

Chapter 7: The Saga of the Pursuit of Women's Quota in Somaliland

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Introduction

On September 7 2011, the President of Somaliland released a presidential decree announcing the formation of a National Consultative Committee to advise him on how women can be mainstreamed within the decision-making legislative bodies of the country. In his decree the President nominated nine persons from the two chambers of the Parliament and Cabinet and authorized them to conduct nationwide consultations with all sectors of the Somaliland society, collate their opinion and recommendations, and prepare an advisory position for taking forward a women's quota system in the national decision-making institutions.

This unprecedented evolution is a culmination of 20 years struggle for women's rights by Somaliland women, their organizations, local civil society, and the moral and technical support of the international community.

The argument for gender quotas made by women's rights activists in Somaliland has come about in response to women's continued collective marginalization from political power in the country.

In Somaliland, political power in all government spheres, such as the legislative, judiciary, and Executive rests in the hands of men. Women's participation in the political and administrative power structures and the national decision-making processes are minimal. Somaliland's conservative patriarchal society, as well as, the absence of effective governmental policies and procedures that aim at helping women and enhancing their political participation vemade it very difficult for women to be accepted as leaders and to be granted votes in elections.

Despite these formidable challenges, women in Somaliland have been striving courageously to achieve and realize their rights since 1991. In recent years the growth of women's organizations led by an increasing number of educated, experienced, and politically aware women, combined with the diffusion of the UN-sponsored global women's rights agenda, has increased calls for women's political participation and representation in Somaliland. One of the mechanisms to realize this objective is the gender quota. Women's rights activists in Somaliland favour the implementation of the gender quota – which may come in the form of a constitutional quota, an electoral quota, or a political party quota – but it still remains both controversial and elusive.

This article explores Somaliland women's struggle for their rights, examines the case for gender quotas, provides a context for the discussion of its appropriate use in Somaliland, and draws attention to the wider implications and ramifications of women's political representation.

Background

Since the establishment of Republic of Somaliland in 1991, women's participation in decision-making has consistently been at the centre of women's struggle for achievement of their rights.

Somaliland women, estimated to be more than 60% of the nation's population, have actively participated in the reconstruction and development of the country since its independence in 1991. Even during the civil war against the Barre regime, women played a critical role in the liberation movement by holding families together. They have participated in the reconciliation and peace-building processes of the early 1990s, and later actively engaged in the democratisation programme following the introduction of the multi-party political system.

The civil war and conflicts have had a mixed impact on women and their roles. Traditionally, Somali men have been expected to provide for the family economically, whether in the rural or urban settings. However, because men were engaged in the armed struggle, women were left with the responsibility of taking care of the children, the household, and as such keeping the family together. Shukri Bandare (Candlelight) explains that due to necessity, "women were forced to exit the household compound, which was their 'traditional sphere' and fully explore the 'outside world' often engaging in small businesses and petty trade to feed their families".

Thus, in the aftermath of the civil wars many roles that were played by men have shifted to women. Since the return from the refugee camps, many men did not assume their former roles. Due to the lack of employment and the death of husbands in the wars, a large number of women become heads of households in Somaliland (Gardner and El Bushra, 2004).

This phenomenon has had a dual nature. In the first place, it has put an extra burden on women, bequeathing them with responsibilities previously held by men. Secondly, it increased women's economic independence and allowed more equal balance in economic decision-making at the family level. It is widely acknowledged that women's economic contribution to their families has increased significantly and continues to the present day. This capacity as breadwinners has earned women some important economic status and respect, but this did not translate into political decision-making power.

The role of women peace-making and reconciliation between the clans during the internal conflicts of the 1990s has also been widely acclaimed. They assumed an important role in the organization of the peace-meeting venues and served as ambassadors and envoys in the reconciliation process. Women's organizations have also made public declarations demanding peace and organized demonstrations in front of peace-meeting venues (Bradbury, 1997). They have been credited with convincing their spouses and sons to keep their guns at home and this action eventually led to the demobilization of the militia in Somaliland.

However, women were excluded from participation in peace conferences; despite extensive lobbying they were prevented from taking part in the 1997 National Peace Conference in Hargeysa because they did not represent clans (Nagaad, 2008). Eventually, six women were

allowed to participate as observers. Furthermore, after the peace process and formation of the government, women were left out of the mainstream decision making processes. In addition, grassroots peace processes have continued to sideline and violate the rights of women and girls in many ways. Hodan Elmi (Care International) laments that “the exclusion of women was contrary to all international conventions on the rights of women, which strongly recommend that it is critical that women are present at the peace table and in post-conflict policy-making where new constitutions and legislative structures are being created”.

Similarly, the multi-party democratic system adopted in 2001 did not usher in any improvement in women’s political participation. The continued and pervasive influence of the the clan system in representative politics ensured the exclusion of women. During the elections women in large numbers exercised their right to vote. However, while votes continue to be cast along clan lines, the chances for women to be elected remain slim.

During the parliamentary election campaign of 2005, women candidates faced critical obstacles. The selection processes for identifying candidates were left to male-dominated traditional clan structures, which restricted the chances of many women who expressed interest in running for elections, leaving only seven women candidates who were nominated as a token by the three political parties. The strong influence of clan support for particular candidates, combined with the fact that clans are male led and male dominated means men are put forward as candidates (Bradbury, 2008). Moreover, during the campaign the seven women candidates suffered extreme financial constraints as they were pitted against 239 male candidates fully supported by their respective clans which provided both financial and moral support to boost their chances.

Despite the vital contributions women make to their families and communities, they are economically, socially, and politically marginalized. This is due to various factors that include male biased cultural traditions, low economic status, and patriarchal attitudes. Inadequate capacity of women’s movement, underdevelopment, and poverty are barriers to women’s political participation, and prevent the creation of an adequate supply of women political actors or leaders.

Gender-based gaps in educational attainment, employment, unfair family inheritance laws, and income impede women’s access to economic resources, creating obstacles to funding political campaigns. The persistence of the sexual division of labour – as both ideology and a form of social organization – is remarkable, given women’s increasing educational attainment and social participation. Family responsibilities are consistently cited as major stumbling blocks for women’s career advancement in politics and other domains, especially in the absence of adequate institutional policies.

Women’s Campaign for Their Rights

Somaliland women and their organizations have over the years promoted the empowerment of women and girls in order to transform gender relations, and make a positive move towards gender equality, equity, participation, and fulfillment of their rights.

Nagaad which is a leading women's national Network was founded in 1997 as a direct result of the denial of women to participate in the third nationwide peace conference in Hargeysa (Nagaad, 2011). Consequently, Nagaad was formed to serve as an organized, collective voice of women who were determined to fight for their socio-economic and political rights as equal citizens of Somaliland.

Women non-governmental organization (NGOs), associations, and networks and their supporters have adopted various strategies on matters related to the campaign for positions of power and decision-making. Some concentrated on advocacy, lobbying, and media, demanding the participation of women in positions of power and decision-making during events of political, administrative, and municipal appointments and nominations. These women are often armed with international conventions to which the Somalia/land state is signatory through the United Nations agencies. Individually and collectively women reiterate their stand in conventions, seminars, and conferences. They demand increases in the number of women in all national decision-making institutions with a view to bringing women into the mainstream of politics.

Other women's groups focused on working with women at the grassroots level all over the country. They do so within the available frameworks, in order to mobilize women and motivate them to participate in the political process both as voters and candidates during the election season and in broader political life.

The drive to promote women in decision-making positions were informed by international conventions, action plans and goals, which have provided a powerful framework for Somaliland women's advocacy on the importance of women's representation in a post-conflict context. Guided by UNSCR 1325 (2000), the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Millennium Declaration and the Millennium Development Goals, women's rights advocates argue that it is necessary for women to be represented in legislative bodies to make these bodies pay attention to women's issues.

Since the Parliamentary election of 2005, there has been a great deal of pressure both from Somaliland women's groups and from the international community and donors concerning the importance and significance of a quota for women in parliament. One of the encouraging results of women's groups' continued lobby and agitation to push forward their demand is the increase in the number of women in decision-making positions since the election of the new government in June 2010.

However, the Somaliland women's movement is not satisfied with small gains when lobbying for women to reach positions of power and decision-making positions. Nor are they content when a few women, even if qualified, are appointed once in a while in administrative positions.

Women Quota in Somaliland

Demands for the adoption of women quota in public office, whether these positions are by election or appointment, took time in materializing and reaching the agenda of policy-makers in Somaliland. Persistent efforts by women's and civil society organizations since

the 1990s and the support of the international organizations led to a draft electoral law submitted by consultants in early 2005 suggested a quota or other form of positive discrimination would be needed to address the issue of women's participation and representation in the electoral process. However, the parliamentary committee which oversaw planning for the election refused to even discuss the idea (Abokor, et al, 2006). Predictably, women were not engaged in the drafting process of the new multiparty system.

The prime consideration for granting reserved seats to women is their political weakness in contesting male contenders for general seats. The quota or reservation is considered an appropriate political device for guaranteeing women "protected" representation in the legislature. The constitutional debates over the draft article incorporating the provision of the quota or reservation for women in the legislature basically centered on the number of seats to be reserved and was justified as a safeguard made constitutionally available in view of women's drastically unequal political strength.

Political theorists have explained that women have interests, experiences, values, and expertise that are different from those of men, due principally to their social positions. At the very least therefore, women must be represented in formal politics (Phillips, 1991).

The first official attempt at dealing with women's under-representation in the political arena appeared in the Amended Presidential & Local Councils Elections Bill submitted to the House of Representatives on the 7 July 2007. The Bill, which was prepared by the Internal Affairs, Defence & Security Committee of the House, a committee warmly welcomed by the Somaliland human rights organizations and civil society groups, introduced quotas in the form of reserved seats at the local (district) councils for women and excluded minority groups. This Bill therefore, for the first time in Somaliland, set in Article 22A mandatory quota at all local district councils which provide for reserved seats for female candidates. However, women's rights activists and legal experts believe that for the quota system to work there should be a corresponding obligation on the political parties to include in the candidates lists for each district council a minimum number of women.

This Bill was rejected by the House of Elders (Guurti) citing constitutional factors, which infuriated women's rights activists and the wider civil society. On July 10 2007 Nagaad (on behalf of all women's rights activists) sent a letter to the House of Representatives explaining the reasons why the proposed Bill does not contradict national laws, including the Constitution, in order to dispel the concerns of the Guurti, while at the same time recommending improvement in the Bill itself. The letter emphasized the fact that political parties are the gatekeepers against women in politics and they hold the key to the equal participation of women in political life; therefore the internal barriers to women within political parties are the key issues to be addressed (Nagaad, 2007). The House of Elders later accepted the quota in principle and passed a proposal for wider national consultation on the issue of women's participation in the national decision-making processes.

During the 2010 presidential elections, women activists intensified their campaign on influencing the national political parties and lobbied for women's political rights by arguing for the deepening of representative democratisation.

The Kulmiye Party, whose political manifesto included the provision of a 25% quota for women in all legislative branches of the government, won the election partly due to the support of women. The Kulmiye party largely kept its promise through the appointment of women to three Ministerial level positions and the position of the head of the National Human Rights Commission.

Women's groups welcomed these developments, with the Nagaad network promptly submitting an advisory paper on gender issues to the government. In reference to the promises of the Kulmiye party, Nagaad also sent an appeal on the 24 July 2011 to the President urging him to take action on the promised quota for women (Nagaad, 2011).

Given that the quota was passed by the House of Representatives and principally accepted by the House of Guurti (Elders), the President released a decree on September 7, 2011 nominating a consultative committee for finding possible processes for women's political participation (as well as the minority groups).

Quotas and the Somaliland Constitution

Somaliland has constitutional provisions on human rights and gender equality. The Constitution guarantees equality before the law and non-discrimination, while there is also a national gender policy on affirmative action measures to remedy existing imbalances which are occurring between males and females in the social, economic, political, and civil spheres of society.

The legal justification for quotas in Somaliland is the combination of the following Articles of the Constitution (Somalilandlaw, 2007):

- The Equality Clause in Article 8(1)(b) states that "All citizens of Somaliland shall enjoy equal rights and obligations before the law and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status, opinion, etc."
- In the context of political participation, not just as voters, but also as representatives of the electorate, Article 22 of the Constitution states that "1. Every citizen shall have a right to participate in the political, economic, social, and cultural affairs in accordance with the laws and the Constitution. 2. Every citizen who fulfils the requirements of the laws shall have the right to be elected and to vote."
- Article 10(2) of the Constitution explicitly states that Somaliland shall act in conformity with international law and shall respect the Universal Declaration of Human Rights 1947. Article 21(1) of the Declaration states that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Under Article 21(1) of the Constitution, the fundamental rights and freedoms in the Somaliland Constitution shall be interpreted in a manner consistent with the international conventions on human rights.

Exclusion of women from participating in decision-making processes means that they do not enjoy the fundamental right to be elected to public office in the same way as men. Therefore, they are denied the formal equality accorded to everyone under Article 8(1) of the Somaliland Constitution and quotas are, therefore, special compensatory measures to

help them attain that equality. Voluntary promises by the political parties to include more women in their lists of candidates has not worked so far and, in any case, the pervasive effect of the Somali clan system is unlikely to produce formal equality at the ballot box. Even if women are included in party lists, there is no binding order about how prominent they should appear. In general, women's names are placed so low that their presence will make little difference.

The Consultative Committee

Though the nine-member National Consultative Committee included only one woman, most of the women's groups and civil society organizations welcomed the move and promised to support and facilitate their work. The assignment of the committee was to conduct nationwide consultations with all sectors of the Somaliland society, collate their opinions and recommendations on women's participation in the national decision-making processes, and prepare an advisory position for the President to make a decision on the women's quota.

The committee decided to visit and cover all the capital cities of the six regions of the country and hold consultative meetings and discussions with women, religious leaders, traditional leaders, elites, academia, and the influential people of the communities in the regions. The aim of the meetings was to help the Committee understand the opinions and thoughts of the different target groups on the issue of women's political participation.

The Committee managed to hold 11 focus group discussions with the different groups mentioned except Las-Anod, Sool region. The Committee also carried out two meetings at the national level; one with women and the other with the National Electoral Commission (NEC).

The Committee met with a total of 390 people which included 125 women, 100 members of minorities, 150 religious and traditional leaders and elites, and 15 members from regional offices of the official political parties (Committee Report, 2011).

However, women's groups and activists have found deviation and biases in the process adopted by the Committee half-way into their assigned period and lodged a complaint by writing an appeal to the President. The Women Activist Group, which included 28 of the most prominent and national level women leaders, cited the following discrepancies in their letter of complaint and appeal to the President (Women's Rights Activists, 2011).

- The Committee designed the consultation process by starting with back-dated and backward-looking positions and issues, which were relevant in the 1990s; these include basic questions such as, the issue of whether women should or should not participate in the national political process? They argued that the Constitution has already dealt with such issues and provided women with political rights. It must be reiterated that the traditional positions – that gender is irrelevant in politics or that politics is a man's business – are disregarded here as out of date. Therefore, such an approach shall only reverse the gains made in the long years of struggle for women's rights and public awareness-raising efforts.

- The largest group which the Committee consulted is the religious and traditional leaders, who constitute the most prejudiced and gender-biased sector of our society.
- The questions and statements that were framed by the Committee to create and facilitate debate were very much misleading and reflect the culture of negativity against women's rights and gender equity.
- The data collection tools were not developed in a participatory manner and were inadequate in generating relevant and constructive opinions, data, and information to help formulate informed and inspired decisions.
- The above mentioned factors will only damage the cause of the women's rights and impede the realization of your (President's) promise to advance women's rights, such as the quota.

Due to the above mentioned factors the Women Activists Group concluded that they do not trust this Committee and shall not be satisfied with their recommendations. Their worry is that the Committee would argue for and recommend a quota that is even less than 10%.

Finally they requested the President to use his executive powers to issue a decree providing women with the promised 25% quota based on the women's rights enshrined in the national Constitution.

After the completion of their assignment, the Consultative committee submitted their final report with the findings of the consultations and their recommendations to the President.

The President has not yet announced his decision at the writing of this article. The women's rights activists are worried that anti-quota political forces might convince the President to water down the proposed percentage into ineffectual proportions.

Nafisa Yusuf (Executive Director (ED) of the Nagaad Network) pointed out that "experience from neighbouring African countries informs us that some political elites view quotas as a way to demonstrate some sort of commitment to women without really intending to alter existing patterns of inequality, for example by deliberately designing very weak quota regulations".

Factors Hindering the Adoption of the Women Quota

During the long years of women's rights campaign in Somaliland there has been an ideological struggle between the progressive, gender-oriented civil society members (led mostly by activists in women's organizations) and some sympathetic policymakers on the one hand, and the conservative political Islamists and clan oriented traditionalists, on the other hand.

While introducing quotas provides a means of addressing the gender imbalance in decision-making which is acknowledged by the mainstream public, the initiative often lacks support from important political actors or meets opposition from the entrenched patriarchal traditions. Much like the debate around affirmative action, those opposed to quota systems say they discriminate against men. The factors obstructing women's access to public office by election or appointment have been extensively debated and documented in the literature on the subject.

These include political factors emanating from patronage and "masculine model" of politics which characterizes the Somaliland political system, the fact that the political competition is basically among personalities rather than among political parties and national programs, and the lack of serious political will to enhance gender equality.

Socio-cultural barriers have also worked against women's representation in political decision-making positions. First among these factors are the patriarchal, religiously-based culture, and the ensuing gender-based role perceptions. There is no clear-cut text that precludes women from holding a high level political position. However, some Muslim scholars severely restrict the presence of women in public life, citing varied reasons — moral vulnerability of women and, in their view, women's tendency to be a source of (fitna) temptation and social discord (APD, 2002). Second is the highly segmented clan based culture and the perception of women as being incapable of representing, protecting, and serving the interests of such clans. Lastly, it is the prevalent negative view of politics as a dirty field from which women have to be shielded (Nagaad, 2008).

Added to the political and socio-cultural obstacles are the economic and legal ones. Economic obstacles are most apparent in the high cost of electoral campaigns that may be beyond the reach of many women, mainly those who lack financial independence. The legal obstacles have always emanated from the adopted electoral laws that never provided for legal mechanisms needed to ensure equal opportunity among all candidates. They also emanated from the customary laws that help consecrate the prevalent clan and family structures and power relations.

Nafisa Yusuf (ED, Nagaad) stresses that “the remaining formal entry barriers must be dismantled, and women encouraged and supported by political parties to stand for office. In the present Somaliland context, legislative quotas are the only effective vehicle for bolstering women's representation in local government and national level. We need to push forward.”

Another important factor is the nature and extent of the role played by the civil society in general and non-governmental organizations (NGOs) working on women's rights and gender equality in particular. While this sector has been dynamic and active, it is not without serious flaws that have weakened its ability to push for the women quota earlier on. Despite the long lists of NGOs working on improving the status of women, only very few qualify as active pressure groups at the political level. Most NGOs suffer from lack of coordination and sometimes exhibit relationships that can be described as competitive rather than cooperative, particularly, for funding sources. Though competition may be highly valued as an incentive for better performance, it must not have negative effects on any needed coordination, or lead to the duplication of work resulting in the waste of badly needed money, time, and effort.

Very few NGOs have been able to establish channels with policy-makers, and most lack effective means to influence them. This is in large part due a) to their inability to bring women to act as a voting bloc capable of influencing politicians' behaviour, and b) to their lack of a media strategy, or at least a well designed one, that can help them raise public awareness, reach as broad an audience as needed, and mobilize public support for their cause.

Not only do women's NGOs lack coordination among themselves, they, with the exception of very few, lack coordination with other NGOs working on other highly related issues in the field of human rights and the national democratisation process. This has resulted in keeping the women's issues isolated from the broader national context and most importantly in depriving NGOs from the mutual help, exchange of knowledge and expertise, and the support with which such organizations can provide each other. Excessive NGO specialization and concentration on gender specific issues is needed, but this must not be done in a vacuum. It should be part of a holistic approach to secure rights for women.

The above, coupled with a lack of needed funds, outdated management and planning, as well as lack of rotation of power in some women's NGOs, have resulted in their success being dependent in large part on the existence of a serious political will to act on guaranteeing gender equality in practice as in theory and according to constitutional principles. Unfortunately, this did not happen until recently and only among few decision-makers. How successful these decision-makers will be in leading the change remains to be seen.

Conclusion

This article aims at tracing and analyzing the long struggle of Somaliland women in the pursuit of for fair political representation and the recent proposal for introducing a women quota in elected national and local councils, which have reached the decision-making agenda.

Despite the long struggle which brought about a relative progress in women's participation in Somaliland, women still remain largely excluded as representatives in decision-making positions and institutions.

In Somaliland women's experience over the last twenty years has shown that one of the surest ways to increase women's political participation and representation is the gender quota. Electoral gender quotas are defined here as an equality policy measure, the aim of which is to rapidly change an unwanted under-representation of women in the political institutions. The quota is also regarded as a key to promote women-friendly policies within other areas of women's civil, social, and economic rights.

However, social and cultural views about women in Somali society based on traditional gender ideology continue to exert a strong influence on women's access to leadership and decision-making.

It is apparent that activists supporting gender equality and democracy in Somaliland are faced with the realities of entrenched views and a political culture which needs to change. That political culture needs to change, not only for the sake of gender equality, but for the sake of inclusive and participatory democracy itself. Changing political culture is a long-term endeavour, but, as we have seen in Somaliland, the impulse of democracy is strong and can produce surprisingly impressive results.

This paper also aims at directing the attention of those concerned to the weaknesses and flaws that must be avoided regarding the implementation of the quota, including any future reform of the electoral law governing parliamentary elections and regarding the currently discussed reform of the law on municipal elections in order to ensure that true women's representation at those two levels become a reality and not a false promise. Therefore, successful implementation of the quota depends on its acceptance and endorsement as a workable device for achieving gender equity by all major actors in the political process, including political parties.

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