

Referendum of the Somali and Oromia States

The National Electoral Board, by the powers vested in it under article 27 of the electoral law, has the mandate to conduct various types of elections. One of these is a referendum. This is the procedure in which people express their interest or will and help make a decision after assessing public interest, as per article 32 of the revised electoral proclamation no.532/07.

Accordingly, the Board has gathered input from stakeholders by setting up a forum on the implementation and timetable of the referendum to focalize and give a prompt response to the referendum. After that, it has incorporated the necessary inputs into the timetable and implemented it upon its approval.

The Legal Framework of the Referendum

Article 32-532/99

1/ Referendum is conducted to assess public interest or make a decision when decided by a competent body in accordance with the constitution.

2/ The Board, in accordance with the directive given by the body that authorized the referendum, shall hold the referendum by organizing polling stations in a way convenient to execute the referendum. 3/ Particulars shall be determined by the regulation to be issued by the Board.

Subject to this proclamation, the following are the requirements that need to be fulfilled to be registered as a voter.

Conditions for Registration

In order to vote a person must be:

- Ethiopian citizen
- Resident living in kebeles and woredas within Somali or Oromia region
- 18 years or above on date of registration
- Has been residing in the kebele for six months
- For the referendum, a person can register after providing evidence that he/she is a permanent resident and proof of identity.
- Election officers must verify the voter's residency.

People who are not eligible for registration

Those who are ineligible to vote are:

- Non-Ethiopian citizens
- A person below 18 years on date of registration and has been residing in the area for less than six months

- A person who is proved to be incapable of deciding due to mental disorder by an appropriate expert;
- A person whose electoral rights are restricted by law or by a court of law.

Referendum

The registration of voters for the referendum, to deliberate the administrator in 463 kebeles on the border of Oromia and Somali, was mostly conducted in accordance with the timetable, electoral law, procedures and code of conduct.

Preparation of the Referendum

The office of the Board has prepared a code of conduct to outline the legal basis of the referendum; the purpose of the referendum; people who are eligible to register as a voter in the referendum; the voting process of the referendum; the referendum officers; the representatives of the referendum officers of each kebele and woreda in Oromia and Somali regions; the selection and the roles and responsibilities of public referendum observers; and security officers, as well as the details of the referendum.

It has also sufficiently published and distributed the code of conduct to the relevant officers and representatives, as well as public observers in Amharic, Afan Oromo, and Somali languages.

Additionally, a message was transmitted repeatedly through Fana radio station in Amharic, Afan-Oromo and Somali languages in order to create public awareness.

Timetable

Voting took place on October 24, 2004, and a person who has obtained a voter registration card voted in a peaceful and fair manner and exercised his/her democratic rights, from 6:00 AM to 6:00 PM.

Polling stations

The Board's experts conducted field studies and organized the polling stations during the pre-referendum period. Hence, the registration of voters relating to the referendum, to deliberate the administrator in 463 kebeles on the border of Oromia and Somali, was mostly conducted in accordance with the timetable, electoral law, procedures and code of conducts. This was conducted, in 6 kebeles in Ererworeda; 2 kebeles in Gorogutu woreda; 31 kebeles in Bale woreda; 84 kebeles in Jijiga woreda; 78 kebeles in Gursum woreda; 19 kebeles in Libenworeda; 18 kebeles in Gulaoda woreda; 14 kebeles in Meyumulukie woreda; 14 kebeles in Guradamole woreda; and 14 kebeles in Berbere woreda.

Assigning Referendum Agents (woreda and kebele)

Referendum agents have been duly assigned by the regional governments of Oromia and Somali: one in each kebele and woreda upon a prior request of the Board.

A copy of the code of conduct of the referendum published in Amharic, Afan Oromo, and Somali languages was duly distributed to the agents at the woreda and kebele level and they were also briefed on the matter.

Election of public observers and security officers

Three public observers and three security officers at each kebele were duly elected by the residents of the respective kebele. The referendum process was also duly clarified to the residents, public observers, and security officers.

Particulars of the Result

Type of Information	Number	Percentage
Number of registered voters	240,526	
Number of voters who cast a vote	199,760	83.1%
Number of voters who abstained from voting	41,260	17.2%
Total number of voters who voted to be governed by Oromia Regional Government (Oda)	129,424	64.8 %
Total number of voters who voted to be governed by Somali Regional Government (Camel)	70,336	35.2%
Canceled votes		
Invalid votes		

Although it was intended to hold the referendum in 463 Kebeles located within the boundaries of Oromia and Somali regions, the referendum was not held in 39 kebeles for a variety of reasons; and though the referendum was conducted in 2 Kebeles, the votes were invalidated by the Board due to election fraud. In addition, although the referendum was conducted in the remaining 422 kebeles, the table above does not include the results of 4 Kebeles among the 14 Kebeles registered in Berbere Woreda.

The Referendum process and its challenges

The referendum, to determine the administrator of the Kebeles in the 463 kebeles located within the boundaries of Oromia and Somali states, was mostly conducted in accordance with the timetable, electoral law, procedures and code of conduct.

1) **9 Kebeles in Moyale** namely: Moyale 01, Moyale 02, Chemuk, Kebehahua, Bede, Buledi, Moyale Elgofa, Medemigo and Meleb had their referendum process delayed. The causes of the delay were the parties took long time to agree on the agents in the kebele and woreda in both states; the election of public observers; the registration of displaced persons; and other issues. .

2) **8 Kebeles in Meso Woreda, did not vote due to disagreements of various kinds**

In five kebeles listed below people who registered could not cast their vote.

KurfaSewa/KurfaSewaShenlie	(After 482 voters registered)
GendeBekela/Armale	(After 403 voters registered)
Gendakumute/Nimale	(After 516 voters registered)
GendeArdim-Hardimo	(After 607 voters registered)
GendaBehaiftu- Somadayu	(After 372 voters registered)

And in the remaining three Kebeles (listed below) people were not able to register.

Gendaufe/Guljeno
Gendahida/kito/Timariglen
Gendagolcha/Abensa

The voter registration has been stopped because a dispute that arose between the two states and the referendum coordinators, regarding the list of kebeles, especially the placement of the kebele's names or identification of the Kebele which the parties to the dispute were not able to solve..

- 3) **In 2 Kebeles in Fikke Woreda:** namely Harmotti and Simana, the referendum was stopped, before it began because the government failed to disarm immediately. (identify the elements to be disarmed)
- 4) **7 Kebeles in MeyuMuluke Woreda :**namely Harore Dika; Debile; Hursa; Hunkururu; HaroresaGuda and Nedi, the registration was not undertaken because the residents were not present at the kebeles on time, even though the referendum officers were ready and present in their respective assigned Kebele.

They confirmed that no one came to register until the last day of registration by taking a minute to that effect every day as specified in the timetable.

- 5) **2 Kebeles in Jijiga Woreda:** namely Caredile 1 and Caredile 2 the referendum did not take place because the referendum agents from the Oromia woreda officially announced that it has lifted the claim of ownership of that area.
- 6) In the list of kebeles that the House of Federation sent to the Board, the name of four kebeles has been repeatedly written and thus the number previously sent to the Board has been reduced by four kebeles.
- 7) In the Erar kebele, Erar Woreda, the representatives of the Oromia region repeatedly complained that residents of kebeles other than Dimitu, Fetule and Gode Kebele were registering. After the registration was completed, voting was canceled due to repeated complaints by representatives of the Somali region that voter registration in Erar's special kebele was conducted, contrary to the electoral law, because voters who were ineligible to register as voters were registered.
- 8) In Daio Bekeksa kebele, GoroBekeksa woreda, voting didn't take place because voters failed to come during the voter registration period as specified in the timeline.
- 9) In Haregedeb Kebele, Goro Woreda, a sealed 800 voter registration cards were sent from the Board's central office, but the Woreda referendum coordinator accidentally mixed up the sealed 1,700 voter registration card that was ought to be sent to Kerensa Kebele. Following this, the representatives of the Somali state complained claiming a fraudulent act has been committed against them. As a result, even though 1,673 people had been registered, the voting in Haregedeb Kebele was canceled.
- 10) In Bekeksa Kebele, Goro Woreda, the registration took place in conjunction with the registration in Haregedeb Kebele where voter registration should have taken place in the designated area. The registration was stopped and voting didn't take place due to failure to show the location of the Kebele in question, when this error was discovered

and, in an effort to rectify it.

- 11) Voter registration process started late in DeloMendeyu Kebele in West ImmeWoreda because the residents of the kebele were re-summoned to re-elect public observers to replace those who abandoned their duties and left before the registration continued. Nevertheless, the registration was stopped before the deadline because Oromo residents repeatedly complained that only Somali residents were being registered.
- 12) The Buka kebele, in Sewina Woreda, is not known in the woreda and this was confirmed after the representatives of the two regions confirmed its unfamiliarity. Neither the voter registration nor the voting took place.
- 13) Neither registration nor voting tookplace in Beleda Kebele, Berbera woreda after an agreement that the kebele was not in the woreda was reached by the representatives of both regions and the Joint Committee confirmed.
- 14) In the two kebeles of Golmayu and GelbedeJedlein Jijiga Woreda, the Kebele election officers were found trying to obtain votes contrary to the electoral law and code of conduct. Particularly, the election officer in Gelmayu Kebele was caught while holding the hand of a voter and affixing it on the Oda symbol. Similarly, the election officer in GelbedeJedle Kebele was caught while holding the hand of a voter and affixing it on the Camel symbol.

The situation was rectified, and voting was continued at the moment after considering the repercussion of stopping the voting in the two Kebeles. Subsequently, the matter was presented to the Board in detail, and the Board invalidated the votes because it was impossible to determine how many votes were obtained in the same manner before they were caught and this could have an adverse impact on the referendum, as well as since the act was illegal.

As a result, for the reasons described above, since voting didn't take place in 39 kebeles, and there was an irregularity in the referendum in two kebeles, the Board invalidated the vote results. However, in the remaining 422 kebeles, the Board acknowledged that the referendum was conducted as per the electoral law.