



# **Somalia Civil Society Election Situation Room**

Election Conflict Analysis Report for Somalia Indirect

Elections 2021/2022

**FINAL REPORT**



**Presidential and Parliamentary Elections**

**JULY 2022**

**Presidential and Parliamentary Elections**

# **FINAL REPORT**



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**List of acronyms**

EDRC	Election Dispute Resolution Committee
EISA	Electoral Institute for Sustainable Democracy in Africa
ESR	Somalia Civil Society Election Situation Room
FEIT	Federal Electoral Implementation Team
NCC	National Consultative Council
NIEC	National Independent Electoral Commission
PUNSAA	Puntland Non-State Actors Association
SONSA	Somalia Non-State Actors
SEIT	State Electoral Implementation Team

## **About this report**

The Somalia Civil Society Election Situation Room (ESR) is a platform for the coordination and analysis of election-related conflict during Somalia's 2021-22 indirect elections. The Election Situation Room was established in January 2021 by the Somalia-Non-State Actors (SONSA) and Puntland Non-State Actors Association (PUNSAA) with the support of the Electoral Institute for Sustainable Democracy in Africa (EISA) for the period during the parliamentary and presidential elections in Somalia. This network aimed to enhance collaboration and combine this with proactive advocacy to promote a peaceful election, increased participation of women and rapid responses to disputes. This report and recommendations provide an analysis of the findings of the ESR conflict monitoring during the electoral period. The platform monitored all four elections including those to the Upper House, Lower House, as well as the speaker and deputy speaker elections, and the presidential elections to assess six major conflict triggers.

The ESR was established in 2021 as one of the key objectives of the PEACE project aimed at enhancing the capacity of civil society to actively participate in peaceful and inclusive elections. Conceptualized as an inclusive citizen election assessment platform, the ESR combined resources of civil society organizations, professional groups, institutions and other interests under the leadership of SONSA and PUNSAA with a mandate to target election conflict and monitoring. The assessment of the 2021/2022 Somalia indirect elections was based on the principle that non-partisan election conflict monitoring by citizen organizations are critical in contributing to election conflict mitigation as well as increasing the effective participation of women in the electoral process and public life.

The ESR recruited and trained conflict monitoring teams comprised of 6 members in each of the federal member states and Banadir. These conflict monitoring teams were deployed between July 2021 – June 2022 to assess the pre-electoral environment, voting and post-election period. The assessment teams were trained on conflict mapping, data collection and analyses, the electoral process, and assessment procedures and codes of conduct, recording data and report writing prior to their deployment. The ESR monitored recorded incidents of conflict and election-related violations such as discrimination against women candidates, interference in the candidate selection process, exclusion and disagreements on the composition of electoral committees and interference in the selection of electoral delegates. This also included capturing security related incidents. In total 389 election conflict related assessment reports were received and analyzed by data capturing and analysis teams that tracked and mapped trends to inform rapid responses. This report is based on qualitative and quantitative research including direct data collection and interviews with primary sources collected by the monitors. The consultants that have authored this report in consultation with the team are David Ward and Abdijalil Tahir.

## Executive summary

As part of the mandate of the Somalia Civil Society Election Situation Room, the network monitored indirect elections for the Upper House, Lower House, speakers and deputy speakers, and the president, against six conflict triggers contributing to, or mitigating against, violence in elections that included 1) the strength of the legal system providing for clear rules-based electoral competition; 2) the credibility of the electoral management bodies and the levels of professionalism, transparency, and confidence that stakeholders have in the management of elections 3) compliance with the rules and consistency in their implementation 4) access for civil society and the media 5) levels of inclusion especially of women; and 6) an independent and affordable right of appeal for anyone that seeks redress to an administrative decision.

The main conclusions of this ESR report are:

- The framework of the political agreement was not able to secure a competitive, transparent and credible indirect elections and there was a lack of adequate safeguards to secure the integrity of the electoral process. These conditions raised the potential for, and levels of conflict, during the election period. In contrast elections for speakers, deputy speakers and the president were organized by parliamentary committees in a highly competent and transparent manner and were able to restore some degree of legitimacy.
- A lack of agreement on important parts of the constitution and a deterioration of relations between the federal government and federal member states has produced a very challenging political environment resulting in significant delays to the elections. Tensions were compounded by events that were orchestrated to act as spoilers as well as by the extension of the presidential term. As a result of this environment not enough inclusive dialogue informed decision-making.
- The election administration did not have popular credibility and it failed to safeguard key parts of the electoral process. Standards of professional election delivery were not met with delays and uncertainty. There were inadequate transparency measures and a lack of communication. There was also a lack of transparency in the selection of members of these bodies, as well as a high number of perceived political appointments, eroding already low levels of trust. Weak collaboration between these bodies and a lack of clear responsibilities also challenged coordination.
- There were widespread breaches of rules and non-compliance to the procedures. All stages of the election process were subject to either breaches or instrumentalization including candidate registration, the assembly of electoral colleges, restrictions to the freedom of assembly and voting and results processes. Pre-selection of preferred candidates in the vast majority of seats has also undermined electoral competition.
- Although access for civil society and the media to polling centres was permitted the environment was not conducive to their full participation in these elections. Freedom of speech in the media was restricted with physical attacks on journalists, arrests and a general climate of intolerance of the media. Whilst civil society actively monitored the elections and conducted activities such as civic education their role was limited and there was insufficient room at policy level for constructive engagement.
- The framework to guarantee political participation of women did not achieve minimum representation of women in the new parliament. Significant barriers for women to be elected and a lack of effective oversight and political will to ensure the quotas was respected resulted in a decrease in women parliamentarians. Women were also not represented fully in the policy

sphere and although selected in the electoral colleges, participants in these colleges were not actively engaged.

- There was not an independent and affordable right of appeal with fees for complaints set at a disproportionately high level, the complaints body was not independent, and complaints were not handled in a professional and transparent manner.



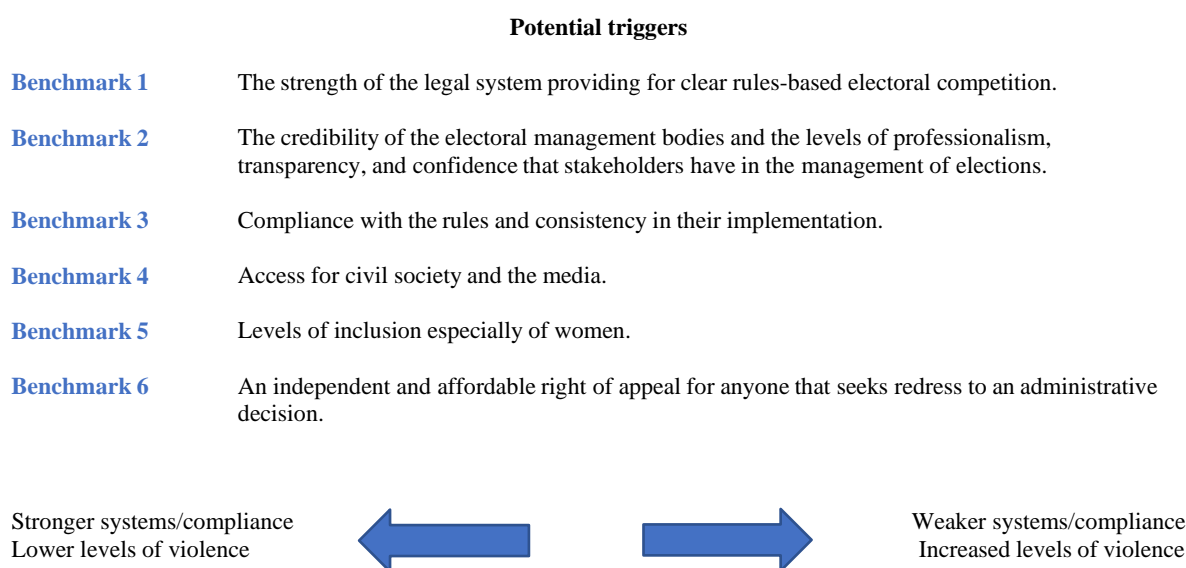
## Introduction

### Assessing triggers of violence during an electoral period

As part of the mandate of the Somalia Civil Society Election Situation Room, the platform monitored elections for the Upper House, Lower House, speakers and deputy speakers, and the president, against the six conflict triggers. The manner in which an election process is "managed and conducted" has a strong correlation with violence, according to experts Sisk and Spies who authored the Elections and Conflict Prevention Guide of UNDP, 2009. In this respect, this report assesses those conflict triggers in election preparations and implementation in each of the federal member states where ESR conflict monitors were stationed.

Key factors contributing to, or mitigating against, violence in elections include 1) the strength of the legal system providing for clear rules-based electoral competition; 2) the credibility of the electoral management bodies and the levels of professionalism, transparency, and confidence that stakeholders have in the management of elections 3) compliance with the rules and consistency in their implementation 4) access for civil society and the media 5) levels of inclusion especially of women; and 6) an independent and affordable right of appeal for anyone that seeks redress to an administrative decision. This report assesses the elections against each of these conflict triggers.

**Graphic 1:** Potential triggers of violence during an electoral period



Source: Modified Sisk, T and Spies, C. 2009. *Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming*.

### Context of these elections

Elections for both Somalia's houses of parliament, speakers and deputy speakers and the president were conducted in a volatile and uncertain environment. A return to an indirect election model resembling the one employed in the 2016 elections followed the National Independent Electoral Commission's (NIEC) announcement in June 2020 that scheduled one-person-one-vote elections would be delayed and not conducted by the end of 2021 as scheduled. A proposal by the NIEC to organize the elections in 2021 was rejected as this would extend beyond the term limits of both the incumbent president and

sitting parliamentary members. This included options for two dates that were contingent on the type of voter registration proposed with NIEC proposing an option of same day registration/voting at polling sites (March 2021) or an option of a further four-month delay to compile a voter register prior to an election day. At the time the NIEC had not started voter registration and it was expected that such an exercise would experience major challenges even if conducted in a limited number of registration centres as was proposed.

In response to this announcement the National Consultative Council (NCC) comprised of the leadership of the federal government and federal member states convened to negotiate an agreement that was published on 17 September 2020 which provided a framework for indirect elections. Reverting to the previous election model opened up a series of disputes between political leaders, including on appointments and the location of voting sites that meant further delays were experienced. Numerous deadlines were missed and voting only started in July 2021 following further NCC consultations and final agreement.

Tensions were further fuelled following a disputed extension of the mandate of the presidential term in February 2021. Disagreements between the federal government of Somalia and federal member states as well as a group of 14 presidential candidates and the government on a range of issues continued to strain relations throughout these elections. Generally, the overall environment for the election process that was grounded in a political agreement rather than a comprehensive legal framework, was unpredictable and subject to delays and significant pressures on the election process that have shaped outcomes and limited electoral competition including the full and equal participation of women.

## Section 1: Strength of the legal system providing for clear rules-based electoral competition

### 1.1 Constitutional framework

The Provisional Constitution of the Federal Republic of Somalia, 2012 recognizes Somalia as a federal republic founded on a representative democracy. The rights recognized in the Constitution include the right to be elected as well as a range of other civil and political rights including freedom of association, assembly and freedom of expression. In the Constitution Article 47 also recognizes the need for parliament to enact the necessary laws to hold elections at federal government level organized by a national electoral management body. The Constitutional framework, however, also remains incomplete and provisional and a source of dispute and subsequently potential conflict. Central federal constitutional arrangements including fiscal devolution and a clear and consensual division of powers between the federal member states and federal government are unclear. Each federal member state also has their own constitution and also independent institutions and at times these mandates can overlap.

### 1.2 Election legislation

There is an established legal framework for one-person-one-vote elections in Somalia. An election law was passed in February 2020. This framework, however, was not used for these elections and it was replaced with the 17 September agreement of the NCC. A joint sitting of parliament enacted a law to suspend legislation related to the one-person-one-vote system and give legal force to the 17 September agreement and a framework for indirect elections. Sets of procedures and guidelines were also issued by the NCC including on 27 May 2021, 22 August 2021 and 9 January 2022 clarifying specific details over aspects of the conduct of the elections. These included provisions for temporary election management bodies for electing both houses of parliament, membership requirements and the mandates of these election commissions, as well as basic procedures for candidate qualifications, requirements for electoral colleges and a temporary quota to secure minimum representation of women in both houses of parliament of 30%. In a modification from the election framework in 2016, there was an increase to 11 polling sites with two in each of the federal member states, and an increase in the number of each electoral college from 51 to 101 members for each seat in the lower house.

### 1.3 The election system

Four elections were held including for members of the Upper House, Lower House, speakers and deputy speakers and president. The seat allocation in the houses of parliament reflects the 4.5 clan system and these are divided between the clans of Darood, Digil-Mirifle, Dir, and Hawiye and the 0.5 share allocated to minority clans.

The first in this series of elections was for the 54 Upper House members. These were to be elected by the members of the sitting federal member state parliaments, following the selection of a minimum of two candidates for each seat nominated by the federal member state president in each state. There were no seats in the Upper House for the region of Banadir as the houses of parliament failed to pass the required legislation to apportion seats in this district during the last parliamentary term. The breakdown of seats allocated to the federal member states in the Upper House is in table 1 below.

**Table 1:** Seat distribution in the Upper House

Federal member state/ region	Seats allocated
Banadir	0
Galmudug	8
Hirshabelle	8
Jubbaland	8
Puntland	11
South-West	8
Somaliland	11
Total seats	54

The second scheduled election was for the 275 members of the lower house of parliament. Electoral colleges that consisted of 101 members in each electoral district were to elect each of these seats. Voting for each of the 275 electoral districts were located in 11 polling centres in the federal member states. There was an expansion of the electoral colleges compared with 2016 to elect the members of the lower house of parliament from 51 clan elders to 101 members, including young people and civil society members, as well as the clan elders. This could have been a positive, albeit limited expansion of the range of voters. A breakdown of seats allocated to the federal member states for the Lower House is listed in table 2.

**Table 2:** Seat distribution in the Lower House

<b>Federal member state/ region</b>	<b>Seats allocated</b>
Banadir	5
Galmudug	37
Hirshabelle	38
Jubbaland	43
Puntland	37
South-West	69
Somaliland	46
Total seats	275

Once the parliaments were convened, the speakers and deputy speakers of both houses of parliament were elected by their members. Finally, to become president the provisional constitution stipulates that a candidate needed to win 2/3 of the votes of both houses of parliament in a joint sitting. Three rounds of voting were possible in this last election. If a candidate does not receive 2/3 of the vote in the first round, a second round is held with the four candidates who received the most votes. If no single candidate receives enough votes to cross this threshold, then a final runoff is contested by the two candidates that received the most votes in the previous round.

## **Section 2: Credibility of electoral management bodies and the levels of professionalism, transparency, and confidence**

### **2.1 The National Consultative Council**

The primary decision-making body for these elections was the NCC. This council was formally chaired by the federal president and comprised of the prime minister, the presidents of the five federal member states and the governor of the Banadir region. Following a May 27, 2021 agreement, the president's role as chair was replaced by that of the prime minister. The NCC directed aspects of the election based on the 17 September agreement. It did not meet on a regular basis. It convened at key points of crisis and when issues threatening to delay the elections needed to be resolved. The day-to-day management and coordination of the elections was carried out by the temporary election management bodies. The Office of the Prime Minister also took on a leading role in delivering these elections, providing direction and playing a pivotal role in removing obstacles to their delivery.

### **2.2 Election management bodies**

At the federal government level, a temporary election management body called the Federal Electoral Implementation Team (FEIT) was established. This body was complemented by federal member state-level electoral management bodies: State Electoral Implementation Teams (SEIT). The SEITs were based in the federal member states and also included one for the Banadir region and one for the Somaliland bloc of seats. The latter two were both based in Mogadishu, where these elections were conducted. These levels of election administration had different mandates to reflect their roles.

On one level the FEIT was mandated to ensure consistent implementation across the federal member states, and it had an overall role of ensuring procedures were complied with as well as verifying decisions of the SEIT. On another level, the SEIT was responsible for implementation at the federal member state level, including registration and election processes. In respect to the elections of the president and the speakers and deputy speakers of the houses of parliament, parliamentary committees for each house and a joint parliamentary election committee that consisted of 16 representatives were established for each of these elections. The other bodies above were not involved. There was also a temporary dispute resolution body, the Election Dispute Resolution Committee (EDRC), established to resolve complaints that was headquartered in Mogadishu with federal member state offices.

#### **2.3.1 Composition**

The FEIT had 25 members. Of these, 12 members were appointed by the federal member states and 13 by the federal government. Each of the SEITs had 11 members, 8 appointed by the federal member states and 3 by the federal government. Of the 21 members of the EDRC, 12 were appointed by the federal member states and 9 by the federal government.

#### **2.3.2 Appointments process**

The requirements to be a member of the electoral management bodies were reasonable. These included Somali nationality, religion, minimum age requirements, impartiality, integrity, education, and independence from political positions. The process for appointments, however, did not meet minimum standards. On a first level, there were allegations that a significant number of the appointments were political appointments to the FEIT, SEITs and EDRC that compromised the principle of independence. On a second level, there were disputes regarding who should be responsible for the appointments to the SEIT for the Somaliland bloc.

A lack of transparency in the selection of members of these bodies, as well as the high number of perceived political appointments, eroded already low levels of trust. These were only partially reversed when a ministerial committee recommended the removal of 34 members of these bodies on June 6,

2021. Subsequently, a total of 42 members were replaced across the FEIT, SEIT, and EDRC. Following further allegations of political interference, key positions, including both chairpersons of the FEIT and EDRC, were replaced on 3 and 18 December 2021, respectively. Overall, the appointments process failed to achieve minimum levels of transparency and was not based on a merit-based selection process. This was even reflected in the membership of these bodies publicly opposing official positions of the FEIT including FEIT members themselves, SEIT and EDRC members.

### **2.3.3 Performance of election management bodies**

The role of FEIT was limited by a combination of factors. ESR monitors reported that levels of independence and confidence in its work were insufficient and it failed to build trust with stakeholders. Key tasks required to build professional credibility were not achieved. This included repeated failures to meet election timelines published, publication of timely electoral information, and a comprehensive failure to complete central tasks, including the screening of candidates and delegates and ensuring quota compliance. The FEIT essentially lacked adequate authority and reach in the federal member states and failed to build relationships at the federal member state level. It was therefore unable to have sufficient influence at the federal member state level either through the SEIT or directly to manage the election process. Although it issued procedures, compliance was not tracked adequately and even in situations where there were clear violations of rules and standards, no corrective measures were taken. Also, at the SEIT level, these did not implement the rules and guidelines in a consistent manner and there was a lack of oversight raising the level of potential for disputes.

There were also high levels of distrust towards these bodies and an absence of confidence not only in their professional capacity to deliver credible elections, but importantly in their ability to deflect political interference and interests and to work independently that was recorded by ESR monitors. Their failure to act in a transparent and open manner, with a lack of timely publication of key election information, failed delivery timelines, and internecine disputes between members, all acted to deepen this mistrust and raise levels of conflict. Whilst some aspects of coordination between the FEIT and SEIT were generally satisfactory, there were also a number of challenges monitored. At working level, relations were often unclear in respect to responsibilities of both levels of the election administration. The September agreement also expanded the role of the SEIT which at the same time reduced the FEIT role, but these roles were often unclear and challenged cooperation. Communication between these levels was also only sporadic on key issues such as the election timetable, budget and delivery. At times, the relationship was also put under stress by divergent decisions between FEIT and SEIT, demonstrating a lack of organizational consistency (see below section 6).

## **2.4 Parliamentary committees**

Parliamentary committees in each house managed the speaker, deputy speaker elections and a joint committee of 16 members of both houses were responsible for the conduct of presidential elections. These committees, in contrast to the challenges experienced by the electoral management bodies, performed to a much higher standard. In all aspects of their organization, these bodies were highly transparent, deadlines were met, and a high degree of competence was demonstrated. Selection processes were clear and endorsed by the members of parliament in each election; procedures were adopted in a timely manner; and coordination with candidates and the members that voted was consistent. Even with sections of parliament attempting to disrupt preparations and confronted with security agencies attempting to prevent access to election venues, these committees performed tasks in a professional and independent manner that promoted confidence in the elections. There were, however, some limits in the capacity of these committees to provide a level playing field and there were widespread perceptions that there were attempts at vote buying, especially during the presidential election. Without an adequate framework for campaign funding transparency, this issue was not addressed.

## **2.5 Funding for the Elections**

The funding for the elections was derived from a mix of candidate registration fees, the regular state budget, and donors. This was not a very stable combination of funds and liquidity for the temporary electoral management bodies was a challenge as a large proportion of these funds was anticipated to come from the candidate registration fees that were not collected until shortly before each election. These fees should have been transferred into a single Treasury bank account overseen by a joint committee of the Office of the Prime Minister, FEIT and SEIT. There were no published reports released on either the funding received or the spending of the temporary electoral management bodies, and the high degree of uncertainty over the election timetable made budget planning and recurrent costs very difficult to predict. There was a general lack of transparency in accounting for finances and it was also unclear what the amounts of money derived from the candidate registration fees were and if they were actually transferred and how they were allocated.

## **Section 3: Compliance with the rules and consistency in their implementation**

Whilst the election procedures outlined requirements for electoral colleges, candidate registration and voting procedures other important rules related to freedom of assembly are contained in constitutional provisions. The lack of effective election management and a failure to provide independent oversight of the election to ensure the rules were implemented was monitored by the ESR at each key step in the election. This included the assembly of electoral colleges, candidate registration, freedom to campaign, campaign finance and voting processes.

### **3.1 Electoral colleges**

#### **3.1.1 The framework for electoral colleges**

Electoral colleges consisted of 101 members, each responsible for electing a member of the Lower House in each of the 275 electoral districts. The NCC issued guidelines for membership of these colleges, including requirements for qualification and the composition of each one, outlined in the August 22, 2021 guidelines. The process of selecting members started in October 2021, shortly prior to the start of the Lower House election. According to the guidelines, a five-member committee comprised of three clan elders and two people from civil society was responsible for selecting individual electoral college members in each electoral district. In the electoral colleges, there should have been representatives from civil society. These included minimum quotas of 31 women and 20 young people for each college and 50 clan elders. The procedures stipulated those lists of delegates should be submitted to the SEIT for review to ensure compliance.

#### **3.1.2 Electoral college processes**

Although there were some mechanisms for transparency in place, they were inconsistent and largely inadequate ESR monitors reported. Publication of the selection committee members' names was introduced following the January 2022 commitment by the NCC to increase transparency and this was generally achieved. Monitors reported that the quota of women was also met in each electoral college. There was, however, overall, a lack of transparency regarding both the selection process as well as the identity of individuals that were selected to sit on these electoral colleges. It was unclear how the civil society quota was filled in each electoral college. There was no independent way that members could be verified, and it did not appear that SEIT verified each individual. Furthermore, voting patterns strongly suggest that in the vast majority of electoral districts, members were chosen to be directed in how to vote in order to confirm a pre-selected candidate, undermining the right to freely vote. Overall, the electoral colleges did not appear to be representative of the wider society and seemed to have been selected on clan or political interest.

### **3.2 Candidate registration**

#### **3.2.1 Criteria for candidate registration**

To qualify as a candidate, constitutional requirements are established in Article 88 and Article 58 of the provisional constitution. The president, amongst other requirements, must be a Somali citizen, Muslim, not younger than 40 years of age, and have the relevant knowledge or experience for the role. To be elected to parliament, a Somali citizen must be at least 25 years old, have not had their citizenship suspended by a court order in the previous five years, and have a minimum of secondary education or equivalent experience. The procedures of October 2020 also introduced security vetting requirements for candidate registration. The procedures also required a minimum of two candidates to contest each seat. Non-refundable registration fees for candidates to contest a seat in parliament were USD10,000 for men and USD5,000 for women. The fee was USD40,000 to run in the presidential election.



### **3.2.2 Candidate registration processes**

In general, ESR monitors reported that the candidate registration process was not transparent and has led to the exclusion of legitimate candidates and reduced election competition. The registration fees for candidates were very high and limited the right to stand as a candidate in an election. But also, procedures further limited access to register as a candidate unduly. In the Upper House elections, the requirement that the federal member state president nominate a minimum of two candidates to be elected by the members of the federal assembly narrowed the range of candidates considerably. Although it was possible for the federal member state presidents to nominate more than two, this only happened in a small number of cases. During the Lower House election, there were a number of allegations that despite all of the required papers being submitted to SEIT to qualify, candidatures were rejected with no adequate appeal mechanism in place, to ensure the right of candidates to stand for elections. There was also an issue of non-serious candidates registering and being twinned with a preferred candidate (see below section 3.5) without appropriate safeguards in place to ensure real election competition and no verification in respect to the source of the candidate registration fees. In both elections, preferred candidates were selected either by the federal member state presidents or the clans to determine the winner rather than by competitive elections.

### **3.3 Freedom of campaigning and assembly**

The right to freedom of assembly was not respected during the election period. Despite there not being many signs of campaigning at rallies or other events, there were a small number of attempts to organize public assemblies to demonstrate. These were small scale and even despite this, they were either cancelled because of the risk posed to the protestors by security forces, or in one incident, a march by opposition presidential candidates to protest against being excluded from election discussion came under fire. In other attempts to protest, clan militias became involved, leading to firefights. In general, the environment was not conducive to either the freedom to campaign or assembly. It was only when the presidential election date was announced that a series of short campaigns commenced. These were extremely limited, with candidates outlining summary manifestos to the members of parliament during allotted time slots. There were also some small-scale media campaigns as well as meetings in Mogadishu with supporters over a 4-day period.

### **3.4 Campaign finance**

There are no rules for campaign spending and funding, and these areas were not subject to any rules in the procedures or legal framework. This meant that the source of campaign funds, funds to pay deposits for candidate registration as well as spending on campaigns were not accountable and there was no transparency in these processes. Even though the campaign was relatively small, there were a number of allegations that money was offered in return for votes, especially related to the presidential election. Without a clear and transparent framework, this practice could have influenced the votes without an adequate framework to identify incidents and provide for public accountability.

### **3.5 Voting and results procedures**

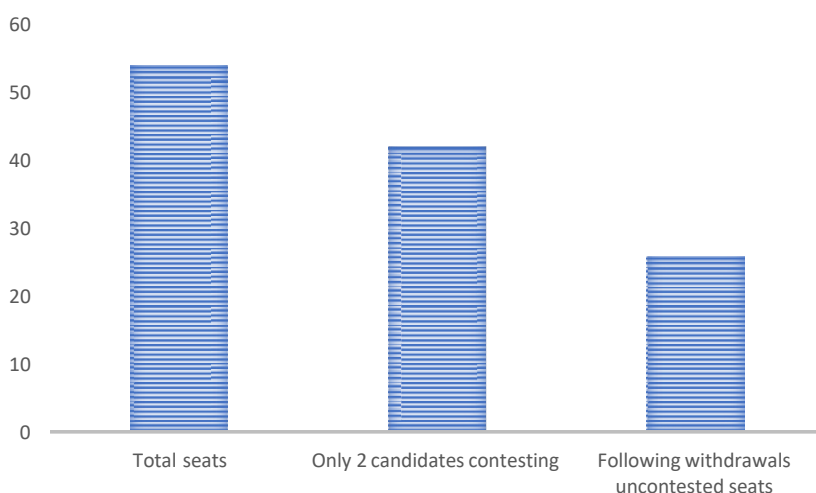
The overall assessment of the monitors was that, in many instances, the results of Upper House and Lower House elections were pre-determined before the voting through a selection process involving clans and federal member state presidents. As a result, the overall goal of electing members of parliament based on a limited level of election competition was not achieved. Competition was narrowed to effectively guarantee an election outcome in a large number of electoral districts. In contrast, the final elections of speakers, deputy speakers, and president were well organized and competitive.

### 3.5.1 Upper House election

Indirect elections for the 54 seats in the Upper House started on July 29, 2021 and were completed on November 13, 2021. These were principally organized by the federal member state parliaments. Whilst ESR monitors concluded procedures were generally followed pre-election processes and federal member state presidents and clan preferences largely determined the outcome of these elections before voting commenced. Also, a large number of seats were not elected by secret ballot but by a show of hands following the withdrawal of candidates at the polling centres in planned actions to strategically ensure a preferred candidate was elected.

The overall competition between candidates was limited as a result of the practice of pre-selection nomination of candidates by the federal member state president. In 54 seats, 42 of these were contested by only 2 candidates. That is a very limited form of competition.

**Graphic 2:** Level of contest in the Upper House election



Source: ESR data teams

Only 22% of seats had more than two candidates competing for them. Moreover, many of these seats where competition was evident were in one single federal member state-South-West. This state had a total of 40 candidates competing for 8 seats. Even though numerical competition makes the South-West stand out from the other federal member states in this regard, ESR monitors reported that it was widely believed that there was vote buying happening to influence at least some of these election outcomes.

The ESR monitoring reports highlight that the main feature of the Upper House election was however, the large number of what were locally referred to as “groomsmen” These were candidates registered solely for the purposes of meeting the minimum registration requirement for two candidates to compete in each seat and they either withdrew from the contest in the election centres immediately prior to the voting taking place, leaving a single candidate to be elected uncontested, or did not present serious competition to the preferred candidate of the federal member state president and clans. Monitors reported a total of 28 of the 54 seats were uncontested in this manner, although it is unclear regarding 2 of these seats as there was a degree of uncertainty at polling centre level.

**Table 3:** Uncontested seats in the Upper House

Federal member state/ region	Uncontested seats
Galmudug	8 out of 8
Hirshabelle	1 out of 8
Jubbaland	2 out of 8
Puntland	9 out of 11
South-West	2 out of 8

Somaliland bloc	6 out of 11
Total seats	54

Source: ESR data teams

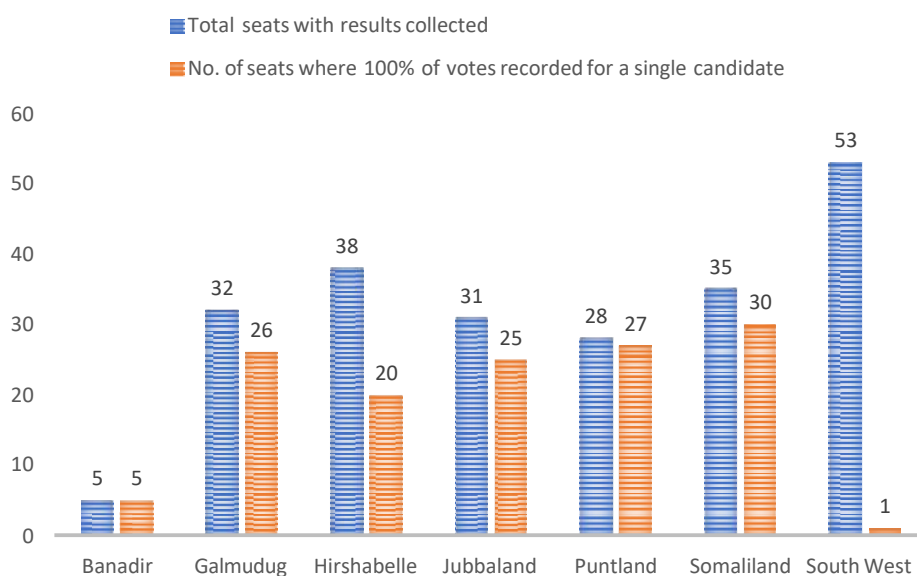
### 3.5.2 Lower House election

Elections for the Lower House by electoral colleges commenced on November 1, 2021. They were finally completed on May 6, 2022. ESR monitors reported that in general, voting procedures were followed with high levels of compliance, including the opening, voting, and closing of the process. The election observers, media and candidate agents were present at the large majority of polling centres and the results were accepted by the electoral delegates. The only major anomaly was the many instances of blocs of delegates voting by a simple raising of their hands rather than using ballot papers and boxes. This occurred when one of the two candidates withdrew from the elections immediately before the voting was about to commence, leaving the seats uncontested. That happened in a large number of cases.

The voting, however, as was the case in the Upper House election, was subject to pre-voting influences and a process of selection of a preferred candidate prior to votes being cast that has determined the result of a vast majority of these electoral districts. In only 16 of the 275 seats elected are there indications from the ESR conflict monitors' data, correlated with the results and voting patterns, that were actually competitive. The 16 seats include 2 in Somaliland; 3 in Galkacyo, Galmudug; 7 in Beledweyne, Hirshabelle; and 4 in Jowhar, Hirshabelle. All other seats were subject to pre-selection processes that involved federal member state presidents, clans, and sub-clans.

With data for 222 of the 275 seats, the results collected at polling centres by ESR conflict monitors show that in 134 of these centres, one single candidate received 100% of the 101 votes from the electoral college. In a large majority of these, a "groomsman" candidate was registered as the only alternative candidate to the preferred one, and following their withdrawal, voting was conducted by a show of hands with no balloting taking place. Many of these were women that reduced the cost to the sponsoring candidate that exploited the reduced candidate registration fees for women.

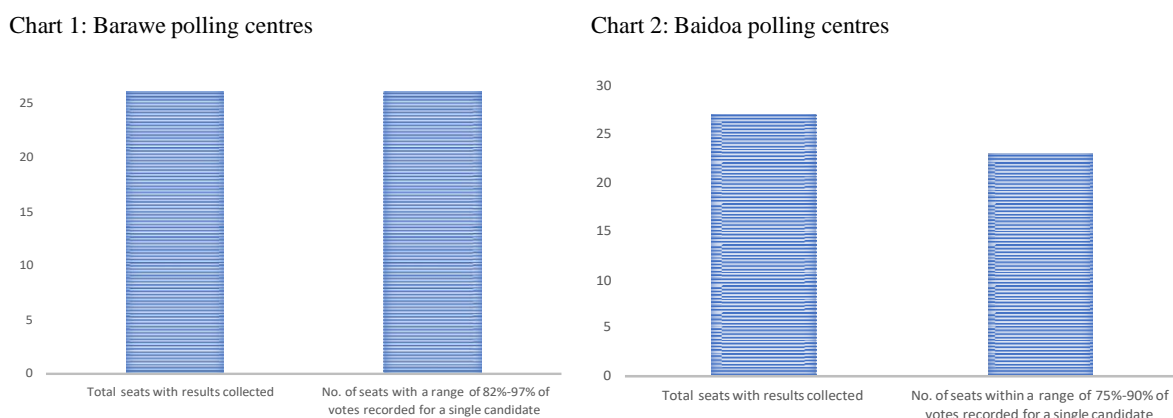
**Graphic 3:** Sample number of seats with 100% of votes recorded to a single candidate



Source: ESR data teams

In all five seats elected in Banadir, results showed 100% voting for a single candidate. In Galmudug, of the 32 seats where data was collected, in 26 of these seats, the winning candidate received between 98-100% of the votes. In Jubbaland, 25 of the 31 seats where data was collected witnessed 100% of the votes for a single candidate. In Puntland out of 28 seats with results collected, 27 seats recorded 100% votes assigned to a single candidate, and in Somaliland, 30 of the 35 seats where results were collected showed 100% votes for a single candidate. Even in Hirshabelle, which has the highest number of seats that were actually competitive, 20 of the 38 seats recorded results of 100% of votes assigned to a single candidate. In the South-West, slightly different voting trends were recorded. These, however, continued to be based on pre-selection of a preferred candidate with a short range of voting patterns of generally 15% across the results. Graphic 2 demonstrates this trend across the 2 polling sites.

**Graphic 4:** South-West voting pattern results within a 15% range



Source: ESR data teams

These election results, combined with ESR monitoring reports, strongly indicate the outcome of the elections was concluded as a result of either electoral college delegates being selected because of their known voting preference or being instructed how to vote at polling centres, or preferred candidates standing uncontested or with non-serious candidates standing as the alternative contestant. It is extremely likely that in the vast majority of cases, both of these strands are related.

### 3.5.3 Speakers and deputy speaker elections

The elections for the positions of speaker and deputy speakers conducted for the Upper House and Lower House were well managed by the parliamentary committees appointed to manage them. Members of Parliament were however, obstructed by security from entering the voting site and it was only following a display of collective determination by key leaders and members of parliament have the security agencies backed down and allowed the parliamentary sessions to convene. Despite initial attempts to disrupt the vote the contest was highly competitive and transparent. The procedures were published in a timely manner, and implemented professionally and transparently. The first of these elections were conducted between 26-27 April 2022 according to the timelines published. The voting was observed by candidate agents and monitors were able to attend to follow the process. The results were widely accepted by the members of the parliament. A woman was voted in as deputy speaker for the first time in Somalia parliamentary history. The results of each round are recorded in the tables below.

**Table 4:** Election results speaker and deputies for Upper House (first round)

Position	Candidates	Votes received
<b>Speaker</b>	Abdi Hashi Abdullahi	28
	Salah Jama	24
	Osman Dubbe	2
<b>First deputy speaker</b>	Ali Shabaan Ibrahim	28
	Abidhakim Maolim Ahmed	25
	Spoilt votes	1
<b>Second deputy speaker</b>	Abdullahi Ali Hirsi Timacadde	30
	Abdullahi Sheiki Ismail	23
	Spoilt votes	1

**Table 5:** Election results speaker for Lower House election run-off

Position	Candidates	Votes received
<b>Speaker</b>	Aden Mohamed Adan Madobe	163
	Hassan Abdinoor	89
	Aden Black	Withdrawn

**Table 6:** Election results deputy speakers for the Lower House

Position	Candidates	Votes received
<b>First deputy speaker first round</b>	Mohamedweli Abdalla Ahmed	59
	Mohamed Ali Omar Ananug	58
	Sa'diya Yasin Haji Samatar	52
	Khadija Mohamed Diriye	21
	Abdikarim Abdow Haydar	15
	Mohamud Haji Jeege	12
	Abdurahman Addow	8
	Said M Hayd	7
	Mohamed Nur Sharif-Mustafa	5
	Mohamed Omar Aymoy	4
<b>First deputy speaker run-off</b>	Mohamed Ali Omar anuug	107
	Sadiya Yasin Haji Samatar	137
<b>Second deputy speaker first round</b>	Asad Abdirisak Mohamed	18
	Mohamud Mohamed Hasan Abukar	24
	Sa'iid Mohamed Ali	38
	Abdulahi Omar Abshirow	43
	Mahad Abdala Awad	78
<b>Second deputy speaker run-off</b>	Abdullahi Omar Abshir	146
	Mahad Abdalla Awad	94

### 3.5.4 Presidential election

The procedures and schedule for the election were released in a timely fashion and the election was conducted on 15 May 2022 as scheduled. Candidate registration took place between 9-11 May 2022. 39 candidates initially registered, although three withdrew to endorse other candidates. The election was held in a generally calm and peaceful environment, with monitors not reporting any incidents. The polling centre was laid out in an appropriate manner that allowed for free movement of members of parliament, candidates and party agents and guaranteed the secrecy of the ballot. Voting procedures were adhered to, with the election committee demonstrating a high level of competency and professionalism. The process of counting and announcement of the results was also orderly, efficient, and conducted in a transparent manner. Candidate agents were present for each of the three rounds and had clear sight of ballot papers whilst counting was conducted in an open and transparent manner. An announcement of results for each round followed counting.

**Table 7:** First round presidential election results

Candidate	Votes received
Said Abdullahi Dani	65
Mohamed Abdullahi Farmajo	59
Hassan Sheikh Mohammad	52
Hassan Khaire	47
Sharif Sheikh Ahmed	39
Abdirahman Abdishakur Warsame	15
Abdulkadir Osoble	12
Abdullahi Ali Ahmed (Adow Ali Ges)	8
Said Isse	1
Abdirahman Moallim Ahmed Ablal	2
Abdinur Shiikh Mohamed	2
Thabit Abdi Mohamed	1
Fowzia Yusuf Haji Aden	1

**Table 8:** Second round presidential election results

Candidate	Votes received
Hassan Sheikh Mohammad	110
Mohamed Abdullahi Farmajo	83
Said Abdullahi Dani	68
Hassan Khaire	63
Spoiled votes	5
Total votes	329

In the final round of voting, Hassan Sheikh Mohammad won the election with 214. The incumbent president, Mohamed Abdullahi Farmajo received 110 votes. Three votes were invalid. A total of 327 members of the legislature cast votes in the third and final round.

**Table 9:** Final round presidential election results

Candidate	Votes received
Hassan Sheikh Mohammad	214
Mohamed Abdullahi Farmajo	110
Invalid votes	3
Total votes	327

The election results were widely accepted, and the incumbent president congratulated the elected president. The process was transparent, although there were widespread allegations of vote-buying in the run-up to the voting process. Monitors also noted challenges to the private media in accessing the election venue on election day that was resolved by the joint committee, allowing for increased transparency. Candidates and their agents, members of parliament and civil society were permitted access to the venue without any reported problems.

### 3.6 Conditions for competition

The below table 4 summarizes the 16 seats in the Lower House that were competitive. The reasons for the levels of competition vary from one electoral district to another. The major reasons, however, include clan elders pressuring the federal member state leaders to open the seats to avoid clan conflicts and armed forces loyal to clans and candidates clashing.

**Table 10:** 16 seats in the Lower House that were competitive (indicated by vote patterns)

Seat number	Federal member state and polling centre	Number of candidates	Summary explanation
257	Somaliland (Mogadishu)	2	Two candidates backed by different incumbent office holders led to decision not to close the seat to a preferred candidate.
260	Somaliland (Mogadishu)	3	
38	Galmudug (Galkacyo)	4	Sub-clans that controlled the seat demanded that the federal member state administration not close the seat to any single candidate and leave it competitive.
60	Galmudug (Galkacyo)	2	
95	Galmudug (Galkacyo)	2	
4	Hirshabelle (Beledweyne)	5	Clan elders declared closing of seats to preferred candidates would not be accepted and an open contest should be guaranteed. To offset the risk of clan confrontations including militia these clan leaders and politicians agreed on an open competition.
11	Hirshabelle (Beledweyne)	2	
19	Hirshabelle (Beledweyne)	4	
58	Hirshabelle (Beledweyne)	7	
63	Hirshabelle (Beledweyne)	2	
66	Hirshabelle (Beledweyne)	3	
9	Hirshabelle (Jowhar)	2	
24	Hirshabelle (Jowhar)	4	
106	Hirshabelle (Jowhar)	4	
59	Hirshabelle (Beledweyne)	2	Clan members and some security personnel participated in demonstrations against the on March 28, 2022, obstructing the election process and closing some parts of Beledweyne calling for changes to the seat. The federal member state administration agreed not to close the seat and permit competition.
135	Hirshabelle (Jowhar)	3	Amina Mohamed Abdi, a late Somali lawmaker, was killed in an explosion on March 23, 2022. (HOP-135). Because of security concerns, the Hop135 seat—which was first supposed to be held in Beledweyne—was moved to Jowhar.

Source: ESR data teams

### 3.7 Election security

The security environment was extremely volatile and polling sites were identified as potential targets for terrorist attacks. A national election security committee comprised of the federal commander of police and police commanders from the federal member states and Benadir was responsible for coordinating electoral security. AMISOM also supported security around polling sites and the access points to the cities where polling was conducted.

There were numerous security incidents during the election period, including fighting involving militia and federal government troops; Al Shabaab attacks using vehicle-borne improvised explosive devices ignited in the vicinity of checkpoints or close to polling sites; and complex armed attacks on strategic targets, including the airport. Direct attacks on polling stations occurred in Barawe, where mortars were fired near the polling station; Mogadishu, where rockets were launched aimed at the polling station; and Beledweyne, where a number of coordinated attacks targeted electoral stakeholders, resulting in 48 fatalities, including a candidate. Another candidate, who was also spokesperson for the prime minister, was seriously injured when his car was targeted with an explosive device. In southern areas of the country, the security environment also limited the movement of prospective candidates, especially in areas controlled by Al Shabaab. At times, the security services were involved in blocking access to election-related venues for either members of parliament or journalists, which was a disproportionate response to ensuring security was maintained.



## **Section 4: Access for civil society and the media**

### **4.1 The role of civil society**

There were a number of areas where potential civil society had a key role to play during these elections. The first area was policy influence, especially during the negotiations between political leaders and the development of the political agreement that was issued on September 17th and in subsequent consultations between stakeholders as they negotiated parts of the procedures and further statements. The second area was enhancing the levels of independent transparency in the election process through independent monitoring and observation of the elections. The final area was in the field of civic education and engagement and advocacy work, both in respect to the wider public to raise awareness of key principles and standards, including in their potential role in the electoral colleges as well as engaging with key decision-makers, playing a mediation role and advocating for peaceful elections.

### **4.2 Policy influencing**

Civil society issued at key moments a range of policy papers and high-quality analysis of the election situation. Papers proposing the indirect election were produced by a non-state body, and analysis of problems relating to blockages in the election process was also responded to with high level policy inputs from these research and policy centres. The actual engagement of civil society in the decision-making process, however, was extremely limited. The NCC, as the paramount decision-making body, did not widen consultation outside of its meetings. In this respect, although non-state actors provided high quality public policy solutions and analysis on some of the issues threatening to undermine the elections, the level of engagement beyond these publications was limited. The Office of the Prime Minister did open consultations, including with members of the ESR, on a number of occasions, but generally, civil society was not a visible presence in the policy-influencing sphere, and the space for this role was not extensive.

### **4.3 Election conflict monitoring and observation**

Despite the complex security and political environment, election observers and ESR conflict monitors were deployed throughout the election period. Generally, these members of civil society received accreditation from the FEIT and access was granted to polling stations. Access was also permitted for members of civil society organizations to the speaker and deputy speakers and presidential elections, albeit in limited number of three because of space. Conflict monitors and election observers reported only a small number of incidents where there were obstacles to accessing polling centres. The main issues were the usage of tablets, which, in some cases, were not permitted to be taken into the voting areas.

Whilst access was permitted to polling stations, other steps in the election process were not accessible to the conflict monitors that were deployed. They were unable to gain access to the selection processes of the federal member state presidents during the selection of the nominated candidates for the Upper House election. Access was also not granted to electoral delegate selection processes and lists of delegates once selected were unavailable for review by ESR conflict monitors. Financial accounts were not published and meetings of the FEIT and SEIT were held without the participation of observers from civil society. With the failure to publish minutes, this resulted in a large gap in accountability.

### **4.4 Civic engagement and representation**

The minimum quota for the representation of civil society to sit on the electoral colleges represented a real opportunity to increase the diversity of voters in the Lower House. This opportunity, however, failed to materialize. A lack of clarity on the members of civil society to participate in these colleges was unclear from the start, and ultimately, because no details of membership were published, it remained unclear who, and how, civil society was represented both in the selection panels and the 275



electoral colleges. According to voting trends, there is little sign that this minimum quota for civil society resulted in any improvements in the competitiveness of the elections or diversity of electoral colleges as intended. Civil society networks including the ESR platform also supported civic education during the election period.

The SONSA and PUNSAA conducted a series of civic and voter education events across the country and particularly in electoral cities to provide key stakeholders including traditional elders, delegates, women, and youth with information on civic and voter education about the conduct of House of People elections. Civic and voter education sessions were led by 18 civic educators to raise stakeholder awareness. Ahead of the sessions, a guide for voter and civic education was developed by EISA with input from SONSA and PUNSAA to guide the civic educators. A total of 820 participants benefited from a total of 16 voter and civic education events. The content of civic education focused on the need to promote credible and peaceful elections in line with procedures as well as to protect women's seats. The ESR platform advocated on issues including women's representation and issued statements as well as recommendations to mitigate tensions. It also raised concerns over increased insecurity in some electoral sites. Regular meetings were also held with the FEIT, the Ministry of Women and Human Rights and the Office of the Prime Minister.

#### **4.5 Media freedom**

Significant pressures on freedom of expression in the media were monitored throughout the election period. Journalists' federations have closely tracked infringements on the work of reporters. In their 2020 report, the Somali Journalists Syndicate registered numerous violent attacks on the media, including arrest and detention without grounds; exposure to violent attacks; security agencies raiding offices of media houses; and confiscating equipment. Some media houses also received threats of closure. All these incidents have put pressure on the media and how extensively they have reported the elections, especially allegations of misconduct and malpractices that were generally not covered in the mainstream media. During this period, two journalists were killed, according to the Somali Journalists Syndicate.

On a positive note, generally, access was granted to journalists to polling centres. Although there were some exceptions to this, including in Beledweyne, where the media were blocked, and journalists were also not allowed to cover the speeches by the presidential candidates. These were exceptions rather than the rule. This access, however, resulted in largely non-analytical coverage of the voting processes without detailed information on the voting, including potential violations of procedures. Despite widespread awareness of selection process pressures, these aspects of the election were not covered critically by the media. This was due to the media's high levels of self-censorship and pressures during this time period, as well as the hostile environment to free speech in the media. Overall, this was a result of a chilling effect on the media of these pressures that has led to the right to freedom of speech in the media, and the important role of the media in being able to criticise elections in the public interest, being largely undermined.

## **Section 5: Levels of inclusion especially of women**

### **5.1 Women's empowerment and the electoral process**

Women start off from a position of severe disadvantage in gaining access to political office in Somalia. Social and economic disadvantages and strong male patronage networks anchored in the clan system shape political life, and these remain significant obstacles to women and political diversity in representation. Although the representation of women in the last parliament was relatively high as a result of a quota system used in the 2016 election, the active participation of women in political life remains more limited. A failure of the last parliament to introduce legal measures strengthening the legal protections for women and a general relegation of women's rights continues to persist. There was minimal participation of women in shaping the 17 September agreement, and none of the NCC members were women. The voice of women was marginalized throughout the entire process of developing the framework for the indirect elections, and subsequently throughout the entire election process.

Obstacles to competing on a level playing field for women and men include access to these patronage networks rooted in clans, male-dominated political leadership, limited access to financial resources both within Somalia and those derived from other countries, and a general absence of women in high level public positions. These limited access to financial sponsors for funding that is rooted in clans and the business community resulted in women having to raise funding from their own sources according to a study by the Heritage Institute. Violence was another major challenge faced by women candidates with male candidates securing seats able to call on clan networks in an effort to intimidate women against registering.

There were some initiatives including by the Goodwill Ambassadors, which was a group of mainly female role models appointed by the prime minister, to raise awareness of the quota system and advocate for compliance to the targets. There were also some women working groups established by key women stakeholders with the support of EISA to promote women candidates. These efforts, however, were not sufficient to ensure the full representation of women in these elections, either as election administrators or elected members of parliament. The outcome of this election is that there is a decline in women in parliament. A lack of funding for the Goodwill Ambassadors, and weak political support meant only limited engagement was possible and it was unable to influence clan and political dynamics that have shaped outcomes. Efforts from civil society, including the training of women candidates, were also not successful in ensuring the quota was respected because there were not enough incentives beyond the quota or temporary special measures supporting this quota to affect change in the selection process that would have ensured the quota was respected.

### **5.2 Special temporary measures**

The main instrument to ensure women were represented in parliament was a 30% minimum quota placed on both houses of parliament. There was, however, a large degree of uncertainty regarding how to implement the quota and assign the seats reserved for women that were distributed not only between clans, but also sub-clans. It was generally assumed that these seats would have to rotate for the 2021/22 election, and the absence of clear direction from the election management or the NCC on which seats should be assigned to women was a major challenge. There were very few guidelines for the Upper House election and this was left to the discretion of the federal member state presidents. In the Lower House election, the FEIT issued a directive with a policy for the federal member states to follow. The following table outlines the guidance of allocations at the federal member state level.

**Table 11:** Seat allocation for the reserved seats for women in the Lower House

Federal member state/ region	Seats allocated	30%	Quota in federal member state
Banadir	5	30%	1
Galmudug	37	30%	11
Hirshabelle	38	30%	11
Jubbaland	43	30%	13
Puntland	37	30%	11
South-West	69	30%	21
Somaliland	46	30%	14
Total seats	<b>275</b>	<b>30%</b>	<b>82</b>

Source: FEIT, 16 November 2021

For the clans or subclans with more than two seats assigned, the FEIT recommended conducting the elections for women's seats first. This system was promoted by civil society. No system, however, was devised to identify the seats that should be reserved for women. The only other special temporary measure for female candidates during these elections was a 50% reduction of candidate registration fees following intense lobbying by women's groups, including the Goodwill Ambassadors and civil society including SONSA, PUNSA and women advocacy groups. As well as a quota for elected members of parliament, there was also a minimum quota for the representation of women on the election management bodies and electoral colleges.

### 5.3 Assessment of the outcome of the quotas

The quota system has failed to ensure a minimum percentage of parliamentarians are women. Temporary special measures such as quotas were not fully effective because the FEIT and SEIT failed to implement and enforce the quota rules. Only 54 members of the Lower House out of 275 members are women. This is 19.6%. In the Upper House, 14 of the 54 members are women, or 26%. Only one woman competed in the presidential election, and she received 1 vote. The only significant achievement in terms of women's representation resulting from these elections was the election of a woman as Deputy Speaker of the Lower House. Women lacked the financial resources, access to patronage networks, and support of political leadership to compete on a level playing field during these elections.

**Table 12:** Women elected to the parliament

Federal member state/ region	Upper House			Lower House		
	Men	Women	%	Men	Women	%
Banadir	-	-	-	4	1	20%
Galmudug	6	2	25%	28	9	24.3%
Hirshabelle	6	2	25%	35	3	7.9%
Jubbaland	6	2	25%	35	8	18.6%
Puntland	8	3	37.5%	31	6	16.2%
South-West	6	2	25%	56	13	18.8~%
Somaliland bloc	8	3	27.3%	33	13	28.2%
Total seats	74.1%	25.9%	25.9%	79.8%	20.2%	20.2%

Seats reserved for women were either identified by federal member state presidents or between clans, and this largely informal and untransparent process did not fully safeguard the quota. These seats were reserved for women as a result of the federal member state president's powers or negotiations within clans rather than clearly defined guidelines. The sub-clans with fewer resources had limited bargaining power over the assignment of seats. There were also complaints that seats were assigned to women as a strategy to exclude potential opposition candidates. Despite the reduction of the candidate registration fee, this also remained prohibitively high for women.

These obstacles have resulted in a reduction of women in parliament overall compared to 2016 across all the federal member states. This includes in the lower house women only holding 13% of the seats in Hirshabelle, 16% in Puntland and 17% in Jubbaland.

**Table 13:** Comparison of proportion of women elected 2016-2022

Federal member state	2016 number of seats	2016 number of female MPs	2016 % of female MPs	2021-22 Number of seats	2021-22 Number of female MPs	2021-22 % of female MPs
Banadir	7	2	28%	5	1	20%
Galmudug	36	9	25%	37	9	24%
Hirshabelle	37	10	27%	38	5	13%
Jubbaland	43	10	23%	46	8	17%
Puntland	37	7	19%	37	6	16%
South-West	69	14	20%	66	13	20%
Somaliland bloc	46	15	33%	46	13	28%
Total seats	275	67	24%	275	54	20%

Source: Reproduced from the Heritage Institute, 2022

For the administration quotas, these also did not meet the minimum quota. Only 24% of FEIT members were women, only 2 SEIT achieved 30%, and 24% of the EDRC were women. There were gender departments in both the FEIT and EDRC. However, their impact on achieving the quotas was minimal. The quota of 30% was, however, met in the electoral colleges, according to monitors. In all of the polling stations monitored, there was the correct proportion of women as prescribed. The lack of empowerment of the majority of these electoral colleges, though, means the important role these women could have played in selecting parliamentarians was largely undermined.

## Section 6: Independent and affordable right of appeal

### 6.1 Election Dispute Resolution Committee

As was the case for the election administration, a temporary complaints body was established as part of the political agreement. This body, EDRC, was responsible for resolving any disputes or complaints related to the elections. A set of complaint resolution procedures were released in October 2020. The only people that qualified to submit a complaint were candidates, delegates of the electoral colleges, and elders. A very large sum of USD3,000 was required to be paid to have a submitted complaint investigated by the EDRC. Both the narrow range of people who could submit a complaint and this high fee limited the right of appeal. This was especially so because there were no courts with clear jurisdiction to hear cases related to the elections. And following a complaint to the Supreme Court, the court ruled that because the political agreement governed the indirect election, the court had no jurisdiction. A seven-day period was set for decisions on complaints to be completed.

### 6.2 Complaints submitted

Despite numerous allegations of election malpractices, very few complaints were processed by the EDRC. In total, 11 complaints. Two of these were withdrawn and nine were rejected by the EDRC and the elections confirmed. This was despite a number of these seats being rejected by FEIT because of allegations of malpractice. Nearly all complaints allege SEIT failed to comply with the procedures. Even if the EDRC had rules for the complaint, the range of administrative responses was limited to either the suspension of a candidate or the annulment of an election. It did not have measures such as fines to respond to infringements that did not justify such penalties. The EDRC also suffered from internal disputes between its members and failed to provide an effective complaints and appeals mechanism that would have reduced conflict through mediation and the right to appeal an administrative decision.

**Table 14:** List of complaints processed by the EDRC

No	State, election site	Location of polling site	Complaint	Conclusions of the EDRC
1	Somaliland	HoP239	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
2	Galmudug, Dhusamareb	HoP67	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
3	South-West, Baidoa	HoP103	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
4	South-West, Baidoa	HoP154	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
5	Somaliland	HoP201	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
6	Somaliland	HoP209	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
7	Somaliland	HoP211	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
8	South-West, Barawe	HoP45	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.
9	Hirshabelle, Beledweyne	HoP86	Failure to apply procedures	EDRC confirmed the seat and rejected the complaint.

Source: ESR data teams

### 6.3 Disputed seats

In four seats, there was a breakdown of relations between FEIT and SEIT following an instruction to suspend elections in these seats. Despite this instruction, the relevant SEITs proceeded to conduct the elections in the Lower House seats of 103, 154, 86, and 204. There was also an incident with the Somaliland SEIT publishing a different set of procedures that were rejected by the FEIT that requested they be withdrawn. That was largely a result of a lack of clear coordination rules. Three of these cases were resolved following consultation after protracted delays, and two were accepted by the FEIT. In

one seat there was a re-run where the original candidate won with 100% of the vote. Seat 86 was left outstanding. In all these cases, the EDRC rejected the complaint and confirmed the election process was in line with procedures, further contradicting the decisions.

There was also a dispute regarding the second polling location in Jubbaland and the 16 seats to be elected at this location. Following the deployment of federal troops and clan militia and after attempts by the Prime Minister's Office to find a solution, there was a decision by the FEIT to relocate those elections to the town of El Wak. Once they were completed, however, a parallel election was held in Garbaharey that involved some of the FEIT and EDRC leadership, against official positions. These second elections were not officially recognised by FEIT and, subsequently, the leadership of the Lower House. For a short period, however, there were numerous attempts by the winners of the unofficial elections to enter parliament and disrupt events. For any outstanding seats including HoP 86 the NIEC will manage those elections.

## **Final recommendations**

Based on the findings and conclusions of this report the ESR presents a series of recommendations below in each of the areas monitored for consideration of stakeholders to improve the future electoral environment.

### **Section 1: Strengthen the legal system providing for clear rules-based electoral competition**

#### **Constitutional**

- Political leaders could commence a consultative process to complete negotiations to finalize the constitutional provisions finding consensus between the federal member states and federal government on key issues including decentralization of powers and fiscal policy. This should include harmonization of federal and federal member state constitutions to ensure alignment whilst respecting the principle of devolved federal powers. Civil society should also be encouraged to hold consultation meetings as part of the constitutional review process.

#### **Election system**

- The new parliament and executive could set up a timebound roadmap drawn up through consultation outlining a clear plan, framework and milestones for future elections based on universal suffrage.
- There is a crucial need to review existing election legislation and build consensus around an election model that all key stakeholders support and demonstrate a real commitment to realising.
- Election boundaries need to be drawn using a mix of population and geographic factors to ensure parliamentary seats reflect voting population representation.
- Parliament should enact a law allocating seats in the Upper House for the Banadir region.
- The parliament should introduce full legislation for both voter registration as well as political party registration outlining clearly requirements and processes.

### **Section 2: Strengthen the credibility of the electoral management bodies and the levels of professionalism, transparency, and confidence that stakeholders have in the management of elections**

#### **Election management**

- There needs to be clearer procedures including communications and operating protocols defining the relationship between election management bodies at federal government and federal member state level.
- The appointments processes need to be reviewed to guarantee independent appointments are made transparently and in line with best practices including independent scrutiny and review. A merit-based and transparent process subject to parliamentary confirmation should be strengthened to ensure appointments are independent.
- A clear policy for external affairs and communications should be developed for the election management bodies that also includes clear guidelines for staff and commissioners.
- Increased levels of safeguards to secure the independence of all aspects of election management should be introduced.
- Improved publications and transparency measures should be introduced across all election management including full publications of timelines, information on activities and full results broken down to polling station level.
- An open and comprehensive review of election management structures including resources could be undertaken to ensure adequate transparency, competencies and capacity are in place to ensure compliance to procedures.

- A permanent budget for elections subject to parliamentary review and auditing should be introduced.
- The law should clarify the mandates of federal election management bodies and state election management bodies, as well as their working relationship.

### **Section 3: Strengthen compliance with the rules and consistency in their implementation**

- Selection processes for electoral colleges should be revised if this model is used in any future election to provide for public accountability, transparency and the principle of competitive elections with full disclosure requirements.
- Strengthened independent oversight of election management bodies to ensure capacity to independently ensure transparent compliance to the rules and where required enforce these according to the law.
- There should be improved scrutiny and auditing of the accounts for funding and spending of the temporary electoral management bodies to increase accountability.
- Candidate registration fees should be reviewed to ensure they do not exclude candidates from running in an election.
- An appropriate independent appeals process should be put in place specifically for candidate registration to ensure candidates are not excluded without sufficient grounds.
- The requirement to nominate a minimum of two candidates for the Upper House should be raised to ensure election competition.

### **Freedom to campaign and freedom of expression**

- Increased measures to guarantee freedom of assembly should be introduced to encourage greater respect for the right of Somalis to protest.
- Campaign funding provisions should be introduced in the law to provide for full disclosure of donations and spending.

### **Section 4: Increase access for civil society and the media**

#### **Civil society**

- Civil society and political leadership should invest further at ensuring a constructive and independent role for civil society in the policy spaces that exist around the elections including in drafting of legislation, designing an election system and voter registration as well in decision making platforms. Civil society and parliament should collaborate to develop a law that includes proportionate provisions to recognize the activities of civil society organizations and their importance in the electoral processes.
- All aspects of election management such as meetings, selection processes and financial accounts should encourage the participation of civil society to provide independent observation of the entire election process.
- Increased safeguards for the protection of freedom of expression in the media including building capacity of security services to understand the fundamental right of freedom expression in the media, enhance protection against arrest or harassment of journalists, and ensure the media law complies with international standards are urgently needed. There should be more investment in building the media sector's professional standards including covering the election process.



## **Section 5: Increase levels of inclusion especially of women**

### **Representation of women in political life**

- A set of special temporary measures should be clarified and provisions introduced to ensure the full implementation of the quota in future elections. Measures should go beyond quotas and include training support to women candidates, subsidies or financial assistance and when elected support to establishing themselves in parliament. Penalties should be imposed on administrative bodies that fail to meet minimum quotas.
- Women should be fully represented in future discussions on the elections and networks such as the Goodwill Ambassadors formalized so they are able to operate more fully prior to future elections.

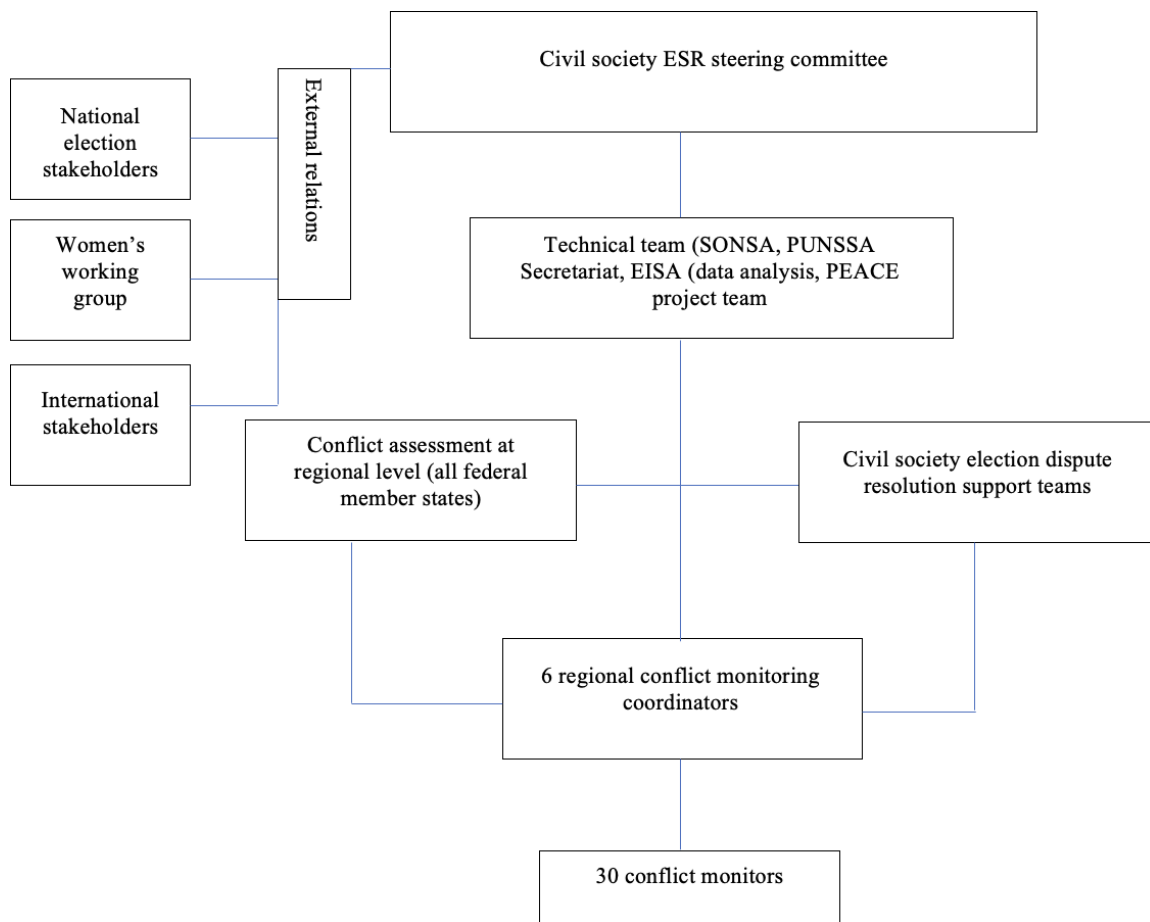
## **Section 6: Improve independent and affordable right of appeal for anyone that seeks redress to an administrative decision**

### **Complaints and appeals**

- Stronger safeguards need to be put in place to guarantee an independent and affordable complaint and appeals, as well as dispute resolution mechanisms ensuring access to the right of appeal that includes legal expertise.
- When feasible the courts should be the appropriate institutions for decisions on the final right of appeal against an administrative decision.
- A range of penalties for infringements to rules and regulations related to elections should be clearly outlined in legislation allowing for proportionate responses to violations.

## Annexes

### Annex item 1: Election Situation Room organizational chart



**Annex item 2: Monitoring form for the Lower House election**

These forms were devised for data collection throughout the election process. Conflict monitoring teams were trained on conflict mapping, data collection and analyses, the electoral process, and assessment procedures and codes of conduct, recording data and report writing prior to their deployment. In total there were 30 conflict monitors and 6 regional coordinators that relayed information to data teams in Mogadishu for aggregation and analyses.

Conflict triggers monitoring		
		<b>Time of arrival</b> :
		<b>Time of departure</b> :

Team Names	Federal member state	Location of polling site	Name of clan and subclan seat is assigned to	Date of election	HOP seat number	Time of election start and end
				___/___/___	HOP_____	24 hour 00:00_____

Voters		Not Known/NK		
		Yes	No	N/K
1	Were the names of the 5 members of the electoral delegate selection committee published prior to the election commencing?	1. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Did the electoral delegate selection committee consist of 3 elders, 2 civil society members? <i>(if no please explain on reverse)</i>	2. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Did the electoral delegate selection committee include 1 woman (if no please explain on reverse)	3. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Did the electoral delegate selection committee receive training prior to the election?	4. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Did the SEIT verify that the 101 members of the electoral college were the ones selected by the electoral delegate committee?	5. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Were the 101 electoral delegates present?	6. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Of the 101 electoral delegates were there 51 elders?	7. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Of the 101 electoral delegates were there a minimum of 30 of these women?	8. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Of the 101 electoral delegates were there a minimum 20 of these youth?	9. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Was there a quorum of at least 81 electoral delegates present at the time of voting?	10. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the 101 electoral delegates receive training prior to the election?	11. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Was intimidation or disruption monitored inside the polling centre?	12. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Candidates				
13	How many candidates contested the seat?	13. _____		
14	Please provide a breakdown of men/women candidates	14. No. of men _____ women _____		
15	Was the seat contested by all women candidate? (Reserved only for women)	15. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Were there any complaints from any candidates that they were denied access to the polling centre? <i>(If yes please explain)</i>	16. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Could all candidates freely meet with the electoral delegates?	17. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voting processes				
18	How many SEIT officials are present overseeing the voting process?	18. No. of men _____ women _____		
19	Did SEIT issue all of the 101 electoral delegates a voting card at the polling centre?	19. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the SEIT verify the name of the delegates against a verified list of delegates before issuing the voting card?	20. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Were candidate agents present? <i>If yes, please specify how many in comments</i>	21. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Were domestic election observers present? <i>If yes, please specify name of organisation</i>	22. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	Were media representatives present? <i>If no please specify if there were any problems with access</i>	23. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	Did the SEIT officials set up the voting area to provide for secrecy of the ballot?	24. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25	Was any essential material missing? <i>If yes, please specify in the comments</i> Ballots <input type="checkbox"/> Ballot Box(es) <input type="checkbox"/> Booth(s) <input type="checkbox"/> Forms <input type="checkbox"/> Seals <input type="checkbox"/>	25. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
26	Were the names of the 101 electoral delegates clearly called out by the officials to allow them to vote?	26. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27	Did you monitor anyone voting without being checked against the list of registered electoral delegates? <i>If yes please specify in the comments</i>	27. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28	If electoral delegates were allowed to vote without being on the register or checklist were the voters asked to produce documents to prove their identity?	28. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
29	Were there incidents of people being assisted to vote? <i>(if yes please specify in comments the number of times (xxx out of 101) and the context.</i>	29. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
30	Were the ballot boxes locked and kept in a visible place?	30. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
31	Did you observe any breach to the secrecy of vote? if yes please specify in comments	31. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
32	Did you observe any minors voting?	32. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
33	Were there any signs of undue influence on voting intentions? money/payments _____ incentives (gifts etc.) _____ intimidation _____	33. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Counting and results triggers</b>					
34	Were the ballots counted in clear view of electoral delegates?	34. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
35	Were the ballots counted in clear view of election observers, monitors or media?	35. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
36	Were the results clearly announced?	36. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
37	Did a women candidate win the seat?	37. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
38	The results of the ballot. Number of votes received for each candidate.	Names of candidate	No. of votes received	Man/woman	Clan and subclan
		1st			
		2nd			
		3rd			
		4th			
	Spoilt ballots		-	-	
39	Did the electoral delegates accept the result announced?	39. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
40	Did the competing candidates accept the result announced?	40. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
41	Were security services present in and outside of the polling centre acting in a professional manner and not interfering with the voting and counting process?	41. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
42	Has any formal complaint been recorded by polling officials up until the time you left the polling centre? <i>If yes, please specify in comment</i>	42. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Overall process</b>					
43	Very Good: Procedures properly followed Good: No significant problems Fair: Problems – But not sufficient to affect the outcome Poor: Problems – May affect results	a. <input type="checkbox"/>	b. <input type="checkbox"/>	c. <input type="checkbox"/>	d. <input type="checkbox"/>

**Item 3:** Pre-election weekly conflict assessment report form

**I. Data Collection Information**

1. GPS
2. Period of Report: From: To: (dd/mm/yy):
3. Coordinator area of deployment:
4. Name of Coordinator: Gender: Male/Female
5. Coordinator Contact number:
6. Name of Assessor: Gender: Male/Female
7. Assessor Contact number:
8. Assessor's area of coverage:

**2. Causes of election-related conflict in the region**

- Selection for electoral delegates
    - What is the nature of this conflict?
    - Who was involved:
    - What is the impact of this conflict?
  - **Discrimination against women candidates**
    - Who was involved?
    - State authorities
      - Indicate the type of state authorities:
        - a) Police
        - b) Local government
        - c) Soldiers
    - Clan leaders
    - religious leaders
    - Other candidates
    - Public
    - Election Committees
    - delegates
    - Other (please specify)
    - Further comments:
  - **Disagreements about the composition of electoral committees**
    - Who was involved?
    - What was the impact of this conflict?
    - Further comments
  - **Exclusion and disenfranchisement**
    - Who was involved?
    - What was the impact of this?
    - Any comments:
- 1. Causes of insecurity in the region**
- Attacks by extremists
  - Attacks by militia groups
  - Desire to expand land territories by individuals or clans
  - Competition over resources
  - Division between communities
  - Clan-inspired revenge
  - Other (please specify)

**4. Who have been the main perpetrators of conflict in terms of organizational/party affiliation and demographic during the reporting period?**

- Youth
- Clan leaders
- Extremists
- Militia Groups
- Criminals
- Women
- State Authorities
- Media
- Social media
- Others (please specify)
- Any comments

**5. Who have been the main victims of and most affected by conflict in terms of organizational/party affiliation and demographics (gender, ethnicity, religion, etc.)?**

- Male
- Female
- Children
- Clan leaders
- Religious leaders
- Women Candidates
- Male Candidates
- Delegates

-Male delegates

-Female delegates

- Others please specify)

**6. During the reporting period have observed any local stakeholders contributing towards mitigating conflicts?**

Yes / NO

**If yes, which group contributed to the mitigation of the conflict?**

- Religious leaders
- Clan elders
- Ministry of Interior
- FIET
- SIET
- IEDRM
- CSOs Election Dispute Resolution Teams
- Others (please specify)

**7. a. During this period have you heard of or witnessed any conflict mitigation programs or international assistance programs operating in your area of assessment?**

- YES
- NO

**7 b. If yes, list them**

**7 c. What effects did they have on conflict mitigation? Give details**

**8. Which Stakeholders have you consulted with during the reporting period?**

- CSOs
- MOI
- Regional Electoral Committees
- Ministry of Women
- Clan elders
- Religious leaders
- Media
- Dispute Resolution Committee
- Civil Society Election Dispute Resolution Support Teams

**9. Were there any electoral disputes assessed during the reporting period?**

- YES
- NO

**If yes, were they resolved?**

YES

NO

**If yes who contributed to the resolution of these disputes**

- IEDRC
- SIET
- FIET
- CSOs
- Religious leaders
- Clan leaders

**If No, why**

- Referred to (SIET, FIET, IEDRC, clan leaders)
- Ignored
- Intimidation

**9. Were there any complaints raised during the reporting period?**

Yes, No

If "yes"

**Who raised the complaints?**

- Delegates
- Traditional elders
- Women groups
- Candidates

**11. What was the complaint about? please explain \_\_\_\_\_**

**12. Did the EDRC address the complaints?**

- Yes
- No
- I don't know

**Comments?**

**Annex item 4:** Bibliography

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