebuilding and conflict management provided by the NSC to officers at the Inspectorate level and above should receive additional support. Finally, the role of the PA in security provision at the county level must be clarified.

Political Considerations: Without a clear designation of their role in the devolved government, members of the PA are nervous about their job security in the future. They could represent either a potential peacebuilding force or a destabilizing one, depending on their actions (or lack thereof). Whether or not chiefs become civil servants with a conflict mediation role, as some have proposed, their localized knowledge of community tensions should be harnessed for peacebuilding at the grassroots level.

Strategic Objective 3: Mitigate Socio-Economic Vulnerabilities

Recommendation 1: Provide Victim Services

Actors: Community health workers with support from donors

Actions: Managing the post-traumatic stress that many throughout the country have experienced as a result of the 2007/08 violence is a significantly under-discussed issue at the moment. Understandably, efforts focused on the writing and implementation of the new Constitution, ensuring that the March 2013 elections are peaceful and credible, and visible reform in the judiciary and security sectors. However,

especially as the processes aimed at reconciliation (TJRC, judicial reform at the local level) stall, the impact that these processes may have on helping individuals overcome the psychological effects of 2007/08 are reduced. Providing access to mental health services is essential in helping people come to terms with their experiences of electoral violence and reducing tensions in the long term.

Like many African countries, Kenya has a system of community health extension workers, mobile clinics, and other mechanisms for providing health service delivery in rural areas. Under Schedule 4 of the new Constitution, healthcare delivery will fall under the mandate of districts, a change likely to complicate and reduce effective delivery for some time.

Political Considerations: Working with the extension system and training health workers in mental health services may be an effective way to scale up victim services throughout Kenya, including in rural areas and towns most affected by election violence. Moreover, by working with the same group of providers with whom the communities are accustomed to providing other services, this may help to maintain some privacy and discretion for individuals who seek out mental health services, reducing associated stigma. Still, there remain many challenges, particularly with regards to mental health provision, including overcoming cultural norms that downplay mental health problems, garnering political will to invest in mental health, and providing services for victims of politically motivated sexual assaults.

VI. CONCLUSION

The Kenyan example demonstrates the importance of recognizing elections as part of a larger democratic governance process. Many of the vulnerabilities that have existed in past elections remain. While the 2010 Constitution and the devolution process are attempting to address certain vulnerabilities, in the medium term, they actually create additional ones. The extent to which the 2013 and future elections experience violence will be a function not only of how well the new electoral security and management apparatus work, but also of the success of translating election outcomes into meaningful improvements in living conditions and political accountability for a broad base of the population. Focusing throughout the electoral cycle on a two pronged approach of electoral security and good governance is the best way to achieve sustainable, peaceful outcomes.

Conclusion: Common Themes and Lessons Learned

The previous chapters have presented case studies analyzing the vulnerabilities and mitigation strategies for electoral conflict in Somaliland, Côte d'Ivoire, and Kenya. This concluding chapter seeks to synthesize the lessons learned from these case studies by examining similarities, divergences, and cross-cutting conclusions.

A. Similarities

Security Vulnerabilities

- Greatest vulnerability to violence during the pre- and post-election phases, rather than Election Day itself
- Weak or politicized enforcement role of security forces monitoring elections
- Availability of firearms

Political Vulnerabilities

- Election Management Bodies that lack capacity or legitimacy
- High-stakes elections created by electoral system
- Personalistic political party systems
- Increased local competition due to decentralization
- Transitional justice through the ICC in two cases (Côte d'Ivoire and Kenya)

Socio-economic Vulnerabilities

- High levels of poverty and inequality, creating incentives for participating in organized violence
- Youth bulge and increasing frustration amongst youth

B. Divergences

Somaliland

- Not internationally recognized and receives limited international assistance and funding for elections
- Less electoral violence than other countries
- Proportional representation electoral system
- Clan-driven versus party-driven politics
- Formal role for traditional and religious leaders in the political system
- Affected by spillover of regional conflicts in Somalia and most susceptible to insurgent violence

Côte d'Ivoire

- UN as primary electoral and security assistance partner

- UN certification/verification of the last electoral process
- International military intervention used to end political crisis
- National resources as stakes in elections
- Citizenship identity as a social cleavage
- Past electoral violence occurred in aftermath of a decade of violent conflict

Kenya

- Diverse international involvement through UNDP and NGOs
- Ethnic dimension to electoral violence
- Confusion surrounding negotiated democracy in an electoral context
- New incentives for pre-electoral conflict at the county level under the system of devolution

C. General Conclusions

Finally, the case studies may help answer the following questions raised in the introduction:

1. What are the patterns of past electoral violence within a country and how do these change given recent alterations in its political structure?
2. How can international actors most effectively support peaceful elections?
3. What is the appropriate sequencing and timing for reforms and how can donors promote peaceful and fair elections in the longer term?

The findings suggest three general conclusions:

Conclusion #1: To effectively mitigate electoral violence, concerned stakeholders need a rich understanding of both the historical patterns of electoral conflict and the current evolving dynamics of the political system.

Each case study highlights the importance of analyzing the historical patterns of electoral violence specific to each country or region and to consider carefully the effect that changes in the political structure are likely to have on the motive, means, and opportunity of potential perpetrators to engage in violent tactics. This allows stakeholders to predict conflict hotspots more accurately and target resources appropriately.

In Somaliland, major electoral violence has not emerged in past elections. This stability is at least partially explained by the strength of traditional

conflict resolution mechanisms and the fervent desire for peace and political consensus following the civil war and independence. Yet as the 2012 elections revealed, these patterns may change as the collective memory of the civil war fades and new electoral laws and processes introduce added complexity.

In Côte d'Ivoire, the country's history of violence and conflict has often involved elections. Because the same three protagonists of the political scene (Gbagbo, Ouattara and Bédié) have been vying for the Presidency since the beginning of multiparty politics in the 1990s, it is likely that dynamics and tactics of the past (e.g., Ivoirité and use of state resources to fuel conflict) will still play a role in the future. However, due to anticipated changes in the leadership of two of the main parties, the political balance in the country is bound to shift soon. Moreover, given the importance of personalistic politics, the future leaders of FPI and PDCI are likely to set the tempo for the negotiations over long-standing issues such as security sector reform, electoral institution reform, and land tenure. While Côte d'Ivoire is experiencing a relative calm in the short term, a weakened opposition and delicate political alliances threaten future stability. Also, the country lacks political will needed to make progress toward resolving simmering disputes.

In Kenya, the post-election violence of 2007/08 has served as the primary reference for electoral conflict in the March 2013 elections. However, county-level conflict dynamics that are emerging under the process of devolution suggest that the use of pre-electoral violence as a means of electorate displacement, as occurred in 1992 and 1997, may be the more relevant precedents. Although the outbreak of violence in Coast Province in late 2011 was unexpected, the region also witnessed cases of electoral violence in 1997. Greater scrutiny of these histories of violence may illuminate possible profiles of pre-election violence in future county elections. Still, significant post-election violence as occurred in 2007/08 remains a possibility, particularly in the event of a presidential run-off.

Conclusion #2: International actors can most effectively support peaceful elections through a combination of technical assistance and the promotion of accountability for the perpetrators and orchestrators of violence.

Somaliland underscores the challenges of conducting peaceful elections with limited resources and technical assistance. Because of its disputed status, international donors have hesitated to provide direct

electoral assistance. Thus, Somaliland's institutions continue to lack adequate capacity to manage elections. For example, the shortcomings of the November 2012 elections—voter fraud, ballot shortages, and disagreements over the distribution of polling stations—primarily stem from the absence of a valid voter registry. Consequently, disputes have emerged over electoral outcomes.

In contrast, the examples of Côte d'Ivoire and Kenya expose the limits of technical assistance alone in mitigating electoral violence, as both countries have experienced major electoral conflict despite significant donor support. Nonetheless, in recent years the international community has helped to create a degree of accountability for the perpetrators.

In Côte d'Ivoire, the legitimacy afforded to Ouattara's victory by the international technical assistance and certification led most political actors to coalesce quickly around the challenger. However, although the international community played a definitive role in the 2010 electoral conflict, the future challenge will be to obtain legitimacy and neutrality without an international role in adjudicating high-stake issues such as election results. Looking forward to the 2015 elections, domestic political will and impartial domestic institutions are needed to mitigate violence. The international community can, however, play an important role in the transition, through technical assistance for election management and voter registration, as well as for economic recovery. The International Criminal Court (ICC) and other international institutions can play a role in promoting accountability, while being cognizant of the difficulties of ensuring neutrality. Regional actors can also play an important role in mitigating some of the cross-border issues and can assist Côte d'Ivoire in resuming its former role as the region's economic powerhouse.

In Kenya, concerns over the country's international reputation, the desire not to discourage foreign investors through political instability, and the ever-present threat of ICC indictment for orchestrators of human rights violations have reduced the returns to large-scale electoral violence as occurred in 2007/08. The primary challenge for the international community in the March 2013 elections and beyond will be to establish a similar level of accountability for the perpetrators of violence at the county level as the devolution process progresses, particularly during pre-election phases. This may involve mechanisms to hold national leaders responsible for violence perpetrated by members of their parties at the county

level, as well as the promotion of judicial and political institutions that increase the accountability of perpetrators to domestic constituencies.

Conclusion #3: Donors and domestic stakeholders should work in partnership to implement multi-sectoral strategies over the medium and long terms, in order to strengthen elections as part of robust governance systems.

Often, practitioners and donors mobilize resources and implement electoral programs under tight time constraints in the months immediately preceding Election Day. Nonetheless, there is some recognition that elections involve institutions and processes that cross many sectors, including civil society, the rule of law, and the security sector. Particularly for countries or regions undergoing changes in their political structures, electoral assistance programs should be better integrated with medium and long-term projects aimed at strengthening governance institutions.

As Somaliland continues to demonstrate its commitment to democratic governance, international partners should look beyond Election Day outcomes and help build the capacity of long-term institutions that will help sustain stability. In particular, government institutions like the judiciary and the Parliament have low capacity. Several interviews in Hargeisa revealed that NGOs and civil society are often seen as playing the role of government, and citizens—particularly youth—have little faith in state institutions to deliver services. If this situation persists, commitment to democratic processes and elections may gradually wane, creating an opportunity for instability and extremism to emerge.

Despite a decade of conflict, Côte d'Ivoire remains a country with the funds and the technical capacity to implement needed changes and improvements to voter rolls, land tenure laws, security sector reform, and other reforms. Moreover, multiple stakeholders have identified technically sound solutions to many of these issues. Yet the country will remain at risk for electoral violence if the actors cannot find the political will to implement them. Donors and the international community should pressure domestic stakeholders to negotiate and begin political reconciliation. Political parties and other domestic stakeholders must be willing to engage in dialogue, and the ruling RDR party may have to make overtures as gestures of good faith to convince the FPI that it is willing to negotiate and move the country forward on necessary reforms.

In Kenya, both domestic and international stakeholders should continue many of their activities, or initiate new ones, after Election Day. For example, donors should strengthen the capacity of the Transition Authority and the IEBC in the months following the election to provide additional civic education for ordinary citizens, newly elected officials, and security forces expected to uphold the new constitution. Lingering questions about the mechanisms for electoral dispute resolution, the capacity of the police to secure peace throughout the electoral cycle, and the vulnerability of unemployed youth to mobilization for violence should not be postponed until the next electoral cycle. Instead, steady progress on these issues must be made in the intervening years as part of an integrated approach to electoral management and democratic consolidation.

Just as successful elections can build support for democratic principles, elections marred by irregularities and violence can erode public faith in the potential of democracy to deliver freedom and prosperity for citizens. By understanding the risk profiles of each round of elections, providing the resources and accountability necessary to ensure electoral security, and integrating electoral programming with long-term strategies to strengthen governance systems, the international community can support domestic efforts aimed at democratic consolidation in Sub-Saharan Africa.

APPENDIX A: ORGANIZATION AND STAKEHOLDER INTERVIEWS

Case One – Somaliland

NEC (National Electoral Commission) – National Chairman and Commission Members
NEC Awdal Region Branch –Chairman
NEC Boroma District Office – Chairman and Staff
NEC Polling Station Workers
RAC (Registration and Approval Committee) – Chairman, Deputy Chairman
Electoral Monitoring Board Representatives
Kulmiye – Chairman
Xaqsoor – Operations Manager
Rays – Chairman
Wadaani – Member of Executive Committee
UCID
Political Candidates – Kulmiye, Waddani
UDUB – Former Boroma District Party Leader
DSC (Democratization Steering Committee) – EU Chairman
IRI (International Republican Institute) – Resident Program Officer
NED (National Endowment for Democracy) – Senior Program Officer
Progressio – Executive Director
Interpeace – Operations Coordinator
Academy for Peace and Development – Program Coordinator; Democratization Program Lead Researcher
NAGAAD (Women’s Group) – Program Coordinator; Gender and environment coordinator
SOLJA (Somaliland Journalist Association) – Chairman; Former Chairman
Shaqodoon (Youth Group) – Communication and Technology Manager
Traditional Leader – Gaboye Clan
Religious and Clan Leaders
Ayoda Organization (Youth Group) – Executive Director; Program Officer
SONYO (Youth Group) – Borama Branch Council Member

Case Two – Côte d’Ivoire

British Embassy
Convention of Civil Society of Côte d’Ivoire (CSCI)
Democratic Party of Côte d’Ivoire (PDCI)
Economic Community of West African States (ECOWAS)
European Union (EU)
International Crisis Group (ICG)
Independent Electoral Commission (CEI)
Ivoirian Popular Front (FPI)
Liberty and Democracy for the Republic (LIDER)
Ministry of Interior of Côte d’Ivoire
National Democratic Institute (NDI) in Côte d’Ivoire
Rally of the Republican Party (RDR)
United Nations Operation in Côte d’Ivoire (UNOCI)
United States Agency for International Development in Côte d’Ivoire
West Africa Network for Peace-building (WANEP)

Case Three – Kenya

Lazarus Kubasu – World Bank Consultant

Jørgen Elklit – Kenya Independent Review Commission (Kriegler Commission)

John Burnett – NPR East Africa Correspondent

Raymond Kitevu, Ezra Chiloba and Martha Mathenge – UNDP, Kenya

Cassandra Scully, USAID/State Dept CSO: Daniel Blessington; John Smith-Sreen, Rick Hatler, Chris Wendell

Mike Yard – International Foundation for Electoral Systems (IFES)

Neela Ghoshal – Human Rights Watch

IEBC with IDEA team – Erik Asplund; Irene Tulel

Immaculate Kassait – Director, Voter Registration and Electoral Operations, Independent Electoral and Boundaries Commission (IEBC)

Mary O'Hagan – Kenya Country Director, NDI

Lucy Ndung'u – Registrar of Political Parties, IEBC; Bosire Nyamori – IFES consultant in the RPP office

Wambui Ngugi – Political Consultant with the Office of the President

Geoffrey Kiarie Njuguna – National Steering Committee on Peace Building and Conflict Management

Mercy Njoroge – Electoral Observation Group (ELOG)

Felesia Muya-Odada and Maria Osula – Act!

Joe Ageyo – Nation TV

Kassie McIlvaine and Nikolai Hutchinson – PACT Kenya

Carole Theuri – Kenyans for Peace with Truth and Justice (KPTJ)

Rinah Ondego – Kenya Vision 2030

Dr. Andrew Ladley – Center for Humanitarian Dialogue

Zulheka Hassan – ODM Youth Coordinator

Samuel Musumba – Provincial Peace Forum, Nakuru

Inter Party Youth Forum (IPYK) leaders from Nakuru (12 attendees)

Job Masache – Mercy Corps; John Schroder – US State Department

Pius Kamau – Yes Youth Can

Patricia Buore – Police Inspector and Coordinator of the Peace Cops Program, Nakuru

Thomas Too, Martin Brown, Albert Juma – Vote Smart Initiative

Joseph Mele – IEBC Election Coordinator, Nakuru

Andrew Yatich – Nakuru County Peace Accord

Laila Macharia – Kenya Private Sector Alliance (KEPSA)

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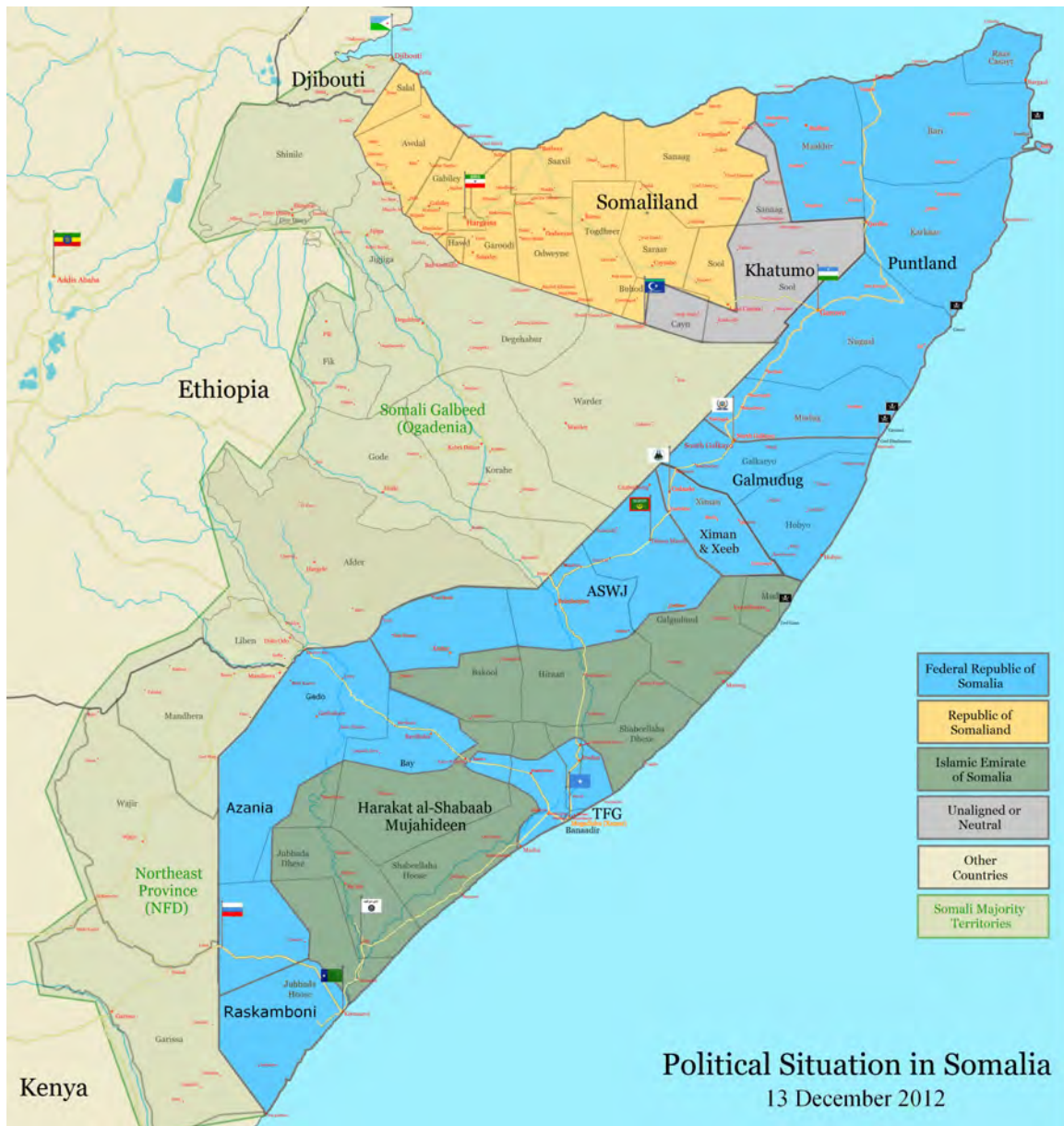
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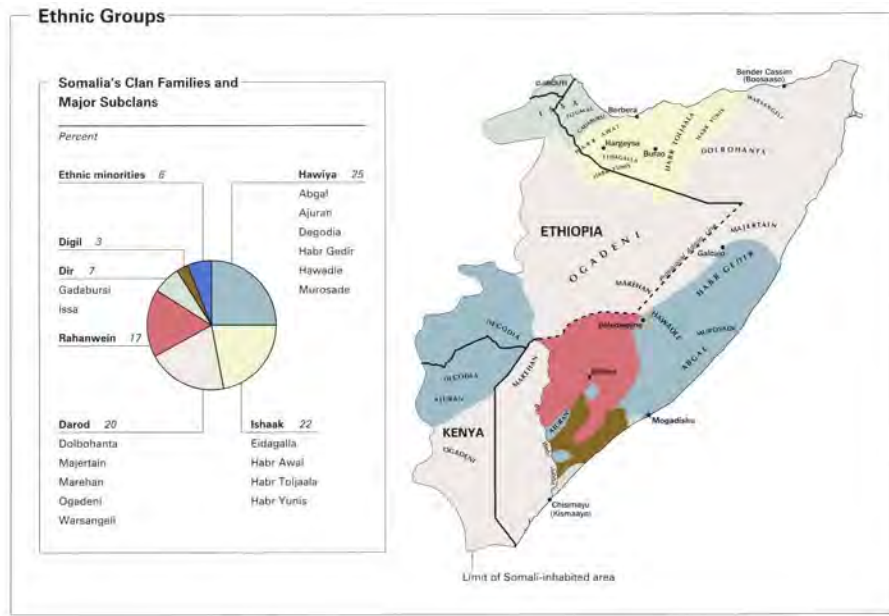
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APPENDIX C: SOMALILAND MAP AND CLAN GROUPS



Source: James Dabl (Ingoman), Used with a Creative Commons License,
http://commons.wikimedia.org/wiki/Atlas_of_Somaliland



The above map shows the geographic locations of the six Somali clan families, and the corresponding chart details major sub-clans. Major clans in Somaliland (top left portion of the map) include the Dir, the Ishaak, and the Darod

Source: CLA via Perry-Castaneda Library Map Collection, University of Texas at Austin, "Somalia's Clan Families," 2002 (https://www.lib.utexas.edu/maps/africa/somalia_ethnic_grps_2002.jpg)

APPENDIX D: PROFILE OF 2012 ELECTORAL CONFLICT IN SOMALILAND

<i>Phases</i>	<i>Actors</i>	<i>Nature of Violence</i>	<i>Victims</i>	<i>Location</i>
Pre-Election	Khaatumo separatists vs candidates	Khaatumo separatists a kidnap delegation from Xaqsoor campaigning in Hudun District.	Candidates	Hudun District in Sool Region (Disputed Eastern Areas)
	Puntland Forces vs. Govt. Delegation	Puntland Forces block major roads in Bahdan and Dhabar to prevent election ballots from being delivered	Delegation from Somaliland transporting ballots, Voters, Candidates	Bahdan and Dhabar Districts in Sanaag Region (Disputed Eastern Areas)
	Somaliland Security forces vs. Khaatumo separatist militias	Four individuals were killed in clashes between local militias and government soldiers who were attempting to deliver ballot boxes to polling stations	Unspecified	Hudun District in Sool Region (Disputed Eastern Areas)
	Police vs. protestors	Two people were seriously wounded after the police guarding the voting station in Erigavo opened fire on a mob trying to enter the building	Protestors	Erigavo, capital of Sanaag Region (Disputed Eastern Areas)
	Police vs. protestors	One civilian killed and several others injured after the police opened fire at demonstrators who were protesting against the NEC	Protestors	Lughaye Town, Awdal Region (West)
	Protestors vs. police and NEC staff	At least six people wounded after police fired live ammunition to end clashes between protestors and NEC staff and security forces.	Protestors, NEC staff member	Burao, capital of Togdheer Region (Central)
Election Day	N/A	No major incidences of violence; multiple and underage voting	N/A	N/A
Post-Election	Kulmiye and Wadaani vs. Haqsoor	Allegations of widespread vote rigging and ambiguities in ballot tabulation	Haqsoor and opposition parties and associations (i.e. UCID, Umaada)	Maroodi Jeex, Awdal and Togdheer regions
	Police vs. protestors	Protests in after partial results released leave 10 civilians dead	Protestors	Hargeisa, Maroodi Jeex Region (Central); Hudun, Sool Region (East) ; Lughaya, Awdal Region (West)
	Police vs. protestors	One person killed and three others wounded when security forces fire on protestors who threw stones at the Vice President's convoy and hotel residence	Protestors	Borama, Awdal Region (West)

APPENDIX E: SOMALILAND'S THREE-PARTY SYSTEM

Article 9 of Somaliland's Constitution limits the number of political parties to three as a mechanism for preventing political fragmentation along clan lines.¹ In field interviews most stakeholders acknowledged that this limitation is appropriate for Somaliland at this stage in its political development because it forces clans to cooperate and promotes the growth of stronger, more stable parties. Yet, public dissatisfaction with the existing parties and a yearning for greater political competition has intensified in recent years. Thus, Parliament's decision in 2011 to open up the political process and allow new political associations to form every 10 years and compete for those three spots serves as an important "release valve" and mechanism for keeping the three national parties accountable.

This process consists of two qualifying rounds for new political associations and a formula to gauge popular support based on the district elections – all overseen by RAC. In December 2011, over 20 associations applied. Fifteen met the preliminary requirements in stage one, and RAC gave temporary certification to these. Next, both existing parties and new associations were required to fulfill stage two requirements by April. Then, on April 20, 2012, RAC announced that nine of the fifteen associations were disqualified. Additionally, one current party (UDUB) and one new association dismissed themselves from the process – leaving two current parties and five new associations to contest the 2012 district elections.

For the third stage of the process, article 6 of the 2011 Political Parties and Associations Law

¹ Some view this artificial restriction on the number of political parties as an infringement on the fundamental right of association, as guaranteed in Somaliland's constitution, the International Covenant on Civil and Political Rights (ICCPR), and other international human rights treaties. Article 23(3) of the Somaliland Constitution states, "All citizens shall have the right to form, in accordance with the law, political...associations." However, Article 25(4) of the Constitution also asserts "the freedoms of the person shall not override the laws protecting the public morals, the security of the country." Moreover, although the ICCPR enshrines "freedom of association with others" as a fundamental right, it makes provision for restricting the exercise of this right for the purposes of national security, public safety, or public order (Article 22). This limitation on the number of political parties prevents a large number of parties fragmented along sub-clan lines from contesting elections and creating chaos, as occurred in the 1960s in the Somali Republic. Thus, to the extent that this restriction preserves public order and security, it is a legitimate restraint on the right of association.

ambiguously outlines the procedures for determining the three winning parties on the basis of district election results: the three winning parties must gain "20% of all the votes cast in every region" OR must be the "three parties that have gained the highest percentage of votes cast in the regions of the country." To preempt any conflict over the interpretation of these provisions, RAC and the political parties/associations established a detailed formula for determining the three national parties in the 2012 Electoral Code of Conduct just prior to the election. This formula used a Borda count to rank associations/ parties and assign them points on the basis of their support in each of the six regions. Then, RAC added each party's six regional rankings, and the parties with the three highest scores won (Kulmiye, Waddani, and UCID).

Table A.1 - Political Association Qualifying Rounds

<i>Stage One</i>
Submit the name of the association and its symbol
Submit the names of the founders and leaders, along with the procedures for their selection
Pay a 150 million shilling (\$20,000) registration fee to Ministry of Finance
Submit details about the first meeting
<i>Stage Two</i>
Hold a general assembly of the association and provide details about the issues discussed
Elect party leadership and committees and determine the association's structure, rules, and political agenda
Open a national office and one office in each region
Register 1,000 supporters in each of the 6 regions
Association members must present themselves at the associations' regional offices for verification by RAC during set windows of time

Source: 2011 Political Parties Law

In addition to these ambiguities in the legal procedure for determining the three national political parties, the 2012 elections revealed four major problems with this process. First, the formula for determining the three winners during local elections is not only unclear but is also very complex, and it was clear from field interviews that many stakeholders did not understand it. Essentially, the Borda count uses a consensus-based system rather than the more common majoritarian method for counting votes. The rationale behind this mechanism is to ensure that the three national political parties have broad support across all six regions – rather than just concentrated support in one or two key areas. It is a fair standard – consistent

with the law's intention to ensure broad, national parties (not regional, clan-based parties). However, under this formula, it is very possible that a party could place second or third in the popular vote – for instance, with strong support in the heavily populated Hargeisa region – but still lose due to inadequate *distribution* of support throughout all six regions. Thus, this system requires strong candidate and voter education efforts to combat perceived unfairness.

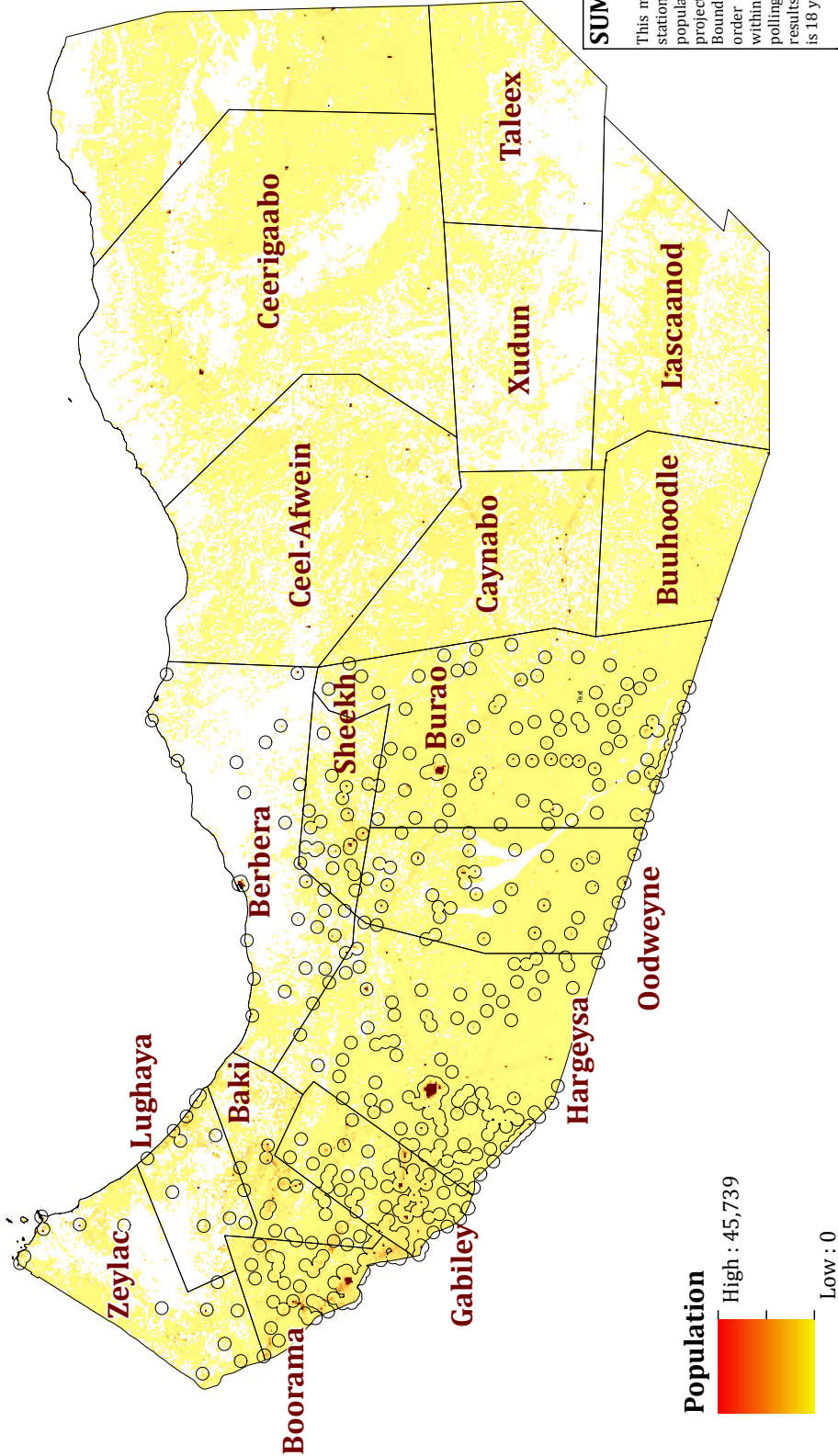
Second, neither Article 6 nor any informal agreement specifies what should happen in the event of a tie – though some interpretations suggest that RAC would refer to the *total number of votes received nationwide* by the party/association to break a tie.

Third, the point system weights all regions equally. Thus, for example, an association that achieves second place in the least populated region receives the same number of points as the association that achieves the same rank in the most populated region.

Finally, the three existing political parties retain their status throughout this entire process, as the law provides the winning parties with ten-year licenses. These three parties continue receiving regular government grants and likely have an advantage due to their official status and access to state resources. Thus, some observers have argued that the law should suspend all the three national political parties' licenses – possibly up to one year prior to election day – in order to afford new political associations a level playing ground when competing with the national parties every ten years. During this transition phase, no parties would exist, and current officeholders would have the opportunity to support the party/association of their choice from an expanded field.

Addressing these concerns should be a key priority before the next political party election process in 2022 because there is a strong risk for electoral-related violence if people believe this high-stakes selection process is unfair.

APPENDIX F: SOMALILAND DISTRICT ELECTIONS POLLING STATION ACCESSIBILITY MAP



SUMMARY

This map depicts a two-mile buffer around 894 polling stations in 10 districts of Somaliland, with a total population of 1,830,326 according to 2011 population projections from the Oak Ridge National Laboratory. Boundaries of overlapping buffers were dissolved in order to compute the total number of people living within and outside of a two mile distance from the polling stations. The analysis yielded the following results, based on an estimate that 49% of the population is 18 years and older (UNICEF 2010):

Distance to Polling Station	1.5 Miles (Lower Bound)	2 Miles (Reasonable Estimate)	5 Miles (Upper Bound)
Covered Population (45.5%)	1,015,837	1,135,741	1,588,846
Uncovered Population (44.5%)	814,489	694,565	241,480
Uncovered Voting Age Population (18yrs and older)	397,948 (21.7%)	339,365 (18.5%)	117,983 (6.4%)

Data Sources: Oak Ridge National Laboratory Population Database (2011); Somaliland National Electoral Commission Polling Station GPS Coordinates, Polling Station Per District, Average Voter Participation Per District in 2003, 2005 & 2010, 2010 Election Results by District.

APPENDIX G: SOMALILAND RAC AND NEC COMPARISON

	NEC	RAC
Responsibilities	Register voters or implement measures to prevent voter fraud/multiple voting	Specify the criteria for creating new political associations
	Set up polling stations and recruit and train officers and staff	Implement verification procedures to determine associations' eligibility to participate in local elections
	Conduct polling and tabulation	Develop regulations and monitoring mechanisms for the internal democratic procedures
	Oversee voter education	Clarify political party rights and responsibilities
	Supervise campaign activities	Establish penalties for parties that violate the rules
	Design ballots	Resolve political association and party disputes
	Monitor compliance with electoral law and impose penalties as needed	Establish clear procedures for officeholders for joining one of the three official parties
	Process complaints on election day	Regulate party finances
Funding	Government and international donors	Government only
Term of Office	5 years	2 years
Appointment Process	President, Guurti, and opposition parties (confirmed by House)	President only (confirmed by House)
Members	Seven	Seven

APPENDIX H: HISTORIC BACKGROUND TO THE IVORIAN CONFLICT

The development model pursued since the 1960s by President Félix Houphouët-Boigny¹ imploded when revenues from the cocoa industry decreased and the Franc CFA was devalued by half in 1994.² This, in turn, led to the collapse of a complex system of state-sponsored investment and patronage. Many speculate that economic decline prompted Houphouët-Boigny to open up the political system and hold multi-party elections in 1990.

Multiparty politics did not act as a pressure valve. The lackluster performance of the economy prompted Houphouët-Boigny to appoint former IMF official Alassane Ouattara as the country's first Prime Minister in November of 1990. Austerity measures allowed Laurent Gbagbo to mobilize his base, which resulted in violent protests in the capital Abidjan in 1991.³ The opening up of the political sphere also saw the birth of organized student politics on university campuses. Houphouët-Boigny suppressed the student movements, which led to retaliatory violence from student groups. Through this conflict emerged a new charismatic class of 'political entrepreneurs' such as Guillaume Soro, the leader of the Ivoirian High School and University Students' Federation (FESCI)⁴ who would later become the leader of the rebel militia

Forces Nouvelles. The opening up of the political systems coincided with the fast polarization of the political discourse. Violence became a necessary means to pursue social mobility for a large number of unemployed youth who had begun to return to rural areas. They found that this land was held by a number of 'foreigners,' including Ivoirians from different regions and ethnic backgrounds.⁵ On December 8, 1994 the electoral law was modified, disenfranchising non-Ivoirians (even though some of them had been voting in the country since 1945) and barring from the Presidency those people whose father or mother were not Ivoirian, ostensibly to disqualify Alassane Ouattara from running for office.⁶

After four years of disastrous rule, in 1999 a bloodless military coup led by General Guéi put an end to Bédié's government. In the aftermath of the coup, the question of nationality was once again put at the center of the political debate. Despite the fact that the FPI and RDR had reached a consensus on an inclusive definition of who is Ivoirian, it became clear that Guéi was determined to stay in power when the Supreme Court announced that most candidates, including Ouattara and Bédié, would not be allowed to run in the October 2000 presidential elections.⁷ In 2000, after disputed elections where only 37 percent of voters cast a ballot, massive protests by Gbagbo's FPI supporters forced General Guéi into exile. When Gbagbo refused Bédié's and Ouattara's requests to hold new elections, violence flared up again among the three sides.⁸ Intra-regional divisions that had surfaced in the aftermath of the presidential elections seeped into local elections in December 2000.⁹

When former student leader Guillaume Soro launched an uprising in Abidjan, the conflict entered its most violent phase that would leave at least 1,880 people dead in the period 2002-2010 and 3,000 dead in the period 2010-2012, as show in the graph below.

¹ Côte d'Ivoire pursued growth through export of agricultural crops such as coffee and cacao. Migration (or as some would call it "state colonization") from neighboring countries and less fertile areas of Côte d'Ivoire into cropland areas (especially in the West of the country) was encouraged under a policy that considered the land to belong to those who work it. The windfalls from the plantation economy projected Côte d'Ivoire to become the economic miracle of West Africa, until the 'cocoa wars' initiated by Houphouët-Boigny in 1987-89 to boycott the world cocoa industry brought the industry to its knees. Mike McGovern, *Making War in Côte d'Ivoire*, 2011; International Crisis Group, "Côte d'Ivoire: The War is Not Yet Over," 2003.

² The Franc of the Communauté Financière d'Afrique (CFA) is the common currency of Francophone West Africa. It operates with a fixed exchange rate (originally with the French Franc, now with the euro) and its convertibility is guaranteed by the French Government. The 1994 devaluation was pursued by international financial organizations such as the IMF and the French government who made its support to West African economies contingent on adoption of economic reforms. In particular, the Franc CFA was thought to be overvalued, which increased imports and depressed exports, thus resulting in balance of payments imbalances. Investir en Zone Franc (IZF). "La dévaluation du Franc CFA en 1994," <http://www.izf.net/pages/la-devaluation-du-franc-cfa-en-1994/2052/>.

³ McGovern, 2011; International Crisis Group, 2003.

⁴ Fédération Estudiantine et Scolaire de la Côte d'Ivoire.

⁵ International Crisis Group, 2003.

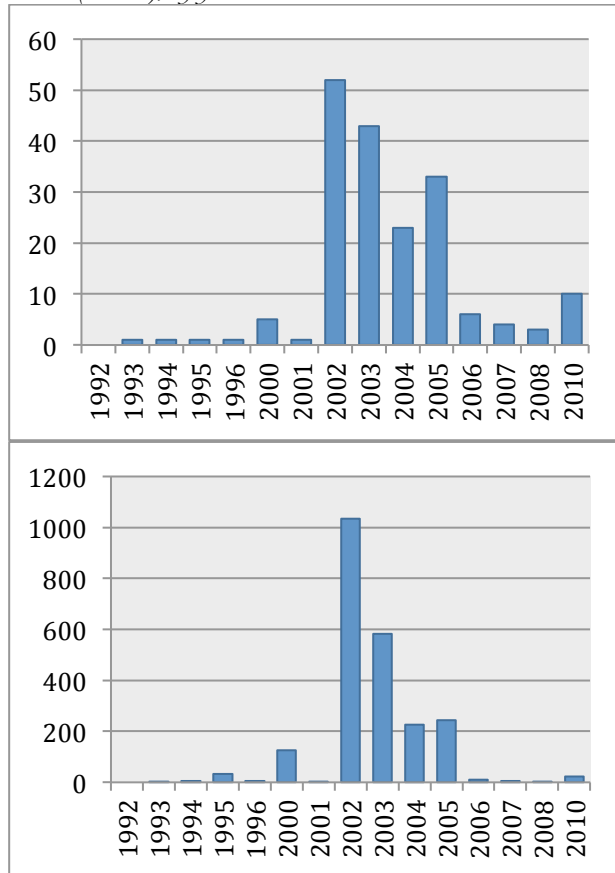
⁶ Christian Bouquet, *Géopolitique de la Côte d'Ivoire*. Armand Colin, Paris, 2005.

⁷ International Crisis Group, 2003.

⁸ Ibid.

⁹ The most notable case was the accusation by RDR supporters of having been targeted by pro-Gbagbo militias after the discovery of mass graves in the Yopougon neighborhood in Abidjan. McGovern, 2011.

Graph 1: Number of violent incidents (top) and number of deaths (bottom), by year.

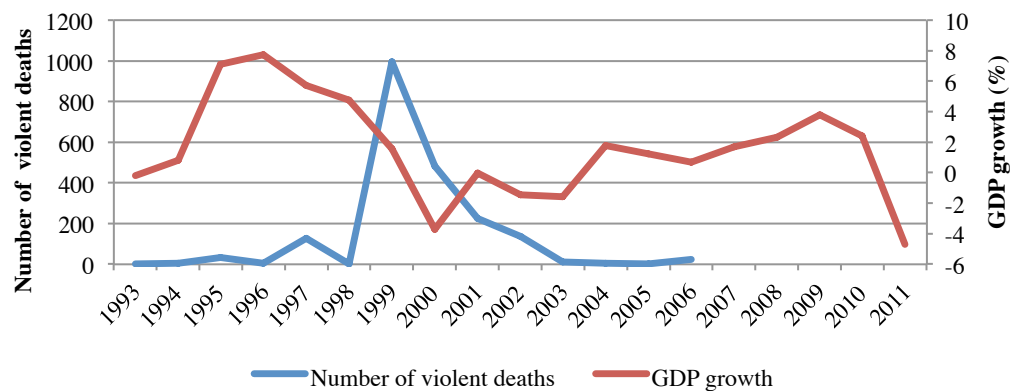


Source: Authors' elaboration based on Uppsala Conflict Data Program (UCDP), 2011

A number of militias and rebel groups led by Soro joined ranks under the umbrella name Forces Nouvelles (FN) and negotiated a cease-fire with the Gbagbo government and the Ivoirian armed forces in January 2003.¹⁰ Despite the intent of forming a unity government, violence against civilians did not decrease and international forces intervened to separate the two sides, creating a buffer zone or *zone de confiance* in 2003.

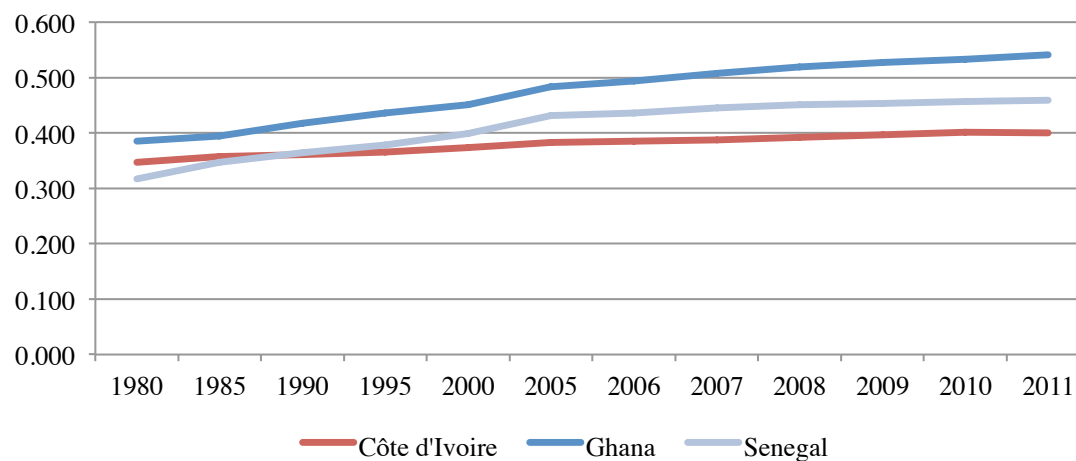
¹⁰ Ibid.

Graph 1: Yearly GDP growth compared with number of violent deaths



Source: World Bank (n.d.)

Graph 2: Human Development Index for select West African countries (1980 – 2011)



Source: United Nations Development Program, Human Development Index (n.d.)

APPENDIX J: PROFILE OF 2010 ELECTORAL CONFLICT IN CÔTE D'IVOIRE

Phases	Actors	Nature of Violence	Victims	Location
Pre-Election	Supporters of FPI, PDCI, RDR, Security Forces	Intimidation and physical assault of voters to cast a ballot for their candidate or to not vote at all	Voters	West, Central, Abidjan area
	Supporters of FPI, PDCI, RDR	Attacks on political rallies of other parties	Voters, Candidates	West, Central, Abidjan area
Election Day	Supporters of FPI, PDCI, RDR, Security Forces	Intimidation and physical assault of voters to cast a ballot for their candidate or to not vote at all	Voters, Polling Station Staff	West, Central, Abidjan area
Post-Election	Pro-Ouattara Section of Security Forces vs. Opposition Members	Security forces attack opposition members if they protest election results	Security Forces & Members of the Opposition (FPI)	West, Central, Abidjan area (mostly concentrated here)
	Dozos vs. FPI supporters	Physical attacks by Dozos to potential retaliations/protests of FPI supporters	Dozos, FPI supporters	North, Central, West
	FPI supporters, FDS vs. UNOCI	FPI supporters and FDS (if they split from FANCI) physically attack UNOCI peacekeepers, and staff. This serves as retaliation if the opposition believes the UN sided with the ruling party.	FPI supporters, FDS, and UNOCI staff and peacekeepers	Abidjan

