

DJIBOUTI

1. PRESENTATION¹

Basic Facts ²	
Name of Country	Republic of Djibouti
Capital	Djibouti
Population	721, 000
Area	23, 000 sq km
Average Life Expectancy	43.17 years
Ethnic Groups	Somali 60%, Afar 35%, French, Arab, Ethiopian, and Italian 5%
GDP per capita, PPP	\$2 070 (2005 estimate)

Community of Democracies	
Previous Participation	Santiago : Observer Seoul: Not Invited Warsaw: Not Invited

Timeline of Recent Major Events in Djibouti:³

- **1977** - The French Territory of the Afars and the Issas becomes independent as Djibouti. Hassan Gouled Aptidon elected president.
- **1981** - Djibouti becomes a one-party state with the People's Progress Assembly as the sole party.
- **1992** - A constitution allowing for a limited multiparty system adopted. Fighting erupts between government troops and the Afar Front for the Restoration of Unity and Democracy (FRUD) in the northeast of the country.
- **1994** - The government and the main faction of FRUD sign a power-sharing agreement officially ending the civil war; the radical faction of FRUD continues to fight.
- **1999** - President Gouled announces that he will not run in the presidential election; Ismael Omar Guelleh elected president.
- **2000** February - The government and the radical faction of FRUD sign a peace agreement finally putting an end to the civil war.
- **2000** December - Coup attempt allegedly masterminded by sacked police chief General Yacin Yabeh Galab fails. Yacin charged with conspiracy and breaching state security.
- **2002** September - 1992 law allowing only three other parties to compete with ruling party expires, paving way for full multi-party politics.

¹ Principal author: Center for Democratic Development - Ghana

² Source: CIA World Factbook at <http://www.cia.gov/cia/publications/factbook/index.html>, accessed on July 5, 2006.

³ BBC News, http://news.bbc.co.uk/2/hi/africa/country_profiles/1070593.stm.

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- **2003** January - Coalition supporting President Ismael Omar Gelleh - the Union for Presidential Majority - wins Djibouti's first free multi-party elections since independence in 1977.
- **2005** April - Presidential elections: Incumbent President Guelleh is the sole candidate.
- **2006** April - government embarks on a wave of arrests of union leaders and the expulsion of UN representatives looking into labour rights.

2. BACKGROUND

In the period after independence from France in 1977, Djibouti was increasingly dominated by its first post-independence president, Hassan Gouled Aptidon. After winning re-election in 1981, Gouled made his ruling People's Rally for Progress (RPP) party the sole party. The authoritarian rule of the RPP was marked by the dominance of Gouled's Issa ethnic group, of Somali origin, to the exclusion of the other significant ethnic group, the Afars, of Ethiopian origin.

The early 1990s saw significant political change in Djibouti. Gouled's RPP government, under French pressure, reformed the constitution in 1992 so as to allow for a phased transition to multi-party rule. However, in the first ten years, only four registered political parties were to be allowed, and following that period, in 2002, the restriction would be lifted. The December 1992 parliamentary elections raised serious doubts about the extent of the reforms, as only two opposition parties had qualified for participation, one of which boycotted the elections. Gouled's party won all 65 seats in the National Assembly in an election marked by low turnout. The limits of democratic reform were highlighted by the fact that Gouled won another unopposed presidential election in 1993.

Despite the limited reforms, in November 1991 Djibouti erupted into civil war. The predominantly Afar Front for the Restoration of Unity and Democracy (FRUD) capitalized on Afar resentment at being excluded from the political system and started an armed rebellion. The civil war de-escalated significantly when the government and a faction of the FRUD signed a peace accord in 1994, which provided for some power-sharing with the FRUD, and the recognition of the FRUD as a political party. A splinter faction of the FRUD continued fighting until a similar accord was reached with them in February 2000. A "final peace accord" was signed in May 2001.

Gouled retired from power after his ally and adviser, Ismail Omar Guelleh, succeeded him in the presidency after beating the opposition candidate in presidential elections in 1999 which were declared to have been free and fair by international and local observers. In 2002, the ten-year transition period ended and newer parties were legally recognized. The first free multi-party parliamentary elections were held in January 2003, and the Union for a Presidential Majority (UMP) supporting President Guelleh won 62.7% of the votes, capturing all 65 seats in the National Assembly under Djibouti's electoral laws. However, the opposition Union for a Democratic Alternative (UAD) alleged that fraud had taken place during the elections.

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In April 2005 Guelleh won a second six-year term in presidential elections marked by an opposition boycott over concerns regarding the transparency of the poll. During the election campaign, the police reportedly fired tear gas to disperse a crowd of between 300 and 500 pro-opposition demonstrators outside the headquarters of the umbrella opposition movement, the Union of Democratic Alliance. Opposition parties again organized a boycott for the local elections in November 2005, claiming that President Guelleh had not implemented key parts of the agreements reached in 2000 and 2001, especially concerning the decentralization of power.

3. ANALYSIS

Democratic Institutions and Processes

Constitution and Institutions

Under Djibouti's 1992 constitution, the country is a republic with a presidential system of government, dominated by the executive branch. The president of the Republic exercises executive authority, is elected by universal suffrage every six years, and can hold a maximum of two terms of office. The president delegates executive functions to a prime minister and government, of his or her choosing. The legislative branch is composed of a unicameral parliament or national assembly of 65 members, elected every five years by universal suffrage. Seven seats in parliament are reserved for women by presidential decree. However, the parliament only holds two one-month sessions a year, and does not have the right to approve ministerial, diplomatic or judicial appointments.⁴ Furthermore, since the 2003 parliamentary elections, all 65 seats in parliament are held by members of the pro-government coalition of the Union for a Presidential Majority (UPM) (see below).

The judiciary, according to observers, is susceptible to executive influence, in part because of the lack of tenure for judges, and in part because of corruption.⁵ A national ombudsman exists, who is a member of parliament; however, less than half of the cases submitted to the ombudsman in 2004 had been successfully mediated.⁶ There is a declaration of rights in the constitution and the government convened a national forum for dialogue on human rights in May 2004. However, the final report of that forum was never released.⁷

Elections and Political Processes

While the record of elections in Djibouti has undoubtedly improved, the elections of 2003 and 2005 show that there are still significant problems in the administration of

⁴ IRI/IFES (2005) p9.

⁵ IRI/IFES (2005) p9; State Department (2005).

⁶ State Department (2005).

⁷ State Department (2005).

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elections, the political climate of the country, and the electoral laws in place. A significant breakthrough came with the presidential election of 1999, held after the retirement of President Gouled. While Ismail Omer Guelleh was a former chief of staff to Gouled and a member of his family, the presidential election of 1999 was generally thought to have been free and fair, and Guelleh himself ran on a platform of democratic reform.⁸ The 2001 peace accords, which re-emphasized democratic governance as the only solution for long-term peace in Djibouti, as well as the 2002 decision to end the limited multi-party system in favor of an unrestricted multi-party system were all signs of a possible new direction in Djibouti's stalled democratization process.

However, the elections of 2003 and 2005 raise a number of important questions about the correct functioning of electoral democracy in Djibouti.

The parliamentary elections of January 10, 2003 were won by the UMP pro-government coalition with 62.7% of the vote, against the 37.3% of the vote garnered by the opposition Union for a Democratic Alternative (UAD).⁹ Djibouti's electoral laws operate on a "winner-takes-all" basis, so that the UMP's plurality in all of Djibouti's multi-seat constituencies meant that none of the members of UAD's candidate slate were elected.¹⁰ All 65 seats in the national assembly were thus taken up by the UMP, even though the UAD had won more than a third of all votes in the country. The UAD alleged that fraud had taken place, but their case was dismissed by the Constitutional Council. Thus, while technical issues in the 2003 elections were perhaps minor, the severely distorted outcome of the election reveals major problems with the design of Djibouti's electoral system: one that does not reflect the distribution of preferences in the population.

The complete control of the parliament by parties supportive of the government has meant that accountability and proper scrutiny of government policy has suffered. For instance, during the 2003 parliamentary debate on the budget, the president of the National Assembly questioned the importance of discussing the budget. The debate was cut short, even though ministers admitted that the budget contained several omissions and untruths regarding extra-budgetary funds.¹¹

The April 2005 elections for the presidency in Djibouti were again marked by problems and polarization between pro-government and anti-government forces. President Guelleh was re-elected with 95% of the vote after running unopposed for a second term of office, with a turnout of 79% of registered voters. Guelleh ran unopposed in part because of an opposition boycott of the election; the boycott was called after the

⁸ Freedom House (2005, 2006).

⁹ 'President's Backers Win Djibouti Poll' (11 January 2003) *BBC News* at <http://news.bbc.co.uk/2/hi/africa/2645555.stm>, accessed on 29 September 2006.

¹⁰ Observers led by the Arab League and the International Organization of the Francophonie concluded that despite a number of technical problems, the 2003 elections had been free and fair, noting that they been held in a peaceful and calm atmosphere - 'Communique des missions d'observation de la Ligue des Etats Arabes et de l'Organisation Internationale de la Francophonie...' (10 January 2003), accessed at http://democratie.francophonie.org/IMG/pdf/Djibouti_10_janvier_2003.pdf, on 29 September 2006.

¹¹ Observatory on Protection of Human Rights Defenders (August 2006) p13.

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opposition claimed that the government had failed satisfactorily to address a list of nine concerns that they had with the election process. An independent opposition candidate, Mohamed Daoud Chehem, announced his withdrawal as well, claiming that he had not raised sufficient funds to run in the election. While it is unclear whether Chehem was able to pay the registration deposit fee, observers have noted the inordinate size of this fee: 5 million DFr, or \$28,500, in a country in which GDP per capita is a bit more than \$2,000.¹² President Guelleh accused the opposition of denying citizens the democratic right to a choice between candidates, while at the same time some observers suggest that the opposition movement was weak and divided in the wake of the death of their respected leader, Ahmed Dini Ahmed.¹³

Irregularities present in the preparation and administration of elections included double voting; an inaccurate election register, and an over-involvement of the Ministry of Interior instead of the National Independent Electoral Commission (CENI) in registration and training.¹⁴ Nevertheless, contrary to opposition claims, preparatory observation mission of the International Foundation for Election Systems and the International Republican Institute found no evidence of government efforts to prepare to commit fraud in the election.¹⁵ Whilst observers concede that certain irregularities existed in the election, it does appear as if the opposition may have done itself more harm than good through its boycott. For instance, observers noted that opposition leaders had often refused to use up the fair share of air time and column space allocated to them in the government-owned media.¹⁶ It was not very clear whether opposition representatives were planning to take up the observation posts to which they were entitled under Djibouti's electoral laws.¹⁷ The turnout results were challenged by the local human rights NGO, the Djiboutian League for Human Rights (LDDH), as "highly unlikely".¹⁸

Communal and regional elections in March 2006 saw a victory of the ruling party, but were condemned by the opposition as unfair. Unusually, however, the chairman of government ally FRUD alleged that irregularities had taken place and lodged a motion to nullify the elections in certain districts.¹⁹ This may, however, be an indicator of the FRUD's unease over the victory of certain independent candidates, at the FRUD's expense, in certain regions.²⁰ The election was also marked by a high rate of abstention, with turnout around 30% of the electorate.²¹

¹² IFES/IRI (2005) p3.

¹³ 'Ismaël Omar Guelleh : « Je regrette de ne pas avoir d'opposants »; Le président fait face à l'opposition qui boycotte le scrutin présidentiel et dénonce son manque de transparence' *Le Figaro* (8 April 2005) p7, accessed through www.nexis.com ; IRI/IFES (2005) p121.

¹⁴ State Department (2005); IRI/IFES (2005); Communiqué of the Francophonie/Arab League Observation Mission (2005).

¹⁵ IFES/IRI (2005) p3.

¹⁶ IFES/IRI (2005) p18.

¹⁷ IFES /IRI (2005) p22.

¹⁸ Quoted in Freedom House (2006).

¹⁹ 'Parties differ over conduct of recent polls' *ADI* (March 14, 2006) through BBC Monitoring Africa – through www.nexis.com .

²⁰ 'Gouled's nephew gets revenge' *Indian Ocean Newsletter* (April 8, 2006) through www.nexis.com .

²¹ *Ibid.*.

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Whilst it is not probable that the 2003, 2005 and 2006 elections were stolen or subverted, there are legitimate grounds for concern about Djibouti's election administration. Even though some of the opposition's claims have not been proven, in many ways the opposition has been disadvantaged by other factors: an electoral law (in the case of the 2003 elections) that grossly distorts election results; the government's dominance of the media and civil society, and the government's intimidation of the media, civil society and members of the opposition, all of which we shall consider below.

Rule of Law

The Djiboutian judiciary consists of a lower court, appeals courts, a Supreme Court and a Constitutional Council. The legal system is primarily based on the French Napoleonic code, though Sharia law is sometimes applied in family matters. The Supreme Court can overrule decisions, and the Constitutional Council is empowered to decide constitutional questions; magistrates have life-long tenure. Nevertheless, rule of law is weak in Djibouti, as the judiciary routinely fails to uphold the constitution, the police arrest people without warrant, and conditions in prisons are deplorable.

Human rights reports argue that the judiciary doesn't uphold the provisions and rights enshrined in the constitution.²² One of the more notable issues on which the judiciary fails is the constitutional injunction for arrests to occur only with a judicial warrant. This constitutional obligation is habitually flouted by state security forces, as they detain people without warrants, and often detain them beyond the legal limit for detention without charge.²³ Security forces harass members of the opposition, sometimes detaining them arbitrarily.²⁴

Excessive or lethal force is often used by the police force to disperse protesters, usually with impunity. In April 2005, the police dispersed protesters outside the opposition headquarters forcibly, using teargas and causing injuries. In November 2005, during the forced evacuation of a slum, the police fired on the crowd, killing four protesters.²⁵

Detention centers, such as the one at Nagad, are notorious for their squalid, unsanitary, and overcrowded conditions; torture, rape, and beatings are said to occur in these prisons.²⁶

Freedom of Speech and of the Press

According to Reporters without Borders, freedom of the press is "still not a reality in Djibouti."²⁷ While there are formal protections to a free press in Djibouti, in practice a

²² Freedom House (2006); State Department (2006).

²³ Freedom House (2006); State Department (2006).

²⁴ Freedom House (2006).

²⁵ State Department (2006); see also "Le 30.11.05 – Alerte Rouge de La LDDH" *LDDH* – at <http://www.ddd-djibouti.org/>, accessed on October 10, 2006.

²⁶ Freedom House (2006).

²⁷ Reporters without Borders (2004).

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number of barriers exist to the exercise of this right. State-owned media, such as national TV and the newspaper *La Nation*, do not criticize the government. Indeed, *La Nation* has, in the past, claimed that there is no need for “banal imitation of Western ideas on the freedom of the press,” arguing that the population’s information needs were sufficiently served by the state-owned media alone.²⁸ Laws against slander and the dissemination of false information contribute to an atmosphere in which journalists engage in self-censorship, especially on such sensitive subjects as human rights, relations with Ethiopia, the FRUD party or relations with France.²⁹

While some privately-owned media do exist, such as the opposition-owned *Le Renouveau* newspaper, their journalists are often harassed and targeted. Dahmer Ahmed Farah, editor of *Le Renouveau*, for instance, has often been arrested for publishing articles on sensitive issues.³⁰ While foreign media are available, since 2005 Radio France International’s broadcasts in Djibouti have been cut, because of its coverage over a controversy between France and Djibouti over the murder of a French judge in the 1990s.³¹

Freedom of Association and Assembly

The freedom of association is legally protected by a 1901 law, dating from the French colonial period, which regulates non-profit associations (*associations sans but lucratif – ASBL*). However, human rights reports indicate that this freedom is curtailed in practice by government action. A report by the Observatory for the Protection of Human Rights Defenders³² argues that although there are more than 900 civil society organizations in Djibouti, only a limited number are truly independent of government associations.³³ Many have links with the government, or are even staffed by civil servants; for instance, the national union of women of Djibouti (UNFD) is headed by the president’s wife.³⁴ According to the Observatory, only human rights organizations and trade unions can truly be seen as independent, and should therefore serve as the true measures of how civil society and the freedom of association fare in Djibouti. If one accepts this argument, then the freedom of association is threatened in Djibouti.

However, some observers suggest that most NGOs, especially women’s groups, operate relatively freely.³⁵ But this does not excuse the deplorable record of the Djiboutian government’s harassment of unions, human rights organizations, opposition groups and parties. The opposition’s phone conversations are tapped without a warrant.³⁶ Civil society and opposition leaders have been arrested on weak or dubious charges. The

²⁸ Reporters without Borders (2004).

²⁹ Freedom House (2006); State Department (2006).

³⁰ Freedom House (2006); Reporters without Borders (2004).

³¹ Committee to Protect Journalists (2005).

³² A joint venture between the *Federation Internationale des Droits de l’Homme (FIDH)* and *Organisation Mondiale Contre la Torture (OMCT)*.

³³ Observatory for the Protection of Human Rights Defenders (August 2006) p17.

³⁴ *Ibid.* p17.

³⁵ Freedom House (2006).

³⁶ Freedom House (2006).

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director of the Djiboutian League for Human Rights (LDDH), Jean-Paul Abdi, a leading human rights organization in Djibouti, was arrested in December 2005 without a warrant or opportunity for bail, because of a report his organization had published. He was only freed after intense diplomatic pressure on the government.³⁷ In March 2005, members of the opposition Union for Justice party were arrested on charges of planning acts of violence, but the opposition claims that they were arrested because of their criticism of the government.³⁸ However, these arrests did take place during the violent pre-electoral clashes between opposition supporters and security forces.³⁹ The conditions are such that some opposition leaders feel compelled to limit themselves in their criticism of the government in order to avoid a crackdown.⁴⁰

Respect for Universally Accepted Labor Standards

Though a 1901 code allows the formation of trade unions, and people can join them and strike, the government habitually obstructs unions and re-organizes them.⁴¹ The issue of union membership has been a contentious one in Djibouti since the civil war. During labor unrest in 1995, a large number of unionized workers were fired, and their grievances were only addressed in the 2001 peace agreement, which contained provisions for these fired union members to return to their original position. However, very little has come of this commitment.⁴² Quite to the contrary, the government has continued to mistreat labor unions and their members.

Strikes have been repressed forcefully. In October 2005, striking transport workers, and students who demonstrated in support of the strike, were violently dispersed by security forces.⁴³ Union leaders are often harassed or detained. In May 2005, Hassan Cher Harad, a postman and secretary for international relations of the UDT union, was fired after criticizing the management of the Djibouti Post Office. Cher Harad sued his employer for unfair dismissal, but his case has not been taken up. In September 2005, members and leaders of the Djibouti Port Union, which encompasses dock workers at Djibouti's economically vital port, were arrested.⁴⁴ Prominent union leader Adan Abdou was arrested on direct order from the Justice Minister, only one day after he was freed following a court order in April 2006. Union offices have, in the past, been attacked. Though there have been no attacks recently, the offices of the UDT union have not recovered since a 2001 attack, and UDT employees continue to work without electricity, phone service, internet, or postal delivery.⁴⁵ An international delegation, consisting of representatives of the International Federation for Human Rights (FIDH), the World Organization against Torture (OMCT) and the International Confederation of Free Trade

³⁷ Observatory for the Protection of Human Rights Defenders (August 2006).

³⁸ State Department (2006).

³⁹ "Police disperse opposition protest as Djibouti goes to poll" *Radio France Internationale* (April 8, 2005) through BBC Monitoring Africa, on www.nexis.com.

⁴⁰ Freedom House (2006).

⁴¹ Freedom House (2006).

⁴² Observatory for the Protection of Human Rights Defenders (August 2006) p19.

⁴³ *Ibid.* p22.

⁴⁴ Commission on Human Rights (2006) p107.

⁴⁵ Observatory for the Protection of Human Rights Defenders (August 2006) p20.

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Unions (ICFTU), were refused admission to Djibouti in April 2006, even though a similar mission had been approved a few months earlier. At the same time, an expert observer of the International Labor Office, traveling on a UN diplomatic passport, was expelled from the country.

Unions face new limits on their right to association with the approval of a new labor code, adopted after strong IMF pressure, which increases the administrative burden of registering a new union. The person registering the union must register with the ministers of Interior, Justice, Labor, as well as a number of other officials.⁴⁶

4. SUGGESTIONS FOR IMPROVEMENT

Whilst elections have been held regularly, and some of the elements of a democratic society – several political parties, an active civil society, a diverse media – are present, Djibouti has not made any great advances in its democratic development since it was invited as an observer to Santiago. Indeed, there are a number of causes for concern in Djibouti's record: the distorted electoral system, the opposition's exclusion from decision-making, the harassment of labor unions and human rights organizations, and the intimidation of the media.

There are a number of steps the government should take to demonstrate its commitment to adhere to basic democratic principles. First, the government should, as soon as possible, reform Djibouti's electoral law to eliminate the distorting first-past-the-post system in favor of a more equitable electoral system that allows opposition parties to be elected in proportion to the share of the vote they obtained. Alternatively, the government could consider redrawing the electoral districts so as to ensure a more equitable competition for seats, and a distribution of seats in parliament that is representative of the will of the people. As a goodwill gesture to the opposition, the government should include the opposition in the drafting process for the new law, and invite them to work together on improving electoral procedures in anticipation of the 2008 parliamentary elections. The government should also invite the opposition to join in the management of an independent election commission.

Second, the government should address some of the concerns found in the administration of its electoral system. In particular, it should lower or scrap the prohibitive election registration deposit. It is a barrier to the right to stand for office, and has no place in a democracy.

Third, the government should strengthen the powers of the ombudsman, a figure who, though meant to act as a mediator between government and opposition, has so far fallen short of the promise.⁴⁷

⁴⁶ Observatory for the Protection of Human Rights defenders (Aug. 2006) p25.

⁴⁷ State Department (2006).

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Fourth, the government should release the results of the 2004 national forum on human rights, and work with the opposition and civil society to draft an action plan for the implementation of the forum's conclusions.

Fifth, the government should improve its treatment of labor unions and their members. The new labor code should be amended to make registration of labor unions less onerous and bureaucratic, and the government should refrain from condoning or carrying out the dismissal of workers for their union membership or activities.

Sixth, the government should work towards a reform of the police and security services so as to reduce the incidence of human rights abuses among them. Special training for crowd management should be instituted, so as to avoid the violent and excessive repression of protests in future.

5. COUNTRY STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Djibouti Score	Key
Voice and Accountability	26.1	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	25.5	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	22.0	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	19.3	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	20.8	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	33.0	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

Freedom House: Freedom in the World 2007	Djibouti Score	Key
Political Rights	5	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	5	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF*	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Djibouti Score	Key
Total Score	69NF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

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