



UCL

International Election
Observation Mission

The limits of consensus?

**Report on the Somaliland
Presidential Election,
13th November 2017**

by Michael Walls, Conrad Heine, Andrea Klingel, Carrie Goggin, Ahmed Farag, Susan Mwape with input from Rooble Mohamed and Short-Term Observers.

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Consulting with experts



INTERNATIONAL ELECTION OBSERVATION

Presidential Election Somaliland

A large, bold, red number "2017" is positioned to the right of the title, partially overlapping the word "Somaliland".

Development Planning Unit | The Bartlett | University College London
34 Tavistock Square - London - WC1H 9EZ
Tel: +44 (0)20 7679 1111 - Fax: +44 (0)20 7679 1112

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March 2018

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List of acronyms and abbreviations

- ACDEG - African Charter on Democracy, Elections and Governance
 ACHPR - African Commission on Human Rights and Peoples' Rights
 ADR - alternative dispute resolution
 APD - Academy for Peace and Development
 BBC - British Broadcasting Corporation
 CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women
 CSO - civil society organisation
 DPU - Development Planning Unit
 EMC - Electoral Monitoring Committee
 ETF - Election Task Force
 FCO - UK Foreign and Commonwealth Office
 IEOM - International Election Observation Mission
 Kulmiye - Peace, Unity and Development Party
 LTO - long-term observer
 NEC - National Electoral Commission
 NGO - non-governmental organisation
 NORDEM - Norwegian Resource Bank for Democracy and Human Rights
 OAU - Organisation of African Unity
 ODIHR - Office for Democratic Institutions and Human Rights
 OSCE - Organisation for Security and Cooperation in Europe
 RFI - Radio France Internationale
 SOLJA - Somaliland Journalists Association
 SONSAF - Somaliland Non-State Actors Forum
 SPU - Special Protection Unit
 STO - short-term observer
 UCID - Justice and Welfare Party
 UCL - University College London
 UCLC - UCL Consultants Ltd
 UDHR - Universal Declaration of Human Rights
 UDUB - United People's Democratic Party
 UNDP - United Nations Development Programme
 VPN - virtual private network
 Waddani - National Party
 WIJA - Somaliland Women in Journalism Association

Executive Summary

This report presents the findings of the International Election Observation Mission (IEOM) to Somaliland's third presidential election, held on November 13th 2017. The election saw three candidates competing to replace the incumbent, Ahmed Mohamed Mohamoud 'Silanyo' of the Kulmiye ('Peace, Unity and Development') party; Abdirahman Mohamed Abdullahi 'Irro' for the Waddani ('National') party; Faisal Ali Warabe for the UCID ('Justice and Welfare') party; and Muse Bihi Abdi for Kulmiye. Each ticket also included a vice presidential candidate.

The Development Planning Unit (DPU) at University College London (UCL) and Somaliland Focus (UK) were invited by Somaliland's National Electoral Commission (NEC) to act as coordinators of the mission, which was funded by the UK Foreign and Commonwealth Office, and project-managed by UCL Consultants Ltd (UCLO). The mission followed previous election observation missions by DPU and Somaliland Focus (UK) in 2005, 2010 and 2012, as well as observation of the voter registration process that preceded the 2017 poll.

Somaliland's success in establishing a viable political system that combines customary structures with the representative electoral mechanisms of the nation-state has been impressive, especially given the lack of international recognition of Somaliland as an independent nation. The 2017 election took place after considerable delay caused by technical and political challenges and drought and was preceded by the rolling out of a new voter registration system utilising biometric iris scan technology, designed to combat multiple voting issues that had compromised past elections.

The IEOM observed the elections in line with relevant regional and international benchmarks for observation of elections, including the African Charter on Democracy, Elections and Governance, and in line with the legal framework for the conduct of elections in Somaliland. The mission was conducted in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, ratified by the United Nations in 2005.

The mandate of the IEOM was to observe, gather information and report on the election, whilst maintaining strict independence, impartiality and professionalism. Observers were trained to avoid interfering in the electoral process, but to report accurately and methodically. Press releases and public statements were carefully worded to ensure impartiality and to reduce scope for misinterpretation.

The mission assembled a team of 60 observers from 27 countries, selected to balance gender, nationality and relevant experience. This included a five-member Coordination Team (Chief Observer, Election Analyst, Legal Analyst, Media Coordinator, Logistical Manager), which made logistical arrangements and observed pre- and post-election activities as well as election day itself and including campaigning activity.

After intensive training in Hargeisa, the observation team deployed across Somaliland for election day, covering all six regions of Somaliland and 17 of the 21 districts, observing in 355 polling stations (22% of the 1,642 in operation), covering a mix of urban and rural locations as far west as the town of Seylac and surrounding rural areas and as far east as Erigavo, Las Anod, Xudun, and surrounds.

Opening procedures were observed in 27 polling stations, closing and counting in 30 stations and tabulation in 12 tallying centres. The mission was able to report a largely peaceful and well-organised polling day in areas observed, albeit with some concerns, including around inconsistencies in polling station management, some irregularities in the voting process, such as the issuing of unstamped ballot papers, and the prevalence of under-age voting.

The mission noted delays in tabulation and collation of results, which contributed to a tense situation in the days following the election, as rumours about results and allegations of electoral malpractice circulated, despite a ban on access to social media networks. The situation led to some violence, tragically including fatalities. At one stage, opposition party Waddani suspended its cooperation with the NEC and demanded that votes be recounted. Ultimately, Waddani's leadership agreed to accept the results for the sake of Somaliland, while still maintaining they were incorrect, and on November 21st the NEC announced that Muse Bihi Abdi of Kulmiye had won the election.

The IEOM concluded that irregularities observed were not of sufficient scale or pattern to have impacted the final result and notes that no complaints were presented formally to Somaliland's Supreme Court, despite the many grievances aired. Throughout the election period, Somalilanders demonstrated their support for the rule of law and constitutional process, voting peacefully and in significant numbers and the mission applauds this ongoing commitment to peaceful participation in an impressively open electoral system.

However, the post-poll problems were deeply disappointing, and tension remains, with continued deep rifts emphasising the challenges still ahead in negotiating the transition from customary structures to representative nation-state politics.

As Somaliland continues its political journey, the IEOM makes a number of recommendations, including that the NEC and Somaliland government strengthen the legal bodies supervising campaigns and elections (especially formal dispute procedures); improvements to civic education and training for polling staff, political

parties and voters; better transparency around the electoral process; that political parties use formal dispute resolution structures, improve female representation and refrain from inflammatory campaigning; that legislation be improved to ensure freedom of expression; and that campaign spending limits be introduced to improve the fairness of the contest. While underage voting remains a significant problem, the most obvious means of effectively addressing that lies in maintaining and updating the voter register so that its role as a comprehensive register of eligible voters improves with each future election.

1. Introduction

On 13th November 2017, Somaliland held a presidential election, its third since declaring independence from Somalia in 1991. This latest election saw three candidates competing to replace the incumbent, Ahmed Mohamed Mohamoud 'Silanyo' of the Kulmiye ('Peace, Unity and Development') party, who had chosen not to stand: Abdirahman Mohamed Abdullahi 'Irró' for the Waddani ('National') party; Faisal Ali Warabe for the UCID ('Justice and Welfare') party; and Muse Bihi Abdi for Kulmiye. Each ticket also included a vice presidential candidate: Abdirahman Abdullahi Ismail 'Saylici' stood for Kulmiye; Mohamed Ali Aw Abdi for Waddani; and Ahmed Abdi Muse Abyan for UCID.

The Development Planning Unit (DPU) at University College London (UCL) and Somaliland Focus (UK) were invited by Somaliland's National Electoral Commission (NEC) to act as coordinators of the international election observation mission (IEOM). The mission was funded by the UK Foreign and Commonwealth Office (FCO) and was contracted and project-managed by UCL's consultancy company, UCL Consultants Ltd (UCLC).

The involvement of both DPU and Somaliland Focus (UK) followed their participation in previous observation missions to parliamentary elections in 2005, the presidential election in 2010, district and council elections in 2012 and the voter registration process in 2016 and 2017. These missions were led by Progressio, a UK-based non-governmental organisation (NGO) working in Somaliland, which ceased operations in early 2017. Thus, DPU stepped into the leading role for the 2017 mission, joined by UCLC for the first time. Ultimately, the IEOM saw 60 members from 27 countries observe polling stations across all six of Somaliland's regions.

Reports of the previous missions are available on the Somaliland Focus (UK) website (www.somalilandfocus.org.uk).

1.1 The Development Planning Unit (DPU) at UCL and Somaliland Focus (UK)

The Development Planning Unit (DPU) is an inter-disciplinary unit operating within University College London (UCL). It offers taught postgraduate courses and research programmes and undertakes consultancy work in international development. The DPU's mission is to build the

capacity of professionals and institutions to design and implement innovative, sustainable and inclusive strategies at the local, national and global levels, that enable those people who are generally excluded from decision-making by poverty or by their social and cultural identity, to play a full and rewarding role in their own development.

Over the past years, DPU staff, particularly Dr Michael Walls, have maintained a strong involvement in development-related interventions in the Horn of Africa, and most specifically in the Somali areas.

Somaliland Focus (UK) was established in 2005 to raise awareness of the democratic achievements of Somaliland. Its members are individuals with personal and/or professional interests in Somaliland, including those from the Somaliland diaspora in the UK.

DPU and Somaliland Focus (UK) do not take a position on the international recognition of Somaliland, as we regard this issue as beyond our mandate. At the same time, we welcome the increased stability, security, and accountability to citizens, which has in part been supported by the development of institutions of representative democracy in Somaliland. Democracy is about more than just elections - but elections are a vital part in establishing a legitimate system of representation.

1.2 International Election Observation Mission (IEOM) and elections

International election observation missions seek to provide as comprehensive, independent and impartial an assessment of electoral processes as is possible given the context in which they operate.

Elections provide a means for the citizens of a country to participate in the selection of their government, on a basis that is established by law. Governing institutions have democratic legitimacy when they have been granted authority by such a process to govern in the name of that population, who in turn hold them accountable for the exercise of their authority through genuine and periodic elections. That is the essence of legitimate, democratic, representative government. The right of eligible citizens to stand for election and to vote in accordance with their genuine preference in periodic elections, under reason-

able laws governing that eligibility to vote, is therefore an internationally recognised human right.

It is simultaneously the responsibility of voters, political candidates and party activists and officials to exercise the right to stand for election, to campaign and to vote within the reasonable restrictions of the law and in a peaceful manner in which the best interests of the population as a whole are respected.

Election observation seeks to enhance transparency and accountability and, therefore, to promote public confidence in electoral processes. In so doing, it can also promote electoral participation. This in turn should mitigate the potential for election-related conflicts. The converse is that election observation can reveal flaws in the electoral process and reveal scope for improvement. As such, an IEOM seeks to make a positive contribution to a given electoral process, without interfering in its conduct and without purporting to validate a specific result.

Missions operate under the remit of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers. These were ratified by the United Nations in October 2005, and are endorsed by 52 intergovernmental and international organisations, which are engaged in the process of supporting and constantly improving the practices associated with international election observation.

The Declaration of Principles represents an internationally respected commitment to assuring the integrity and transparency of international election observation missions. The 2017 International Election Observation Mission in Somaliland was conducted in accordance with the Declaration of Principles.

The Declaration of Principles defines international election observation as:

- the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment;
- the impartial and professional analysis of such information;
- the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis; and
- the provision of recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in, and thus hindering, such processes (see UN, 2005: 2).

All observers on the mission signed a contract that explicitly committed them to adhering to this UN-mandated set of principles and code of conduct (see Appendix 2).

Figure 1.1. IEOM training. © Michael Walls



1.2.1 Mandate

The IEOM was deployed to observe Somaliland's presidential election on 13th November 2017 at the invitation of the National Electoral Commission of Somaliland (NEC). Under this mandate, DPU partnered with UCLC to organise deployment. The IEOM was and remains fully independent of the Somaliland authorities.

The IEOM observed the elections in line with relevant regional and international benchmarks for observation of elections, including the African Charter on Democracy, Elections and Governance (African Union, 2007; Organisation of African Unity, 2002), and in line with the legal framework for the conduct of elections in Somaliland.

Core funding for the IEOM was provided by the UK Government, through the Foreign and Commonwealth Office, although the mission was international in character, rather than a British mission as such.

The mandate of the IEOM was to observe, gather information and report, whilst maintaining strict independence, impartiality and professionalism. Observers were trained to avoid interfering in the electoral process, but to report accurately and methodically.

1.2.2 Structure

The IEOM (which deployed a team of 60 observers from 27 countries) was led by Dr Michael Walls of DPU in the role of Chief Observer.

A five-member Coordination Team was in place ahead of the arrival of the STO team, comprising:

- Chief Observer, Dr Michael Walls (New Zealand/UK);
- Election Analyst, Susan Mwape (Zambia);
- Legal Analyst, Ahmed Farag (Egypt);
- Media and Communications Coordinator, Conrad Heine (New Zealand/UK); and
- Logistical Manager, Andrea Klingel (Germany).

Support was provided by Carrie Goggin (USA) as Project Manager through UCLC, largely in London but also as part of the team in Hargeisa.

The responsibilities of the Coordination Team encompassed two main areas:

- making logistical arrangements for deployments of observers (usually described on IEOMs as 'core team' responsibilities); and
- holding meetings with election stakeholders and observing pre-election and post-election activities.

These latter activities are generally referred to on IEOMs as 'long-term observation', carried out by long-term observers (LTOs); the compressed nature of this mission and team meant that the Coordination Team carried out both core team and LTO responsibilities. Stakeholders met and consulted with in gathering the material necessary for pre-election and post-election assessments included the NEC, relevant government agencies, civil society, media and political parties.

The Coordination Team assembled in Addis Ababa on 18th October and relocated to Hargeisa two days later. The bulk of the IEOM, namely the 55 members who made up the Short-Term Observer (STO) team, as-

sembled in Hargeisa on 8th November. There, the IEOM team underwent intensive training prior to deployment, including briefings on the pre-election context provided by Coordination Team members, and by other electoral stakeholders, including civil society members and party representatives.

The IEOM membership achieved near-gender parity, with 47% women and 53% men. Observers were drawn from 27 countries across six continents and offered a wide mix of election observation experience and knowledge of Somaliland and the region. Countries represented included:

Argentina, Austria, Brazil, Canada, Denmark, Egypt, Estonia, Ethiopia, Finland, Germany, Ireland, Italy, Kenya, Malaysia, New Zealand, Poland, Portugal, Senegal, South Africa, Spain, Sudan, Uganda, UK, USA, Sweden, Switzerland and Zambia.

Initially the IEOM team included observers from the Somaliland diaspora, as had been the practice in previous election observations in Somaliland. However, on 16th October 2017, the NEC requested that no diaspora members be included, in order to avoid the potential for individual observers to be identified as allied with one or other of the parties contesting the poll. The late nature of this request, which the IEOM felt obliged to accept, as the invitation to observe was issued by the NEC, caused difficulties for the mission; financial loss as non-refundable flights had been booked and insurance had been paid; loss of interpreters as diaspora members assisted in previous IEOMs with interpreting; from a recruitment point of view as these observers had to be replaced at short notice; negative media coverage; and disappointment for diaspora observers who had previously worked on EOMs and had been trusted supporters of democratic elections in Somaliland.

1.2.3 Methodology

Once deployed in-country from 20th October 2017, the Coordination Team undertook an analysis of the political context, the electoral environment, the media environment and the legal framework through desk research, consultations with key stakeholders and direct observation. In the process of pre-election observation, the team met with the NEC (on many occasions), the three main political parties, government ministries and agencies, the police and national security and intelligence, the judiciary, civil society organisations (CSOs), media organisations, academia and other stakeholders. The team also observed campaigning from all three parties.

Ahead of the IEOM, all mission members were required to complete an online international election observation training course (designed by the OSCE Office for Demo-

Figure 1.2. IEOM team. © Mustafa Saeed



crotic Institutions and Human Rights) and to read an STO Handbook specifically assembled for the Somaliland IEOM. Observer training in Hargeisa was delivered over three days and covered aspects including the political history of Somaliland, cultural background, the legal framework, pre-election findings and the role of the media, as well as practical aspects of deployment, logistics and security. A mock polling station role-play allowed observers to test their understanding of election day processes. External presenters, including representatives from the political parties, domestic observer organisation SONSAF (Somaliland Non-State Actors Forum), other civil society organisations and the Electoral Monitoring Committee of the NEC provided further insight.

Observers were dispatched in pairs across the six regions of Somaliland, thus working in 30 two-person teams, with each team accompanied by Special Protection Unit (SPU) personnel in all areas apart from Hargeisa city. In order to cover polling day and post-poll processes fully, observers stayed between one and four days in the field, depending on their area of observation and the time it took to observe district and regional level tabulation, before returning to Hargeisa. While in the field, observers met with local stakeholders, including the NEC Commissioner assigned to each region, the SONSAF Regional Coordinator, police commander and village elders as far as possible prior to election day.

The focus of the IEOM on election day itself was to observe all activities and processes, including the opening of polling stations, the voting process, the closing of polling stations and counting process. Following the conclusion of polling, IEOM activities continued with observation of district and regional aggregation procedures at district and regional tally centres across Somaliland.

Figure 1.3. Dawn deployment. © Michael Walls



Observations during election day were reported back with the help of four different evaluation forms: one for opening of the polling stations, one for each polling station where voting was observed, one for closing of polling stations and the counting process, and the final one for the tabulation of results. In addition to the quantitative data, qualitative data was collected through comments entered onto the same forms, and through debrief sessions after election day, as well as through election day communications.

The IEOM issued a series of press statements during its observation of the elections (see Appendix 1). A press release on 27th October 2017 announced the arrival of the first observers in Somaliland. This was followed by a press release on 11th November 2017 to confirm the start of deployment of observers across Somaliland. The day after, an initial assessment of election day observations was issued congratulating the Somaliland people on a peaceful poll. In a further press release on 16th November 2017 the IEOM asked all parties to urge their supporters to accept the results once released and pursue complaints through legal channels. This request was reaffirmed in a further press statement on 17th November following post-poll unrest that led to the tragic loss of life. On 29th November 2017 the IEOM congratulated the new president in a press statement following the announcement of results by the Supreme Court.

A confidential preliminary report was submitted to the NEC on 20th November 2017 including preliminary findings of the IEOM, recommendations and conclusions relating to the election. It was issued while the process was still ongoing, and therefore reflected only the mission's observations up to the conclusion of the counting process at polling station and district level on 17th November.

1.2.4 Observation coverage

The IEOM covered all six regions of Somaliland, and 17 of the 21 districts, despite limitations in terms of the size of the team and lack of infrastructure in remote areas combined with vagueness of maps, which prolonged some journeys between polling stations. The IEOM reached as far west as the town of Seylac and surrounding rural areas and, with the first participation in a Somaliland election of some in the easternmost regions, as far east as Erigavo, Las Anod, Xudun, and surrounds.

For the first time in the electoral history of Somaliland, maps were available indicating polling station locations. However, the maps were not very precise and, especially in urban areas, the concentration of polling stations was too high to identify individual locations. Nevertheless, their very existence marked an advance that can be built on in future elections.

Rising to a double challenge: Organising an election observation mission on my first visit to Somaliland

By Andrea Klingel, Logistical Manager, IEOM Somaliland 2017

As an enthusiastic traveller and active human-rights advocate, I was beyond excited when I was appointed Logistical Manager for the IEOM to Somaliland's 2017 presidential election. Yet from the word 'Go', with such a compressed timetable, the challenge was apparent. Even with funding still to be signed off, we went full-stream ahead with the many preparations: advertising for, shortlisting, and putting a team together; sorting all their logistical requirements, visas, flights, and accommodation, all while compiling a training manual for observers on the side.

Adding to the challenge was the scale and scattered nature of the team eventually assembled (60 members from 27 different countries), and also that much could only be arranged once in Somaliland. Plus the fact that I am German. Despite more than a quarter century in the UK, I still fit the stereotype of expecting everything to be planned, prepared, organised and efficiently conducted.

So I had to 'think on my feet', problem-solve and stay solution-focused. It was a great relief to have such experienced, helpful and supportive colleagues, a description I can extend to the Somalilanders and Somaliland supporters I met in London and on the ground.

As it was to be my first time in Somaliland, I was very excited and curious, more so than apprehensive, despite worried reactions from friends who, like myself, were not (yet) familiar with the difference between troubled Somalia and peaceful Somaliland. I threw myself into the new culture ahead and went on a shopping spree to small Somali shops tucked away in South London side streets where Somali women happily took me under their wings showing me how to tie my hijab, how to colour coordinate hijab and dress, and how to dress modestly. Somali-style, they would try to draw me into political discussions about Somalia and Somaliland, but I was already aware how important our impartiality and non-partisanship were, thus able to wriggle myself diplomatically out of these sticky situations.

When I finally arrived in Somaliland, I immediately noticed the warmth and friendliness of people. I always felt welcome, even when presented with a dressed elbow by a young ministry official keen to avoid touching my hand. Everyone, including senior officials and ministers were very approachable, handing out their personal numbers and agreeing to meet us at short notice. And from the moment of exiting Hargeisa's airport, I was fascinated by the goats and camels roaming the streets, bearing their owners' cellphone details on their coats. A personal highlight was our visit to Hargeisa's camel market. I even tried camel milk, having heard of its benefits, but sadly, my stomach wasn't particularly appreciative.

I observed political campaigning, Somaliland-style: on a different scale to Europe, it was a wonderful, party-like atmosphere with noticeably big proportions of young people and women taking part, and we had to be careful not to subconsciously hum along to the catchy political party songs: that impartiality, again. The atmosphere was contagious, despite the risky behaviour: young people hanging out of car windows driving at speed, crowds of supporters atop overloaded buses.

Immediately, frantic preparations started for the arrival of the 55-strong observer team for their week on the ground culminating in the actual election day observation. We had to ensure that the team was trained, prepared and safely deployed across Somaliland to observe in as many areas as possible. The build-up to election day, managing the endless tasks, planning the deployment and also being aware that there were no second chances, made it one of the most intense experiences I have ever had.

But the whole team worked together, from the Chief Observer lying at 5am under 4-wheel drives replacing number plates with NEC plates, colleagues answering the phone every hour to observers ensuring their safety and recording their initial feedback, to our observers in the field battling with SPUs and drivers demanding more money. We all did our fair share to make this EOM a success, it was a team effort in every sense!

On the morning of E-day, once the last observers had been deployed and we were heading to our head-

quarters, I was very moved seeing long queues of Somalilanders waiting in the rising hot sun long before the polling stations opened for their opportunity to cast their vote. It became clear how much the elections meant to Somaliland.

I was even able to get to polling stations myself towards the end of the day. I was very impressed with how organised they were and with the meticulous and conscientious approach of staff, and it was also great to see a young female chair leading her otherwise male team calmly and confidently. Exhausted but happy about a successful day of election observation, we returned to the hotel after midnight once we had ensured that all observers who were still in the field had returned safely to their accommodation.

And it was a real buzz when the observers trickled back to Hargeisa, some after hours of bumpy journeys and not having showered for three days but all with big smiles on their faces. There was then a flurry of activities over the following couple of days, as we battled to get all the E-day data entered. We conducted debriefs, settled all expenses and bills and got everyone to the airport for departure.

Before we knew it, it was time to say good-bye to Somaliland, and what an incredible experience it had been. I have only a couple of regrets: one was not having had the time to get to know the short-term observers better who had some fascinating stories to tell and amazing experience and knowledge.

The other regret was not having been able to travel and see more of Somaliland. But I know I will definitely return, and I can't wait to explore this country, and to understand more about its people and culture.

The IEOM team observed 355 polling stations on election day, which represents 22% of the 1,642 in operation. Observers covered urban, rural and urban/rural boundary (peri-urban) locations in balanced proportion, with a split of 57% urban, 41% rural and 2% peri-urban locations. It must be noted that the greater distance between rural polling stations necessitates a trade-off between the objective of maximising the number of polling stations visited and that of visiting the widest geographical spread possible. Selection of polling stations for observation deliberately attempted to ensure the widest reasonable distribution in the knowledge that this would result in a lower total number observed.

1.2.5 IEOM approach to media monitoring and engagement

As in previous election observations, the IEOM both conducted its own media campaign and monitored media coverage of the electoral process, both internationally and locally, with the Coordination Team member serving as Media and Communications Coordinator (hereafter, 'Media Coordinator') responsible for both functions. However, the scale of the 2017 media effort was more ambitious than in past elections, with greater focus on a media policy to protect the IEOM's integrity, an increased social media presence, and a more

Figure 1.4. Somaliland map. © Michael Walls



thorough analysis of Somaliland's media landscape and election coverage.

There were three main aspects to the IEOM's media operation:

- Generating and coordinating media coverage of the IEOM;
- Supervising the IEOM's own relationship with the media (ensuring mission members adhered to media policy and did not compromise impartiality); and
- Monitoring coverage of the election campaign and the post-election period by media in Somaliland and elsewhere.

In addition, the Media Coordinator used the pre-poll period to gain a clear understanding of Somaliland's media landscape and to network with media stakeholders.

The media's crucial role in elections is noted in the OSCE Handbook on Media Monitoring for Election Observation Missions:

During any election, the media provide an invaluable channel of information between the contestants and the public. By providing an arena for public debate and informing citizens of the policies and platforms of candidates and parties, the media enable voters to make an informed decision when they cast their ballots. The importance of this last point cannot be overstated, as the ability of voters to make an informed choice is one of the key aspects of a democratic election (OSCE/ODIHR, 2012: 9).

Thus, monitoring of Somaliland's media during the election campaign and the aftermath of polling day was

an integral part of the IEOM. The Somaliland media's coverage of the election, and the relative balance it gave to the respective political campaigns, was monitored on a daily basis for one month from the start of the campaign on 21st October 2017 through to final results. As for past missions, a locally-based media analyst (who also translated IEOM media material into Somali) was engaged for this task.

Monitoring covered the scope of Somaliland's media: newspapers, television, radio and online, including social media. The IEOM also notes the separate media monitoring project carried out by the Somaliland Journalists Association (SOLJA) and the NEC, which assessed media compliance with the media code of conduct that had been put in place by the NEC for the duration of the election campaign, but which was not connected with the IEOM monitoring function.

Mission media policy

In order to preserve the integrity and impartiality of the mission, the IEOM implemented a strict media policy. This sought to ensure that mission communication with the media was conducted via the Media Coordinator, who acted as media spokesperson and facilitated interviews with other team members (mostly, but not exclusively, Coordination Team members).

Team members were briefed on the importance of ensuring that mission media guidelines extended to personal media, including social media, for the duration of the mission through to publication of the final report. In training, talking points (generally facts of the mission) and areas to avoid (especially political opinions about Somaliland and prejudging election conduct or result) were fully explained. Team members respected the policy, while continuing to speak to and write in the media, to the benefit of the IEOM.

IEOM media coverage

The mission's message was communicated primarily via regular press statements over the mission's duration on the ground and since, including for the launch of this final report. Four press conferences were held in Hargeisa, including an introductory press conference in conjunction with the National Electoral Commission (NEC) some days after the Coordination Team's arrival. Social media (especially Facebook and Twitter via @SomalilandFocus) was utilised to a greater extent than in past missions, with an STO team member also serving as social media editor, reflecting the particular local importance of social media. An extensive media mailing list was developed (building upon the list developed for previous missions), personal contacts made, and team members were encouraged to use their own contacts, for example in countries of origin.

Figure 1.5. Media coverage. © Ahmed Farag



Consequently, the IEOM was well covered in both local and international media, with Voice of America and BBC Somali (two international agencies very important locally) to the fore. Press statements were reproduced, mission members interviewed, and mission activities covered. International media also covered the mission directly, with the mission featured on (to name a few) BBC, Financial Times, Le Monde, RFI, Al-Jazeera, Radio New Zealand, Deutsche Welle, Bloomberg, the Finnish media, and more. Outside the mainstream media, the specialist publication Biometric Update also took an interest, thanks to the new voter registration system. Post-poll, team members have continued to ensure a regular stream of IEOM coverage.

With the press statements being (along with the press conferences) the first public indication of the IEOM's viewpoint at the various stages of the mission, particular care was taken in formulating their wording, which tended to be collaborative efforts between the members of the Coordination Team. Press conferences were open affairs, with good and lively scope for questions and interviews from media present. Several press releases were made in the days following polling day, reflecting the need to strike

a balance between timely release of initial findings from polling day (which, by election observation convention, needed to be before results were declared), conclusions based on later information, and in reaction to events.

Despite these efforts, the IEOM was at times subject to reporting that did not accurately reflect its findings; an example being a piece in the Financial Times, authored by the elected president, that described the election as having been "certified as free and fair by a 60-strong team of international observers" (Muse Bihi Abdi, 2017). The IEOM does not purport to 'certify' elections, and the term 'free and fair' is avoided in order to offer a more nuanced and constructive assessment of the strengths and weaknesses of the campaign, voting procedures, tallying and reactions of media and other stakeholders.

The Financial Times article appears to have been the source for further inaccurate representation of the IEOM's findings. The Media Coordinator addressed this and similar issues through social media posts, which pointed to the mission's press releases, and has continued to monitor media and social media following polling day and the declaration of results.

2. International election observation in Somaliland

The 2017 presidential election was the sixth poll held in Somaliland since 2002, following the two previous presidential elections in 2003 and 2010; one parliamentary election (lower house) in 2005; and two local council elections in 2002 and 2012. Each election was observed by members of the international community. Their assessments have been largely positive, albeit with significant caveats (Adan Yusuf Abokor et al., 2006; Kibble and Walls, 2013; Lindeman and Hansen, 2003; Rip and de Wit, 2003; Simkin and Crook, 2002; Walls and Kibble, 2011).

The most recent of these observation missions were funded by the British government and required close partnerships with civil society organisations and networks with Somaliland-specific expertise. For the 2005 parliamentary, 2010 presidential and 2012 local council elections, Progressio was invited by the NEC to facilitate and organise the IEOM and to report their findings. In 2010 and 2012, Progressio was joined by DPU and Somaliland Focus (UK) in forming an observation team, and with Progressio ceasing to operate in 2017, responsibility for organisation of observers for the presidential election observation passed to DPU and Somaliland Focus (UK).

At the presidential election held on 26th June 2010, the IEOM saw 59 observers from four continents and 16 different countries cover 33% of polling stations across Somaliland's six regions. The elections were found to be reasonably free and fair, although some problems were also noted in recommendations offered to the NEC and others in the final report.

On 28th November 2012, Somaliland held local district and council elections, with 2,368 candidates contesting 379 positions across the country. The IEOM covered the pre-electoral period, polling and counting on election day, as well as immediate and medium-term post-electoral processes. The outcome of the 2012 elections was determined to be peaceful; however, the team were unable to declare the election satisfactory as a result of significant and widespread irregularities (most significantly, including extensive multiple voting). Nonetheless, on balance, irregularities were assessed to have benefitted all parties, and the election was deemed to have represented a credible process in expressing the will of Somalilanders in electing the offices of local government and for party selection.

Election campaigning was competitive and pluralistic, with seven different parties and associations fielding candidates. Furthermore, with the age of candidacy lowered to 26, an unprecedented number of youth participated, with a significant increase in female candidates standing: while in the previous local elections in 2002, only five women stood, 140 did so in 2012, although only 10 were actually elected (For more detail on Somaliland political history and elections to 2012, see Walls, 2014).

On election day in 2012, most polling station procedures and staff were positively evaluated by observers. The NEC was responsive and effective in addressing problems and concerns effectively. However, the absence of a voter registry and weaknesses in related safeguards - primarily the inadequacy of the indelible ink used on voters' fingers to indicate their vote had been cast - made polling vulnerable to multiple voting. In advance of the next elections, the IEOM recommended that Somaliland adopt a robust system for voter/citizen registration, in order to deter fraud and improve confidence in the electoral process. We are delighted to note that such a register was completed prior to the 2017 election; a point which we address in more detail below and in a separate assessment (Schueller and Walls, 2017).

Figure 2.1. Indelible ink. © Kate Stanworth/Saferworld



2.1 Political background and elections

In May 1991, Somalilanders unilaterally declared the restoration of the sovereignty they briefly enjoyed between 26th June and 1st July 1960, and have sought international recognition of that sovereignty since. From 2001, a series of elections and electoral processes, including a constitutional referendum in 2001, have taken place in generally peaceful fashion. Notably, that succession of elections saw the orderly transfer of power following the 2010 presidential election, when the incumbent accepted defeat, and attended the ceremony in which he relinquished power to the victor. A rare event on any continent.

Somaliland's hybrid system of governance combines clan leadership with a representative democratic system. Parliament is bicameral, consisting of a lower House of Representatives and an upper house called the *Guurti* (council of elders). The House of Representatives and the *Guurti* each have 82 seats, with MPs in the lower house elected by popular vote, and *Guurti* members appointed by kinship groups. The *Guurti* has often been instrumental in consensus building and settling disputes.

In line with the Constitution of Somaliland, passed in 2001, only three political parties can be registered at any one time, and to contest parliamentary and presidential elections. Local council elections are used to determine the identity of those three parties, with those elections open to political associations and previously qualified parties, provided that each contesting organisation meets the rules established in relevant legislation, including payment of a substantial deposit. The three political entities that receive the greatest number of votes across all regions are deemed to be eligible to register as full parties and to compete in presidential and parliamentary elections. That system is intended to promote inter-clan dialogue and alliance.

In the 2010 presidential election, Ahmed Mohamed Mohamoud 'Silanyo', the candidate for Kulmiye, defeated the incumbent president, Dahir Riyale Kahin of UDUB and Faisal Ali Warabe of UCID (in the 2003 presidential election, Silanyo had been narrowly defeated by Riyale). The subsequent local council elections, which took place in 2012, ushered in Waddani, a new player (at the expense of UDUB) while retaining Kulmiye and UCID for the 2017 presidential election.

This latest presidential election was originally scheduled for June 2015. However, in March of that year the NEC called for a nine-month delay in those polls, in order to allow time for significant political and technical challenges to be addressed, including compilation of a voter register. Against this backdrop, the *Guurti* intervened by extending the tenure of the incumbent president by two years - to March 2017 - amidst protests from many

who viewed the nine months requested by the NEC as sufficient. The incumbent president was himself widely understood to be keen to see elections take place as early as possible.

In January 2017, the three political parties agreed to postpone the elections by a further three months. Although the NEC was technically prepared to hold the elections, the serious drought situation in Somaliland had displaced many citizens and would have had adverse effects on the issuance of voter cards and on voting itself, exacerbated by the policy requiring voters to vote at the locations at which they are registered. In March 2017, the NEC announced 13th November 2017 as the new date for the presidential election.

The November 2017 election constituted an important step in the consolidation of Somaliland's representative democratic institutions. The fact that the incumbent president was not contesting meant that there was certain to be a change in leader, which heightened political tensions, and two of the three candidates were contesting for the first time. The stiff competition between Kulmiye and Waddani was epitomised in the intensity of clan-based politicking, character assassination and isolated incidences of violence in the midst of the campaign. Yet the elections accorded Somaliland an opportunity to strengthen democracy and to demonstrate a culture of peaceful political transition.

2.1.1 Presidential candidates and political parties

Three political parties contested as follows:

| Candidate Name | Party Name |
|---------------------------|---------------|
| Muse Bihi Abdi | Kulmiye Party |
| Faisal Ali 'Warabe' | UCID Party |
| Abdirahman Mohamed 'Irro' | Waddani Party |

Of the three candidates, only Faisal Ali 'Warabe' had contested a presidential election before, although all three were well-known public figures. Abdirahman Mohamed 'Irro' had been Speaker of the House of Representatives for some years, and formed Waddani as a result of a split with Faisal Ali's UCID party. Muse Bihi Abdi is well known as a military commander from the days of the insurgent struggle against Siyaad Barre, and in relation to civil conflicts that erupted in Somaliland in the early 1990s, after the collapse of the Siyaad government.

Each of the parties draws on a combination of clan affiliations, which reflect long-standing lineage alliances. While those alliances are always subject to renegotiation, the broad shape of each support base is known by all Somalilanders, and serves to underpin the 'hybridity' of the political system, in which clan-based discourse precedes each election.

Figure 2.2. The three presidential candidates. © Kate Stanworth/Saferworld



2.1.2 Legislative framework for elections

The IEOM's aim was to provide an objective, impartial and balanced assessment of the electoral process in Somaliland. To achieve this, the mission assessed the constitutional and legal framework governing the election and its consistency with the international benchmarks for democratic and credible elections, which Somaliland has domesticated.

The regional and international instruments referenced include:

- The Universal Declaration of Human Rights (UDHR) 1948;
- The African Charter on Human and People's Rights; and
- The African Charter on Democracy, Elections and Governance.

Central to the legal framework that governs democratic elections in Somaliland is the 2001 Constitution. That framework further includes subsidiary legislation as follows:

- The Presidential and Local District Council Elections Law 2001 (as amended);
- The Voter Registration Law 2007, as amended in 2014 and renamed the Civil and Voter Registration Law (Law No: 37/2007);
- Somaliland Voter Registration & Election Regulations, Voter Registration & Election Code of Conducts; and
- The Political Parties/Associations Law (Law No. 14/2001) and its Amendments in 2011.

It was noted that the legal framework is generally compatible and in compliance with sub-regional, regional and international standards. However, the areas of party and campaign finance, and the rights of persons to vote were noted as needing attention.

The IEOM recommends consolidation of all the election-related laws (Presidential, Local, House of Elders (once issued), House of Representatives elections) in one comprehensive legislative package to facilitate accessibility to stakeholders and researchers.

Citizenship

Article 4 of the Constitution of the Republic of Somaliland states:

Any person who is a patriot of Somaliland who is

a descendent of a person residing in Somaliland on 26 June 1960 or earlier shall be recognized as a citizen of Somaliland...

Although the Constitution and Law No. 22/2002 lay down the grounds for Somaliland citizenship, there is no mention of specific ethnicity required for eligibility for citizenship. The legal framework only sets the date of independence as the main criteria to determine who is a citizen and who is not.

There are notable differences between men and women when it comes to citizenship rights. These differences are apparent in the law giving citizenship to any descendants of a male Somalilander resident in the territory of Somaliland on or before 26th June 1960, but

not to the descendants of a comparable female Somalilander. Other differences in treatment of males and females under law exist in how the law treats marriage to a foreigner and the conditions for acquiring and losing citizenship.

Inclusivity and equal suffrage are two important pillars of the democratic process. Although Somaliland is not a signatory (yet) to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or the African Charter on Human and Peoples' Rights, which forbid any discrimination on the basis of gender, the IEOM suggests the citizenship law be amended in order to be consistent with the obligations Somaliland has committed itself to in Article 10 (2), and Article 8 (1) of the Constitution.

3. Electoral institutions and stakeholders

3.1 National Electoral Commission (NEC)

Article 17(1) of the African Charter on Democracy, Elections and Governance (ACDEG) recognises the critical role of a competent, efficient and capable election management body, for the successful conduct or management of elections, which in Somaliland are conducted under the Plurality Majority System (First Past the Post), where a candidate with the highest number of votes is declared the winner.

The National Electoral Commission of Somaliland (NEC) is the body charged with the responsibility of managing and supervising elections in Somaliland. It is established under Article 11 of the Presidential and Local Council Elections Law No. 20.

The NEC is responsible for managing all the crucial aspects of the elections including: registration of voters, delimitation of electoral boundaries, conducting voter education, setting a specific election date in line with the Upper House (*Guurti*) decision on the term of the incumbent. The NEC draws its own budget and is accorded financial and administrative autonomy in the discharge of its mandate.

The NEC is supervised by its commissioners who are nominated, and subsequently appointed, through consensus from the political parties, legislature and executive. Nominations of the seven commissioners are made in the following proportions: the Somaliland President nominates two; the *Guurti* nominates two and each of the three registered political parties nominates one. Nominated commissioners are then ratified by parliament using an absolute majority system, which ensures transparency in the nomination process. The commissioners are given a five-year term.

The current commission was inaugurated in 2014 just before the commencement of the voter registration exercise, which was to be followed by the originally scheduled presidential election in June 2015.

Stakeholders expressed concerns over the tenure of office for the commissioners. It was pointed out that the legal provision of a five-year term is insufficient as it results in a loss of institutional memory, exacerbated by the practice of replacing most or all commissioners at once. The commission responsible for the 2017 election had only one member who had served in the previous commission.

The NEC has a decentralised structure which runs at polling station, district, regional and national levels. The NEC employs temporary staff to work in the polling station. Recruitment of polling staff is largely drawn from universities and institutions of higher learning competitively.

By and large, most stakeholders expressed confidence in the NEC. They described the NEC prior to the election as professional, impartial and capable of conducting credible elections. However, that consensus was lost in the post-election period, when the Waddani party in particular attacked the NEC, alleging procedural inconsistencies and ballot stuffing.

3.2 Legal bodies

In order to allow a communication channel between the NEC and the political parties, the Political Parties' Code of Conduct established an Election Task Force (ETF), comprised of representatives from the three political parties. The ETF also has an advisory role to NEC and an alternative dispute resolution function, whereby the ETF was intended to work closely to mitigate any potential conflict between political parties to resolve such conflicts through dialogue before escalation.

Given the importance of the ETF role, the IEOM noted the potential benefit of making the body a permanent entity and also in enhancing its legal status, providing it with more powers, including the right to issue decisions that are binding on political parties and backed with enforcement ability.

At the start of the IEOM, an Electoral Monitoring Committee (EMC) was already in existence, having been formed for the voter registration process. Although some personnel changed prior to the election, the EMC's functional and operational procedures remained similar throughout its existence. Chaired by Suad Abdi Ibrahim, previous Country Director for the NGO Progressio, the EMC was empowered to receive and assess formal complaints and to issue binding decisions, including the imposition of penalties. The EMC was based inside the NEC compound, and operated as a part of the NEC.

In our view, it would be advantageous if criteria were established for the selection of members of the EMC, ensuring the presence of different stakeholder representatives,

including representation from the judiciary, Public Prosecutor's office, media, CSOs, lawyers, religious leaders and customary elders. The IEOM also recommends that the EMC's role be enshrined in law, confirming its independence and its right to make and enforce binding decisions. Additionally, we see advantage in establishing the EMC as a permanent committee of the NEC.

Another potentially important alternative dispute resolution mechanism is traditionally offered in Somali society by ad hoc mediation committees, of which the most prominent for this election was an Eminent Group consisting of three ex-vice presidents, Abdirahman Aw Ali, Ahmed Yusuf Yasin and Hassan Isse Jama. The group was formed to offer a means of mitigating potential conflict between political parties and to assist in solving such conflicts through dialogue. In contrast to the ETF, the IEOM considers that the strength of this and similar groups resides in their informality, with the legitimacy of the group derived from the acceptance of the conflicted parties with regard to any role they might play. This approach has a strong foundation in Somali custom, and the group themselves were keen to reinforce their ad hoc nature to the IEOM.

In general, Somaliland's customary systems play a key role in supporting institutional arrangements. For example, communication between the NEC and the courts, and between the NEC and political parties each involve the extensive use of informal channels, as much or more than formal ones. The advantage of this is it can be faster and more efficient than relying on the channels of bureaucracy, but conversely, the lack of a structure to such procedures prevents formal recording and therefore limits public access. It also reduces the scope for the introduction of structural improvements to increase the efficiency of these organisations.

Such lack of clear structure and definite mandate made it very difficult, in some cases, to spot weaknesses and suggest feedback when needed. For example, the process concerning the decision to block social media from the late afternoon of polling day and for several days after, remained unclear for CSOs and other stakeholders. There was a lack of clarity around which entity issued this decision, whether it is issued from the competent authority or not, and on what legal points such decision was based, in order to be able to challenge it in court. (The social media ban is addressed more fully in Section 4.3.2.)

The relationship between the political parties and the NEC also often appeared to lack clear lines of communication designed to involve the political parties in NEC decisions. Although the ETF had an office in the NEC compound, and they worked closely as a channel of communication between the NEC and parties, there was no mechanism to ensure the involvement

of the ETF in the decision-making mechanisms of the NEC, and the parties themselves acknowledged that the flow of information back to the party from the ETF was patchy at best.

For example, while party representatives on the ETF were provided with a full copy of the voter register prior to the election, the IEOM's own enquiries revealed that it took more than a week for the register to reach the party itself in one case. There appeared to be considerable informality in internal party structures in general, which also affected communication flows in other instances.

For example, although the IEOM was informed of the impending introduction of a new procedural manual designed to provide a framework for dealing with challenges to the election results through the Supreme Court, these procedures were not available sufficiently in advance of the election for political parties to understand each step in the process and to make appropriate preparations. Indeed, while we were able to obtain a copy of the procedures, it was difficult to ascertain whether the copy we possessed remained a draft or had been formally adopted.

3.2.1 Electoral dispute resolution

The IEOM noticed that political parties largely refrained from filing official complaints with the EMC or through the courts. Although the dispute resolution system was in place, we noted specifically that:

- The NEC and EMC had a clear sequence describing the manner in which complaints were to be processed, but lacked detail of how each complaint would be heard, or the time frame within which the disputed parties could submit evidence or present a defence.
- While the EMC plays a vital role and has significant powers, this important role is undermined by the lack of an explicit mechanism by which the EMC decisions should be enforced.
- Although the IEOM was informed that there is a procedural framework outlining the process to be used in the case of any challenge to the presidential results through the Supreme Court, that procedural pathway was not available early enough to give political parties a chance to prepare for any potential court action.

The IEOM noted positively the role of the alternative dispute resolution (ADR) initiatives, such as the Eminent Group of ex-vice presidents. The ETF, which included representatives from each political party, also

appeared to be a potentially useful vehicle for avoiding or containing conflict. It is important to note that political parties generally tend to seek resolution of problems through dialogue, as is customary in Somali contexts. These customary channels were vital in addressing the discord that erupted on the evening of 16th November, when violent protests claimed several lives.

The Electoral Monitoring Committee

As noted above, the NEC established an Electoral Monitoring Committee, which was responsible for monitoring political parties in line with the political party code of conduct. The EMC played a crucial role in ensuring adherence to the code of conduct as well as the party dispute resolution prior to the election.

While the EMC is crucial to improved inter and intra party cohesion, there was a mismatch between the role of the EMC and the political parties' understanding and expectations of it. On the one hand, concerning the EMC guidelines on investigating any violations of the political party code of conduct, the EMC remained dependent on formal filing of complaints and provision of evidence by the complainants. On the other hand, the view was expressed that the EMC should have been more proactive in identifying and investigating violations. Some interlocutors stated that it was the perceived complacency of the EMC and the expectations that it be proactive that were behind the failure to submit formal complaints.

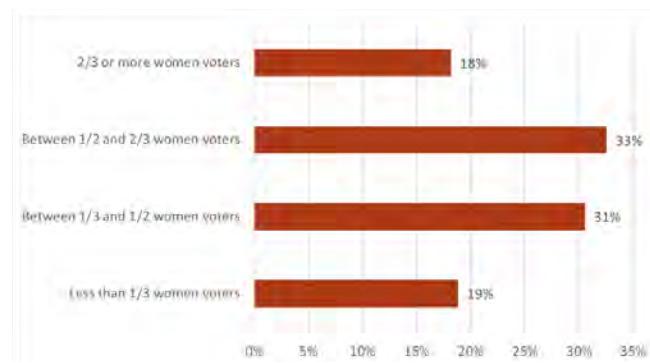
3.3 Civil society

Somaliland has an active civil society, and the Constitution of Somaliland guarantees freedom of association. The IEOM noted the good working relationship between civil society and the NEC especially in conducting civic and voter education. CSOs were also instrumental in facilitating the training of political party agents and observing the whole process. Organisations such SON-SAF, the Human Rights Centre Somaliland, SOLJA and Academy for Peace and Development (APD) played an active role in conducting voter education, training and deploying citizen observers.

3.3.1 Women's participation

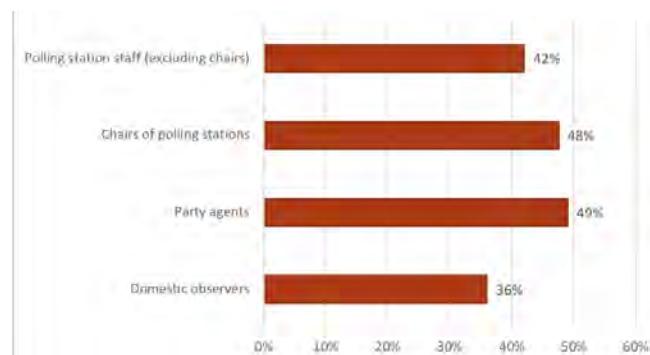
Women are largely marginalised in political and elective positions in Somaliland, and the country falls far short of the minimum ideal 30% threshold for female representation in political decision-making suggested by UNDP to achieve the critical mass necessary to effect meaningful improvements in women's political participation more generally (UNDP, 1995: 108-109).

Figure 3.1. Proportion of female voters observed by polling station.



While the Constitution of Somaliland has provision for the rights of women, there are a number of systemic factors that do not provide an enabling environment for women's participation. This is indicated by the low number of women in elective positions and key decision-making bodies such as parliament and cabinet. Among the key factors that limit women's participation is the absence of a legislative framework that provides affirmative action for women. The other is the inability of political parties to provide space for women within their structures.

Figure 3.2. Proportion of female officials observed by occupation.



Although women played a central role during the campaign period and as voters (and as polling station staff), systemic barriers and cultural limitations do not provide the requisite space for women to participate freely in the political spaces. The IEOM noted reports of some women being intimidated for supporting certain political parties. As an evolving electoral democracy, Somaliland should provide an enabling environment for more women's political participation and, specifically, representation.

3.3.2 Youth participation

Youth participation in the electoral process was very evident during the campaign period, with young people visibly the most vibrant campaigners. They were also in-

strumental in working as polling station staff and as domestic observers on election day. However, the absence of youth in some key aspects of the process such as civic and voter education was also notable. There therefore remains a need for favourable policies that enhance meaningful youth participation.

3.3.3 Participation of marginalised groups

There is no legal provision that focuses on the ability of people living with disabilities to participate in electoral processes, or those who are socially marginalised. While there is need for policies that provide an enabling environment for such groups, it is worth noting that the NEC did recruit some people with physical disabilities as polling station staff on election day.

The Somaliland population also includes a number of occupational caste groups, sometimes referred to collectively as *Gabooye*, but more specifically representing

groups who identify themselves as *Tumaal*, *Yibr*, *Madhiban* and *Musse Dhiriye* (Hill, 2010). Prevented by custom from intermarriage with the more numerous Somali clans, these caste groups have historically been associated with occupations including metalwork, leather work, hairdressing and other trades, and have experienced significant marginalisation in Somaliland society. This is strongly reflected in the political sphere, where the dominant clan groups have held a near-monopoly on political decision-making.

Amongst other features, the 2017 presidential election was notable for the inclusion - largely on the Waddani platform - of vocal supporters from these marginalised groups. However, they remain significantly under-represented in all political fora, and there remains no methodical effort to improve that situation. The possibility has long been discussed that quotas might be introduced for women and for those from the *Tumaal*, *Yibr*, *Madhiban* and *Musse Dhiriye* groups, but as yet no such measures have been introduced.

4. Media and the election

4.1 Media landscape in Somaliland

Somaliland has a challenging media environment: eleven newspapers, fourteen television stations, around 60 important websites and one (state-run) radio station. Both Somali and English-language media are active, with BBC Somali and Voice of America both particularly influential. While state media exists, private owners are the norm, and in general, the media is not noted for its impartiality.

Media regulation is weak, and the training environment for media poor. Social media wields enormous influence, particularly among Somaliland's youth, to good and malign effect: while it has grown hugely and hosts some of Somaliland's most influential voices, it has also given voice to 'fake news', which was a significant issue over the election campaign, and remains one (with the IEOM itself the target at times).

Thus, media monitoring is a particularly important aspect of the observation, in order to promote future best practice, for elections and in general. In this context, the IEOM saw a greater effort to engage with the local media landscape than on past missions, building on separate work by Somaliland Focus (UK) to foster greater media freedom in Somaliland.

From arrival in Somaliland, the Coordination Team, and especially the Media Coordinator, sought to build on past missions and work by Somaliland Focus (UK) and others to engage with and understand the media landscape: the challenges, the legal background, issues around media persecution and freedom of expression, the implications of the media code of conduct for the election period (with the imposition of the code itself, and monitoring of the media's, and the authorities' adherence to the code by SOLJA in conjunction with NEC both developments welcomed by the mission), challenges around social media and 'fake news', and issues of media quality and lack of training and resources.

Coordination Team members met with human-rights campaigners, media members, media organisations including the Women in Journalism Association (WIJA) and SOLJA, civil society and media advisers to extend the mission's media knowledge and contacts.

The Media Coordinator attended a pre-poll event focusing on 'fake news' in the election campaign, and co-

ordinated a roundtable meeting assembled by invitation of media stakeholders at the SOLJA offices, which was well attended and deemed to be valuable by attendees. Following this, the Media Coordinator spoke on the international view of Somaliland's media landscape at the SOLJA annual conference.

The roundtable discussion covered a diverse range of subjects, including media freedom, the legal environment, the international viewpoint, training and resources, and social media and fake news. Of particular note was its focus on the role of women in the media: the mission has concerns about, in particular, lack of access of female journalists to resources offered to male journalists, for example by SOLJA.

The IEOM was particularly concerned about the decision to suspend access to social media from the evening of polling day for a period of approximately one week. While concerns about inflammatory online material and the dissemination of false information and rumours in a tense environment were understandable, the implications for freedom of expression and local information generation were troubling.

However, the mission also notes positive developments, including the ground-breaking televised debate between the presidential candidates and the prospective launch of an academic course on journalism at the University of Hargeisa.

The IEOM considers the media code of conduct to have been a particularly important feature of the 2017 election in guiding media coverage of the campaign. However, it offers guidelines rather than guarantees on how the media should carry out its tasks and over the election media did not always follow the code to the letter.

Yet it represents a positive and necessary instrument in holding the media to account, something very much needed in Somaliland's media environment. It is notable that much discussion around the media and the election focused on the idea of a more permanent media code of conduct beyond the election. The IEOM supports this, and recommends enshrining the media code of conduct in law to ensure compliance from both media and government, extending its applicability beyond the election period and having it cover all media, including social media.

In general, attempts to regulate the media must be accompanied by more resources for media (especially training) and legal reforms to provide protection to journalists doing their job and to protect media freedom in general. These would all be positive developments for the media in Somaliland.

4.2 Media coverage of the election

In general, the IEOM noted improvements from past elections in editorial balance (both in volume of coverage and partiality of coverage). However, issues remaining around balance of advertising in the media, with the lack of campaign spending limits reflected by higher levels of advertising in the media for richer political parties.

Over a period of one month from the start of campaigning, around 13 local newspapers, 14 TV stations and 60 websites were monitored daily to examine how fairly they reported the election campaign as well as the election itself on polling day. How the media adhered to the media code of conduct throughout the election campaign period to polling day was also monitored.

In general, the media adhered to the code of conduct and fairly reported all political sides. Although the local newspapers had their own affiliations, (for example Dawan which is state-owned, Somaliland Today, which is owned by a Waddani official, etc) when it came to reporting, they were generally fair and gave a good picture of each day's campaign party and the highlights of the candidate's speeches. The media monitoring committee set up by NEC and CSOs including SOLJA was effective in noting breaches of the media code of conduct.

Figure 4.1. Media monitoring. © Michael Walls



Radio Hargeisa, the only state-owned radio station in Somaliland, gave a fair share of its coverage to each of the parties. As Radio Hargeisa is on air 12 hours each day, this was the arrangement during the campaign period:

- 25 minutes of news coverage of each party on its campaigning day
- 25 minutes of special programmes on each party during its campaigning day
- 20 minutes of reading each party's manifesto during its campaigning day

Those coverage conditions were well managed and monitored by the media monitoring committee (all parties had the right to submit a complaint to the committee).

State-owned Somaliland National Television, which is on air almost 24/7, also gave fair coverage in its programmes to the three parties under the supervision of the above-mentioned committee. It gave coverage of:

- News about each party's campaigning in all regions of Somaliland on its campaigning day, focusing on the region where the candidate was during that day;
- Full speeches of each candidate during their party's campaigning day (speeches were sometimes censored if deemed to contain insults to other candidates or individuals).

In the run-up to polling day, newspapers published infographic information on the voting process, including how to vote at polling stations. Infographics (produced by Hoggaamiye.org, an initiative of the Inspire Group, organisers of the pioneering televised presidential debate screened just prior to the start of campaigning) were also circulated via social media (although with relatively low viewing figures, despite the high level of social media usage among Somaliland youth especially).

Following polling day, there was a high level of live media coverage of the announcement of results and immediate reports of the reaction of the various political parties. The reaction and eventual acceptance of results by the opposition parties was also well covered, with a range of different views from editors and commentators.

However, the tense post-poll environment was also apparent in the media. Following publication by two sites, Hadhwanaag News and Balligubadle News, of abuse of the elected president and claims that results were rigged and illegitimate, the government ordered the telecommunications companies to block the two websites.

Following the new president's inauguration the courts ordered the ban lifted. Notable efforts were also made by the media to reduce tensions following the highly contested campaign, including publication of photos of the new president and the main opposition leader meeting and openly hugging at the funeral of a public figure.

4.3 Media freedom

4.3.1 Harassment of journalists and media outlets

Although freedom of expression is guaranteed under Article 32 of the Constitution of Somaliland, legal protection for media is weak (despite much debate about legal reform, the media is dealt with by criminal, not civil law), as is media regulation and training. Harassment and persecution of journalists and media bodies is a constant issue (albeit to a less serious degree than in Somalia, where numerous journalists have been killed), prompting concern from international media protection organisations including Reporters Without Borders, the Committee to Protect Journalists and Somaliland Focus (UK).

It is notable that even during the campaign, persecution of journalists was ongoing: the closure of Kalsan Television as a result of an apparently arbitrary decree by a government minister, despite the existence of the media code of conduct, was particularly concerning. Kalsan's permit was revoked and suspended after it was accused of twisting an incident in Las Anod where the Kulmiye presidential candidate was giving a speech and shots were fired during the event.

It is the IEOM's conclusion that Kalsan's reporting of the incident left something to be desired, but the way it was handled by the Somaliland government was not in line with the agreed code of conduct. Without any consultation or involvement from the NEC, the Ministry of Information took drastic action against the station,

moving to suspend its broadcasts (although the station continued to operate).

It is further regrettable that, under the new executive, persecution and harassment of media remains a feature of the Somaliland media landscape: at the time of writing, several post-poll incidents have been noted by the Committee to Protect Journalists, the Human Rights Centre Somaliland, and others (see CPJ, 2018).

4.3.2 Social media ban

The IEOM observed with concern the blockage of social media, from the late afternoon of polling day and for several days after, which had troubling implications for freedom of information and expression, which are important pillars of democratic elections. The decision effectively violated Articles 30 and 32 of the Constitution of Somaliland, as well as several international standards, including: The United Nations Human Rights Council Resolution A/HRC/RES/32/13, the African Commission on Human Rights and Peoples' Rights ACHPR/Res. 362(LIX), Art. 19 (2) of the International Covenant on Civil and Political Rights and others.

While the rationale for blocking social media was clear enough - namely, a desire to minimise the spread of rumours, conjecture and false news about results in the days in which counting and tallying was to take place - its effectiveness remains questionable. While it cannot be disputed that, rumours were rife through that period, the IEOM is of the view that the measure may not have achieved sufficient positive effect to justify the restriction of access to information. Indeed, with widespread circumvention of the ban through usage of VPN networks, our impression is that the ban was largely futile. Furthermore, as rumours continued to circulate, it could also be said that the ban potentially compromised one important means of debunking them.

The Human Rights Centre Somaliland attempted to acquire an injunction from the courts preventing the shutdown using similar reasoning, but was unsuccessful.

5. Pre-election observations/assessment

5.1 Voter registration

Somaliland's NEC is responsible for conducting voter registration and maintaining the voter register. The right to vote and be registered as a voter is guaranteed under Article 22 of the Constitution of Somaliland. Citizenship is a requirement for voter registration. The procedure for registration of voters in Somaliland is contained in the Presidential and Local Council Elections Law, 2001.

The only previous concerted attempt to register Somaliland voters prior to an election took place in 2008/9 and resulted in a major political crisis (Walls, 2009a). The registration process was marred by multiple registrations, with officials routinely ignoring procedures for the collection of photographs required for the facial recognition system, and for the collection of fingerprints from registrants (Grace, 2009; Mathieson and Wager, 2010). While that crisis was eventually resolved sufficiently to permit the 2010 presidential election to take place relatively smoothly (Walls and Kibble, 2011; Walls, 2009b), the register itself had been so discredited as to make it politically toxic and, in 2011, the House of Representatives elected to nullify it. These difficulties underlined the challenges the NEC faced in organising and implementing a new voter registration process.

Figure 5.1. Registered women. © Kate Stanworth/Saferworld



In January 2016, they started the process of creating a new register using biometric iris scan technology. Progressio, the DPU and Somaliland Focus deployed a mission that assessed the quality and legitimacy of the voter registration process at different points during the 2016–2017 period. Overall, the voter registration process was rated as highly successful, however challenges remained and the report with findings is available on the Progressio website (Schueller and Walls, 2017).

The advanced iris biometric technology used for the latest registration was hailed for its ability to deter multiple registrations, in contrast to the previous register's use of biometric fingerprint registration. At the end of the exercise, the result was a new register with 873,331 voters across the country, compared to 1,069,914 registered voters in 2010.

Overall, stakeholders commended the new register and expressed confidence and optimism that it would effectively deter previous problems of multiple registrations and voting.

The voter card distribution exercise following the registration of voters was undertaken sequentially in each region. Once the collection period had been established in a region, a deadline for card collection was set. In the end, a total of 704,089 registered voters collected their cards during the relevant card distribution periods. In other words, a little over 80% of Somalilanders who had registered were able to take part in the presidential election. While that proportion is credible, it also meant that 169,242 presumably eligible voters were denied the right to vote because they had been unwilling or unable to collect their cards. The NEC confirmed that there was no mechanism that would allow those registered voters to collect their cards.

It is also significant that there was no system available that would have allowed newly eligible voters to register once the registration window had passed in their region. The registration period started in Togdheer in January 2016 and concluded in Sool in September 2016, so there was a period of between 14 and 22 months, depending on which region prospective registrants were based in, in which no new registrations could occur in the lead-up to the election.

While it is not possible to ascertain the number of otherwise eligible voters who were unable to register, and therefore to vote, that number coupled with the number who did not collect voter cards does represent a significant flaw in the registration process, and represents a violation of the right to vote as guaranteed in Article 22 of the Constitution of Somaliland.

5.2 Civic and voter education

The African Charter on Democracy, Elections and Governance places a responsibility on the state to ensure systematic and comprehensive civic education in order to encourage full participation in electoral and development processes.

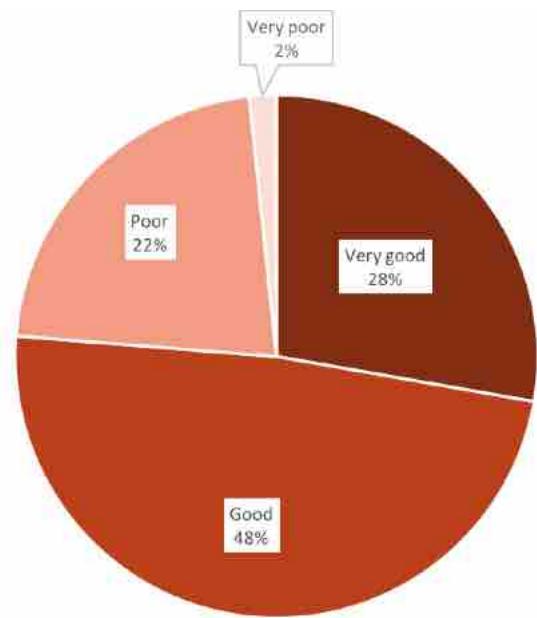
Article 15 of the Presidential and Local Councils Elections Law stipulates that the NEC is responsible for managing activities aimed at raising voters' awareness of electoral procedures. While the NEC worked with various stakeholders such as civil society and the media in conducting civic and voter education, there were varying views among stakeholders on the adequacy of the voter education.

Figure 5.2. Voter education. © Michael Walls



The NEC was responsible for developing materials, circulating messages and mapping areas as well as monitoring the process, which the NEC discharged to civil society and other electoral stakeholders. It was noted that the voter education might have been inadequate as a substantial proportion of voters on polling day required assistance to vote. While some must certainly have been illiterate, the extent of assistance requested in many polling stations suggested that some proportion of those must have been unfamiliar with procedures.

Figure 5.3. Levels of voter awareness of procedures as reported to observer.



The IEOM heard that the finances allotted to voter education were not sufficient to enable civic educators cover all areas. The NEC does not conduct the continuous civic and voter education which is central to improving people's understanding of voter processes.

5.3 Political parties and candidate nomination

The number of political parties in Somaliland is stipulated by Article 9 of the Constitution of Somaliland as no more than three. This measure is intended as an important mechanism for deterring clan-based politics by forcing clan groups into alliances that cover significant portions of Somaliland. The operationalisation of this limit on political parties is undertaken through the political parties' law.

The three parties that actually compete are dictated, in principle every ten years, by the results of what should be every second local council election (the most recent

of these being held in 2012). All established political parties and political associations that meet the legal requirements for registration are entitled to compete in local elections, with the three who attract the most votes from all the six regions gaining eligibility to register formally as parties and to compete in subsequent presidential and parliamentary elections. By design, there is no provision for independent candidates in any electoral contest - successful candidates from losing parties in local elections must transfer their membership to a registered party. Since 2003, Somaliland has experienced reasonably peaceful alternation of power between parties. Generally, political parties in Somaliland have fairly well developed institutional frameworks and national representation.

Nominations within the political parties are mostly clan-driven, and parties nominate their own candidates. In the event of any intra party disputes and conflicts, the NEC is mandated to help resolve such issues. As a means of enhancing party cohesion and consensus, the NEC has periodic meetings with the representatives (candidates) to update them on key developments. Further, the EMC monitors and ensures adherence to the political parties' code of conduct (which is not a legal document but is intended to govern the political party space and promote best practices). The IEOM noted the continued violation of this code by the parties, with both Kulmiye and Waddani penalised by the EMC for violating the code at different times.

5.4 Political campaigning

The campaign period for the 2017 presidential election commenced on 21st October 2017. Although the law provides for a campaign period of up to one month prior to election day, the campaign period was scheduled for 21 days. Each political party was given seven non-consecutive campaign days, with the whole day being dedicated to a particular party. The campaigns were largely peaceful with isolated incidents of violence, mostly in Hargeisa and Burco.

Some stakeholders, including the EMC, confirmed reports of violence, with some political parties being penalised by the EMC for violating the code of conduct. However, the IEOM noted the absence of strong mechanisms for compelling parties to respect penalties imposed by the EMC for violations of the code of conduct.

The IEOM noted the use of inflammatory and derogatory language by some of the candidates during the campaign period. In the second week of campaigning, Kulmiye and Waddani engaged in a divisive war of words and the two candidates used their respective campaign platforms to slander one another.

This approach was met with widespread public disapproval. The IEOM noted the critical role played by the NEC, eminent persons and civil society in ensuring that the negative rhetoric and divisive path along which the campaign was headed were halted, in the spirit of the Constitution of Somaliland, which states that it is unlawful for any political party to be based on regionalism and clannism.

Figure 5.4. UCID, Kulmiye and Waddani campaigns.

© Kate Stanworth/Saferworld



The campaigns mostly took the form of rallies and street mobilisation. Although held just before the commencement of the official campaign period, a particularly significant development was the historic first-ever televised presidential debate that featured all three presidential candidates, followed shortly after by a similar event featuring the vice-presidential candidates. The presidential debate in particular attracted a high level of attention and coverage, and was lauded as according the electorate an opportunity to understand better the parties' manifestos and plans.

Political parties and their supporters concluded their campaigns peacefully 48 hours before election day as stipulated by law.

5.4.1 Campaigning and campaign finance

Although the law provides for a campaign period of up to one month prior to election day, which was reduced to 21 days for this election, some political parties expressed a desire to reduce the amount of campaigning days further as a result of the high cost of campaigning.

The law also remains silent about the sources of campaign funding and does not specify limits on donations or expenditures. This undermines the equal opportunities principle of elections, and has ensured that the availability of finance constitutes a major factor in the political process. In essence, the wealthiest party possesses a significant advantage. The IEOM is of the view that there is a

need for regulation on spending limits for political parties. The absence of such limits tilts the playing field in favour of those with more resources.

The flow of money into politics, if not appropriately regulated, has the potential to distort the will of the people and thus the integrity of the democratic process. In this regard, Somaliland's legal framework suffers from two primary deficits: firstly, there is an inadequate normative framework regulating campaign finance; and secondly, there is extremely weak enforcement of existing legal safeguards. A robust funding regulation should include contribution limits, spending limits and mechanisms to monitor and impose penalties.

Figure 5.5. Kulmiye supporters. © Ahmed Farag



6. Election day observations/assessment

6.1 Opening of polling stations

At the start of polling day, the IEOM observed opening procedures for 27 polling stations across Somaliland, in both rural and urban areas. The majority of the polling stations opened on time with a full contingent of polling personnel. Domestic observers and political party agents were present in all the polling stations visited during the opening. The polling stations were laid out in a manner that allowed easy flow of voter and maintenance of ballot confidentiality.

Figure 6.1. Queue for voting. © Kate Stanworth/Saferworld



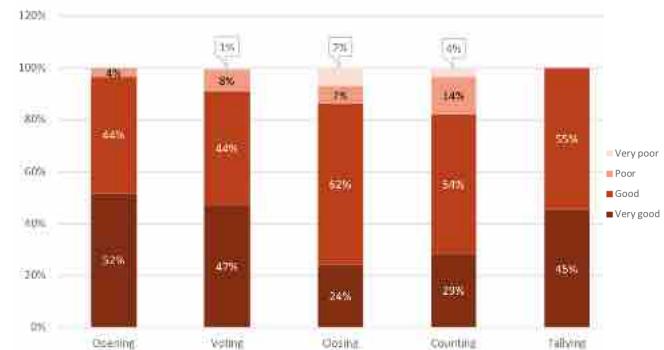
Some 92% of polling stations visited had all materials available by 6am. The IEOM was unable to ascertain the adequacy of quantities of materials because some of the polling officials did not follow procedure of taking stock of the received materials. Observers noted security presence outside most polling stations and described the security as generally adequate and discreet.

6.2 Voting process

A total of 355 polling stations were observed across the country. Of these 57% were in urban areas and 41% were in rural areas while 2% were on the urban/rural (peri-urban) boundary. The polling staff largely followed the set opening

and voting procedures. The polling stations visited were generally peaceful with a few incidences of intrusive and intimidating behaviour by some of the party agents.

Figure 6.2. Observer rating of quality of polling day processes.



The IEOM noted some inconsistencies in the management of polling stations. Some of the polling stations were closed for long periods of time, others closed during prayer times while others remained open. There was high voter turnout at the opening of the polls characterised by long queues. Almost half (48%) of polling stations observed had women as presiding officers, while 42% included female officials.

The mission noted some irregularities during the poll process. Some of the voters were issued unstamped ballot papers, there was some harassment of journalists filming around polling stations, some interference from NEC officials and underage voting, or the prospect of likely underage voting, was observed. Generally, voters were verified before voting.

The practice of voting by children under the eligible voting age of 16 has been a feature observed in past elections, and remained a significant problem in this one. While the voter register provided an excellent basis on which to prevent multiple voting, it had no ability to verify the age of the voter. Instead, polling station staff relied on their own judgement, the honesty of intending voters, and in cases where they felt compelled to act, on the honesty of parents, who were sometimes asked to swear on the Quraan that their offspring were of sufficient age to vote. This did not prevent numerous apparent and, in some cases, observed instances of underage voting.

It is also notable that, as the iris scan data was not used on polling day, it could not be employed to ensure that the individual presenting themselves to vote was definitively the same person as had registered. This was a consequence of the fact that there was not sufficient financial or human resource available on election day to deploy the necessary technology in each polling station. While that would have been a significantly more ambitious undertaking than the voter registration process itself, which was rolled out only on a regional basis and over a much longer period, it is important that available options for improving use of biometric data in future elections be considered carefully.

The IEOM noted a large number of voters who required assistance. It was observed that there were a lot of inconsistencies in how polling officials provided assistance. In some polling stations this was a source of contention as some presiding officers assisted voters and did not show the marked ballots to the political party agents and observers present in the polling station, while others did. While the set procedure is to display the completed ballot paper to all present, the IEOM notes that this undermines the secrecy of the vote for voters requiring assistance. In some polling stations, a clear majority of voters requested such assistance.

Figure 6.3. Casting ballot. © Kate Stanworth/Saferworld



Figure 6.4. Suitability of polling stations and procedures for disabled voters.

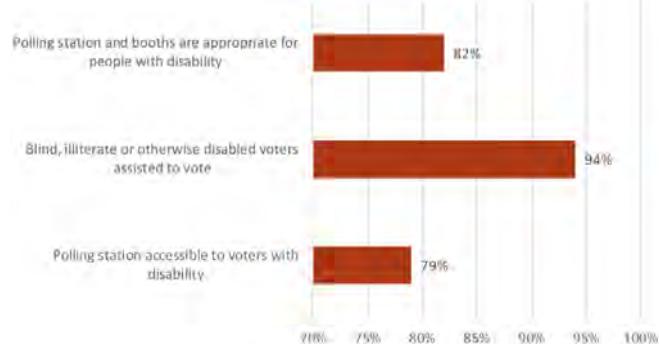


Figure 6.5. Checking register. © Kate Stanworth/Saferworld



Figure 6.6. Showing ballot. © Kate Stanworth/Saferworld



6.3 Closing and counting

The IEOM observed the closing and counting procedures in 30 polling stations. Most of the polling stations observed closed on time and counting of ballots took place at the polling stations. The environment was generally peaceful and orderly in most polling stations. However, due to non-adherence to procedures when opening polls, the reconciliations of materials and ballots proved challenging in some polling stations.

The closing and counting processes were also observed by the domestic observers, the media and party agents. The NEC was instrumental in ensuring that the process was transparent and that polling stations were accessible to authorised personnel. In general, the IEOM's impression was of a largely well-organised and peaceful polling day overall.

Figure 6.7. Party agents. © Kate Stanworth/Saferworld



7. Post-election observations/assessment

7.1 Tabulation of results

The mission observed tabulation in 12 tallying centres. The tabulation of results was conducted at district and regional level. After the closing and counting, results were sent to the district tabulation centres accompanied by the polling staff, party agents and domestic and international observers.

The observers noted many challenges at the district centres, most relating to miscalculation of results at the polling stations. The district officials were often forced to open ballot boxes and physically recount to get the correct numbers. The verification process significantly slowed down the tabulation process and took much longer due to provision of incorrect results by the polling station staff.

The IEOM commends the NEC mobile officials for providing timely support in the areas where such challenges arose. However, it must be noted that the delays in tabulation and collation of results contributed to the tense situation in the days following polling day: rumours were sparked especially among supporters of Waddani and led to sporadic violence, with tragic outcomes, in parts of Hargeisa and Burco, even though the NEC was within its timeline to announce results.

Figure 7.1. Observer evaluation of tally centres.

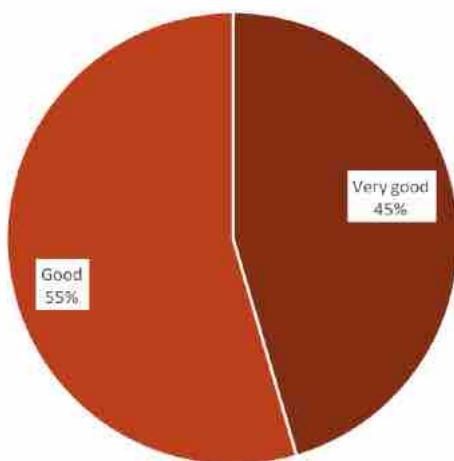


Figure 7.2. Tallying. © Kate Stanworth/Saferworld



7.2 Declaration of results

As per the legal framework, on 21st November 2017 the NEC Chairperson announced the provisional results of the presidential elections, which declared the Kulmiye candidate Muse Bihi Abdi as the winner. Although there were some sporadic incidences of violence and protests by the Waddani supporters during the tabulation process in Hargeisa, Burco and Erigavo, no formal complaints were filed challenging or petitioning the provisional results. On 13th December 2017, Muse Bihi Abdi was sworn in as President of Somaliland by the Chief Justice.

Below is a table showing the final results as issued by the NEC:

| Candidate | Party | Votes | Percentage |
|-----------------------------------|---------|----------------|-------------|
| Muse Bihi Abdi | Kulmiye | 305,909 | 55.10% |
| Abdirahman Mohamed Abdullahi Irro | Waddani | 226,092 | 40.73% |
| Faisal Ali Warabe | UCID | 23,141 | 4.17% |
| Invalid/Blank Votes | | 10,475 | - |
| Total | | 565,617 | 100% |
| Registered Voters/ Turnout | | 704,198 | 80.32% |

7.3 Post-electoral tensions and outcome

The period immediately following election day was marked by a great deal of uncertainty. While the official count proceeded according to plan, the social media ban appeared to have little effect. Rumours circulated widely and freely, with supporters from each of the two largest parties conducting their own parallel counts, and arriving, unsurprisingly, at very different results. Within a couple of days, there was wide speculation amongst Waddani supporters that they had won the election by some 20,000 votes, while in Kulmiye circles, speculation was that the margin in favour of Muse Bihi was about 80,000 votes.

As the days passed and everyone waited for an official announcement, tensions grew, and on the morning of Thursday 16th November, a Waddani delegation announced that the party was discontinuing their participation in the count until the NEC had addressed grievances, which they claimed had been ignored after being submitted to the NEC two days prior (Somaliland Informer, 2017; The National, 2017a). The complaints raised by the party included accusations of ballot box stuffing, in which ballot papers with the official NEC stamp had been completed in favour of Kulmiye after being validated. Waddani officials also produced a ballot book which they claimed had been forged, noting that the serial number for each ballot was the same, and accusing the Dubai-based company who had printed the ballots of complicity with the government in producing fraudulent versions.

Waddani's announcement that they were discontinuing cooperation with the NEC heightened tensions markedly, and protests broke out that evening amongst Waddani supporters in Hargeisa and Burco.

The protests were of relatively low-intensity in both cities, involving loose crowds of all ages and both genders, but with groups of predominantly young men throwing stones

and burning tyres. As the crowds failed to disperse, police opened fire, using live ammunition in Burco and killing between two and seven people (The National, 2017b). The protests lasted only a few hours, but the unnecessary deaths again heightened tensions, and Waddani dissatisfaction remained strong.

On the evening of the following day, Waddani candidate Abdirahman 'Irro' called for calm and agreed to renew cooperation with the NEC, and urgent discussions were organised (The National, 2017c). The subsequent five days were to see intense negotiations between Waddani officials and the NEC.

On 18 November, Irro held a joint press conference with the NEC Chair, Abdiqadir Iman Warsame, reporting on progress. In that press conference, Irro accepted that the ballot book that had been claimed to be fraudulent was in fact legitimate. Reports suggested that it had been removed illegally from a polling station in Berbera by a Waddani observer. On the same day, though, senior Waddani member, Mohamed Fadal, circulated a list of complaints from the party, that repeated the allegation that "a complete forgery book of ballot papers used by Kulmiye in Berbera" had been found. That document specified that the book was printed for polling station 505-3 in Berbera, but claimed that each ballot had been numbered '31' rather than each having a unique serial number.

One of Waddani's key demands was that votes be recounted in many areas, and the NEC agreed to do so in Hargeisa. However, when they declined to call a full nation-wide recount on Sunday 19th November, Abdirahman Irro again withdrew his delegates from discussions with the NEC. That withdrawal lasted only a few hours though, as rumours circulated that, given the Waddani withdrawal, the NEC was intending to press ahead with declaration of the preliminary result anyway. Once back at the table, the NEC agreed to delay the announcement until the following day, finally reaching agreement with Irro that he would accept the outcome for the sake of Somaliland. He still maintained, though, that the results were incorrect (Gobjoog News, 2017; Madal Furan, 2017).

Acceptance of the result by the opposition leaders opened the way for Muse Bihi's inauguration, which took place on schedule on 13th December. However, the deep rifts opened up by the post-election disputes remain close to the surface. Waddani supporters continue to maintain that the election result was fraudulent, and as late as 16th January 2018, were circulating a document entitled 'Somaliland Standing Committee for Social Renewal: A Response to the 2017 Election', repeating many of the earlier allegations and demanding that the UK government "disregard the unfair, highly disputed and flawed election results" (Somaliland Standing Committee for Social Renewal, 2018).

Figure 7.3. Polling day. © Kate Stanworth/Saferworld



8. Recommendations

Following its observations and consultations, the IEOM makes the following recommendations.

8.1 National Electoral Commission

- Maintain and update the existing voter register in a manner that allows the maximum percentage of eligible voters to participate in each future election to avoid unnecessary disenfranchisement of those eligible to vote.
- Establish the Election Task Force (ETF) as a permanent entity and enhance its legal status, providing it with more powers, including the right to issue decisions that are binding on political parties and backed with enforcement ability.
- Establish the Electoral Monitoring Committee (EMC) as a permanent entity, strengthening the body's enforcement ability and establishing criteria for the appointment of EMC members, including representation from the judiciary, Public Prosecutor's office, media, CSOs, lawyers, religious leaders and customary elders.
- Improve the training of polling staff, allowing for more time in training and focusing on developing a full understanding of electoral processes.
- Test polling staff to measure their level of understanding and capabilities before assignment.
- Assign trained legal support officials to the NEC sub-offices from the early stages of the electoral process to support in solving any electoral related disputes.
- A majority of NEC Commissioners should have legal, electoral or other relevant experience.
- Undertake measures to train political party agents and political parties to enhance understanding of electoral processes, especially the counting and tallying process to reduce disputes during those processes.
- Train polling station staff to improve detection of possible attempts at voting by people who are un-

der the eligible age, and to improve understanding and application of measures available to prevent underage voting from occurring.

- The NEC has to maintain transparency at all stages of the electoral process. For example, publishing the applications of each candidate to the public to make sure they met the legal requirements.
- Avoid future moves to restrict freedom of media, including social media.
- Issue a separate law (or a section in the comprehensive electoral legislation) for the NEC describing in detail its mandates, duties, criteria, jurisdiction, etc.
- Identify a specific percentage of the annual national budget as an endowment for the NEC to ensure that elections can be financed without representing an unexpected financial burden.
- Review and improve the existing training materials for polling staff to ensure effectiveness of results management and uniformity of all polling procedures.
- Conduct continuous voter education to improve awareness and knowledge among voters.
- Improve the results management system to reduce tension and suspicion.
- Strengthen the ability of the EMC to enforce penalties on code of conduct violations.
- Strengthen public engagement/ communication strategy with the media and electorate to provide for public awareness on election related issues.

8.2 Political parties

- Use formal dispute resolution structures for complaints.
- Adopt measures to improve women's participation and representation in elected positions.

- Refrain from the use of intemperate and inflammatory language during campaigning.
- Encourage members to participate in political activities in a peaceful manner.
- Provide timely and adequate training for party agents to help them understand their role in the process.
- Formulate affirmative policies that enhance the participation of women in politics and decision-making.
- Work with the NEC to conduct civic and voter education.

8.3 Women's organisations

- Lobby and campaign for enactment of legislation supporting women's participation in politics.
- Work with political parties to formulate policies that encourage affirmative action for women in politics.
- Formulate programs that promote and support women in politics and decision-making positions.

8.4 Other civil society organisations

- Membership of media bodies covering elections including SOLJA to become mandatory, and that such organisations recognise women as fully equal members.
- Lobby and campaign for enactment of legislation supporting the participation of marginalised 'caste' groups in politics.

8.5 Judicial and legislative bodies

- Amend the Citizenship law to guarantee equal rights to men and women, ensuring consistency with the obligations in Article 10 (2), and Article 8 (1) of the Constitution.
- Draw a clear line between entities' mandates and responsibilities, in relation to elections.

- Develop procedural guidelines for complaints well in advance of election day.
- Combine all electoral laws (Presidential, Local Council, House of Representatives, and a future law pertaining to the House of Elders) in a single, unified legislative package.
- Announcement of final election results to be made by NEC, rather than the Supreme Court. The Supreme Court still to adjudicate disputes (having the Supreme Court issue the final result makes the court part of the process, potentially affecting its credibility).
- Introduce campaign spending limits for political parties.
- Given the importance of the Election Task Force role, the IEOM recommends making the body a permanent entity and also enhancing its legal status, providing it with more powers, including the right to issue decisions that are binding on political parties and backed with enforcement ability.
- Set a limit for individual entities' donations to political parties and put a ceiling on electoral expenditures.
- Assign the EMC to monitor expenses and enforce penalties on those who exceed the limit.

- Distinguish between prisoners who are convicted of misdemeanours and civilian violations and those who are convicted for national security crimes, so as to avoid depriving those who are serving minor and non-security-related sentences from their political right to vote.
- Pass legislation that ensures the protection of freedom of expression and addresses media issues under civil rather than criminal law.
- Enshrine the media code of conduct in law to ensure compliance from both media and government, extending its applicability beyond the election period and covering all media, including social media.

8.6 Media

- Create, in tandem with academic and civil society organisation, affordable and quality media training programmes.

9. Conclusion

The IEOM observed a campaign and an election that came at a crucial time for Somaliland: in the wake of delays, following the implementation of a voter registration system designed to alleviate problems that had beset past polls, and with an incumbent president stepping down. We are glad to have once again been invited by the National Electoral Commission to observe an election, and to have achieved a good scope of observation: covering all six regions of Somaliland and 17 of the 21 districts, observing in 355 polling stations (22% of the total 1,642 in operation), a mix of urban and rural locations, and travelling further east than any previous election observation mission to Somaliland, without serious security problems. This was the most comprehensive and thorough international election observation mission to Somaliland to date.

The mission was also pleased to be able to report a polling day process that was generally conducted peacefully and efficiently, although we also noted areas of concern that require addressing in future polls - especially around the new voter registration system. While the iris-scan biometric system employed effectively addressed the issues of multiple voting that have compromised previous elections, challenges remain around maintenance of the register in a manner that permits the maximum possible percentage of eligible voters to exercise that right. In addition, while the system was effective in nullifying multiple registrations, and therefore voting, it is currently unable to address the recurring issue of underage voting.

Throughout the election period, Somalilanders demonstrated their support for the rule of law and constitutional process, voting peacefully and in significant numbers, and we applaud this commitment to peaceful participation in an impressively open electoral system. At the conclusion

of the mission, we noted that irregularities observed, and complained about by opposition supporters, were not of sufficient scale to have impacted the final result.

We stand by that finding, and note, furthermore, that the complaints were not in fact followed up with the legal authorities. However, the post-election violence was deeply damaging to Somaliland, truly tragic and deeply disappointing, coming so soon after the promise offered by a new voter registration system, a generally positive campaign, and a well-organised election.

We applaud the commitment to Somaliland that saw the election result eventually accepted, and the effectiveness of Somaliland's customary dispute-resolution mechanisms that once again pulled a tense situation back from the brink. But we also note that tension continues. This suggests that Somaliland remains at a dangerous juncture: over-reliant on a customary system to solve problems, and with representative electoral institutions not yet fully capable of supporting the transition to a stronger nation-state.

We hope Somaliland's democratic journey will continue peacefully. This election has featured a number of firsts, including a unique use of innovative iris-scan technology as the biometric base for a voter register; the first-ever televised presidential debate in Somaliland's history; and the first participation in a Somaliland election of some in the easternmost regions. It is now imperative that Somaliland call on its admirable tradition of conflict resolution, to address and solve current problems, and move on to the next stage in its democratic journey, namely holding its much-delayed parliamentary poll in 2019 as scheduled.

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Appendix 1: IEO press releases



International observers of Somaliland's presidential election on 13 November 2017 arrive in Somaliland, hope for a successful and peaceful poll

Ahead of Somaliland's third presidential election on 13 November 2017, the first members of a team of 60 international election observers have arrived in Hargeisa.

The international election observation mission (EOM) has been invited by Somaliland's National Electoral Commission (NEC) and is funded by the British government. The EOM will conduct its observation activities in accordance with the Declaration of Principles for International Election Observation, emphasising the impartiality of that observation.

This EOM marks the fourth election in Somaliland observed and reported on by DPU and Somaliland Focus since 2005. As the third presidential election (following the polls in 2003 and 2010), it is the first poll to use a new voter registration system, which itself marks the first use of iris-scan biometric technology in an African election. The election was delayed by devastating droughts in 2016 and 2017, and comes at a time when Somaliland is attracting significant infrastructure investment from the Middle East and alongside Somalia's own efforts to rebuild its shattered political system. The EOM is particularly hopeful that the implementation of the voter registration system will address issues that have marred previous elections, and looks forward to commencing its mission.

The EOM is led by the Development Planning Unit (DPU) at University College London (UCL), and Somaliland Focus UK. Team co-ordinators will examine all aspects of the pre-election campaign, including access by political parties to locations for campaigning, the equality of access to the media, and the procedures that will be employed for the distribution of election materials, voting itself and the counting and tallying of ballots. The full team, which includes observers from 24 countries, will assemble on 8 November, departing Somaliland 16 November, with a small team remaining to observe the post-election period, including the declaration of results. The EOM will observe polling stations across Somaliland's six regions, and will publish its final report in the first half of 2018.

Says Dr Michael Walls of DPU, chief observer on the EOM:

"This election will mark a milestone in Somaliland's electoral development as it will be the first time that the incumbent has not challenged for the top job. As ever, there have been complex realignments in the positioning of different groups, and a peaceful and credible poll would represent a significant step forward in the consolidation of the representative democracy that has become such an impressive hallmark of Somaliland politics over the past 15 years."

Notes to Editors

1. For further information or to arrange an interview with a member of the coordination team, please contact Conrad Heine (EOM media coordinator) on +252 (0)63 486 5255 or ieosomalilandmedia@gmail.com. Photographs are also available.
2. Somaliland declared unilateral independence from Somalia in 1991 following the collapse of Somalia's government. It remains internationally unrecognised.
3. Reports of past election observations (including of the voter registration process) are viewable on the website of Somaliland Focus UK: www.somalilandfocus.org.uk.





International observers of Somaliland's presidential election on 13 November 2017 ready to deploy to Somaliland's six regions

Ahead of Somaliland's third presidential election on 13 November 2017, a 60-member team drawing on members from 27 countries has fully assembled in Hargeisa, Somaliland's capital, and will soon start deploying around Somaliland.

The international election observation mission (EOM) has been invited by Somaliland's National Electoral Commission (NEC) and is funded by the British government. The EOM will conduct its observation activities in accordance with the Declaration of Principles for International Election Observation, emphasising the impartiality and independence of that observation.

As the third presidential election (following the polls in 2003 and 2010), it is the first poll to use a new voter registration system, which itself marks the first use of iris-scan biometric technology in an African election. The EOM is led by the Development Planning Unit (DPU) at University College London (UCL), and Somaliland Focus UK. This EOM marks the fourth election in Somaliland observed and reported on by DPU and Somaliland Focus since 2005.

Arrival of the full team of observers on 8 November was preceded by examination of the pre-election campaign by team co-ordinators, who arrived ahead of the start of political campaigning on 21 October. Since then, the EOM has organised and held successful and well-attended events including public discussions on election observation, female political participation and the media landscape, met stakeholders and organised the many aspects of deploying such a large team. The wider team has undergone several days of intensive pre-deployment training and is now well-prepared for the intensity of polling day and the aftermath. The majority will depart Somaliland on 16 November. A small team will remain to observe the post-election period, including the declaration of results. The EOM will publish its final report in the first half of 2018.

Says Dr Michael Walls of DPU, chief observer on the EOM:

"Preparations for this mission have been intense, and we are very appreciative of the invaluable assistance we have had from so many stakeholders in Somaliland, and from the British government in funding this mission. Now that we are seeing the hard work bear fruit, we are hoping we will see a spirited and peaceful polling day marking another step in Somaliland's democratic development."

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International observers of Somaliland's presidential election congratulate the Somaliland people on a peaceful poll

Following Somaliland's third presidential election on 13 November 2017, the 60-member mission, funded by Britain's government and drawing on members from 27 countries is now finalising its interim report to Somaliland's National Electoral Commission as observers return to Hargeisa. Says chief observer Dr Michael Walls of the Development Planning Unit (DPU) at University College London (UCL) and Somaliland Focus UK:

"On election day, we are pleased to have observed a poll that in the main seems to have preserved the integrity of the electoral process. While we are aware of some key concerns, these do not seem to be substantive and systematic enough to have undermined the election itself, and we congratulate Somaliland on a largely peaceful process; another progressive step in their electoral evolution."

On polling day, observers witnessed opening, voting and closing processes in approximately 350 polling stations across Somaliland's six regions, as well as the tallying process. Observers noted that polls largely opened and closed on time, in a generally calm environment, with peaceful voting, and no major violence or intimidation observed. Eligible voters were mostly able to cast their votes without hindrance. Domestic observers and party agents were present and able to perform their duties without restrictions in most polling stations visited, although we note that there were occasions when observers were denied entry or asked to leave.

We are also aware of a number of other issues, including allegations of underage voting; the fact that the secrecy of the vote was systemically compromised for voters requiring assistance; inconsistencies in adherence to procedures (including in counting disputed votes); and the presence and occasional interference of security personnel in some stations visited, although observers did not witness widespread intimidation.

Limitations to voter education may have had implications as voters appeared unsure as to how to vote, and the mission noted reports of some challenges that, for example, led to the cancellation of voting in Badhan town in Somaliland's east.

Overall the mission assessed the competence and actions of staff as generally good, and we applaud Somaliland for an election that was largely peaceful and well-organised. The mission will publish its final report in the first half of 2018.

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International observers of Somaliland's presidential election congratulate the Somaliland people on a peaceful poll and look forward to a positive conclusion to the electoral process

Following Somaliland's third presidential election on 13 November 2017, the International Election Observation Mission anticipates a moment of change in Somaliland, as President Ahmed Silanyo, in office since 2010, steps down after his successor has been declared elected. Most members of the 60-person observation mission, funded by the British government and drawing on members from 27 countries, are now preparing to leave Somaliland, leaving a small team to observe the declaration of results and the reaction to that announcement.

Chief observer, Dr Michael Walls of the Development Planning Unit (DPU) at University College London (UCL) and Somaliland Focus UK, notes:

"We are pleased to have observed an election which has seen Somaliland show its democratic spirit, and we congratulate the National Electoral Commission on a well-run poll. We look forward to the announcement of a credible result. Furthermore we call on all parties to urge their supporters to accept the result, for the sake of Somaliland, and we encourage any who are dissatisfied with that result to pursue complaints through legal channels."

The mission, which has had members in Somaliland since just before the start of the campaign on 21 October 2017, has been pleased to witness an enthusiastic campaign. The election has featured a number of firsts, including a unique use of innovative iris-scan technology as the biometric base for a voter register; the first-ever televised presidential debate in Somaliland's history; and the first participation in a Somaliland election of some in the easternmost regions. On polling day, observers witnessed election processes in approximately 350 polling stations across Somaliland's six regions, as well as post-voting processes, and noted that polling was generally conducted peacefully and efficiently.

We have noted areas of concern, including observation of what appeared to be underage voting, the blocking of social media sites and some inconsistencies in polling station procedure. However, we did not observe irregularities at a scale that would undermine the integrity of the electoral process. Now that voting is complete and the result is being calculated, we call on voters, candidates and parties to exhibit patience and to support the National Electoral Commission as it completes its important work.

As the mission departs, the co-ordinators thank the National Electoral Commission, those in Somaliland who have assisted, and especially the observers themselves. Still, the work goes on: for the mission, which will issue its final report in the first half of 2018, and will retain a small team to observe post-poll events, and for Somaliland. The mission looks forward to future elections as Somaliland continues its democratic journey under new executive leadership.

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International observers of Somaliland's presidential election on 13 November 2017 urge all parties to use legal channels to resolve post-election differences

With post-election disturbances reported in Somaliland while results are awaited, the International Election Observation Mission (EOM) is aware of complaints and grievances about the electoral process. We urge complainants to pursue those grievances through the appropriate customary and legal channels, where evidence can be assessed in full and judged on its merits.

Says Dr Michael Walls, chief observer of the EOM:

"Violent protest undermines the peace that Somaliland has built so painstakingly over the years, and does not serve the interests of Somalilanders or Somaliland as a whole. We are aware of complaints, and stress the urgency that those complaints be considered in full and within the context of the legal channels designed to provide a full and fair hearing. We urge all parties to call for restraint as those processes are pursued."

The EOM, which was invited by Somaliland's National Electoral Commission (NEC), supports the NEC in its important work to calculate and announce preliminary results as soon and as accurately as possible. We reiterate the NEC's call for all parties to exercise restraint and to use peaceful means to lodge complaints. Earlier in the week, the EOM issued statements reporting a largely peaceful and well-organised polling day in areas observed, but with some concerns about the process; points that were reiterated at press conferences.

The EOM, which still has a small team of observers in Somaliland to report on the post-poll process, stands by those statements, and is concerned by unfolding events. We deeply regret the loss of life that has already been reported, and call on all Somalilanders to work to maintain the peace and to respect due process as results are finalised and complaints considered.

Amongst other things, the EOM gathered detail on the legal channels offered in the event of disputes. Specifically, we note that there is capacity for the NEC itself to assess issues, and that following the declaration of preliminary results, there is a period of seven days in which formal complaints can be lodged through the Supreme Court, and that Somaliland custom also supports robust mediation and discussion. We therefore remain convinced that appropriate customary and formal avenues are available for the peaceful pursuit, consideration and adjudication of disputes.

Somaliland has built an impressive record in exactly that area, and we are extremely disappointed to see the undermining of those mechanisms. This is a time for restraint from all parties, and we call on political leaders to urge supporters and colleagues to respect the foundations that have been built over the past 26 years.

The EOM, funded by the British government, observed approximately 350 polling stations and tallying centres across Somaliland's six regions on polling day and immediately after. The Mission will deliver its preliminary report to the National Electoral Commission by 20 November, and will release its final report in mid-2018.

Notes to Editors

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International observers of presidential election on 13 November 2017 congratulate Somalilanders as Supreme Court announces final results

29 November 2017

Somaliland's Supreme Court yesterday upheld the preliminary results of the presidential election, originally released by the National Electoral Commission on 21 November. That decision confirms Mr Muse Bihi Abdi, leader of Kulmiye Party, as the president-elect. The international election observation mission (EOM) congratulates all Somalilanders, including Mr Bihi and the other candidates, on the conclusion of the electoral process.

Says Dr Michael Walls, chief observer of the EOM:

"We congratulate the new president, and are pleased that, after some post-poll tensions, political parties have followed legal channels in confirming the election result, which has now been accepted by all candidates. We applaud political leaders on all sides for their public statements stressing the importance of the gains made by Somaliland to date. Somalilanders have once again shown their strong commitment to peaceful electoral democracy and we look forward to a continuation of that process as we now look toward the much-delayed parliamentary elections, scheduled to be held in tandem with local council polls in 2019."

The EOM, which was funded by the British government and included 60 observers from 27 countries, observed the election at the invitation of the NEC. The mission, led by the Development Planning Unit (DPU) at University College London (UCL), and Somaliland Focus UK, observed 350 polling stations and tallying centres across Somaliland's six regions on polling day.

The EOM was able to report a largely peaceful and well-organised polling day in areas observed, albeit with some concerns. We noted at the time that irregularities observed were not of sufficient scale to have impacted the final result. Throughout the election period, Somalilanders demonstrated their support for the rule of law and constitutional process, voting peacefully and in significant numbers, and we applaud this ongoing commitment to peaceful participation in an impressively open electoral system.

Notes to Editors

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Appendix 2: Declaration of Principles for International Election
Observation and Code of Conduct for International Election Observers

**DECLARATION OF PRINCIPLES
FOR INTERNATIONAL
ELECTION OBSERVATION**

and

**CODE OF CONDUCT
FOR INTERNATIONAL
ELECTION OBSERVERS**

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

and

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

Commemorated October 27, 2005,
at the United Nations, New York

Endorsing Organizations as of October 24, 2005:

- African Union
 - Asian Network for Free Elections (ANFREL)
 - The Carter Center
 - Center for Electoral Promotion and Assistance (CAPEL)
 - Commonwealth Secretariat
 - Council of Europe European Commission for Democracy through Law (Venice Commission)
 - Council of Europe – Parliamentary Assembly
 - Electoral Institute of Southern Africa (EISA)
 - European Commission
 - European Network of Election Monitoring Organizations (ENEMO)
 - Electoral Reform International Services (ERIS)
 - IFES
 - International IDEA
 - Inter-Parliamentary Union
 - International Republican Institute (IRI)
 - National Democratic Institute (NDI)
 - Organization of American States (OAS)
 - Organization for Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights (OSCE/ODIHR)
 - Pacific Islands, Australia & New Zealand Electoral Administrators' Association (PIANZEA)
 - Pacific Island Forum
 - Southern African Development Community Parliamentary Forum (SADC-PF)
 - United Nations Secretariat
 - United States Association of Former Members of Congress (USAFMC)
- This Declaration and the accompanying Code of Conduct for International Election Observers remain open for endorsement by other intergovernmental and international nongovernmental organizations. Endorsements should be recorded with the United Nations Electoral Assistance Division.*

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

October 27, 2005

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced.

Genuine democratic elections are a requisite condition for democratic governance, because they are the vehicle through which the people of a country freely express their will, on a basis established by law, as to who shall have the legitimacy to govern in their name and in their interests. Achieving genuine democratic elections is a part of establishing broader processes and institutions of democratic governance. Therefore, while all election processes should reflect universal principles for genuine democratic elections, no election can be separated from the political, cultural and historical context in which it takes place.

Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. They, like other human rights and democracy more broadly, cannot be achieved without the protections of the rule of law. These precepts are recognized by human rights and other international instruments and by the documents of numerous intergovernmental organizations. Achieving genuine democratic elections therefore has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognizing that it is the people of a country who ultimately determine credibility and legitimacy of an election process.

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

International election observation has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), domestic election monitoring organizations and other credible international election observer organizations, among others.

The intergovernmental and international nongovernmental organizations endorsing this Declaration and the accompanying Code of Conduct for International Election Observers therefore have joined to declare:

- 1 Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.
- 2 In accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.
- 3 The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.
- 4 International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation.

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

- 5 International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialized observation missions may examine limited pre-election or post-election issues and specific processes (such as, delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms). Stand-alone, specialized observation missions may also be employed, as long as such missions make clear public statements that their activities and conclusions are limited in scope and that they draw no conclusions about the overall election process based on such limited activities. All observer missions must make concerted efforts to place the election day into its context and not to over-emphasize the importance of election day observations. International election observation examines conditions relating to the right to vote and to be elected, including, among other things, discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, colour, ethnicity, language, religion, national or social origin, property, birth or other status, such as physical disabilities. The findings of international election observation missions provide a factual common point of reference for all persons interested in the elections, including the political competitors. This can be particularly valuable in the context of disputed elections, where impartial and accurate findings can help to mitigate the potential for conflicts.
- 6 International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral result, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member of an international election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of election day observation, each of which periods present specific challenges for independent and impartial analysis. International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings. International election observation delegations should be prepared to disclose the sources of their funding upon appropriate and reasonable requests.
- 7 International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and issue a preliminary post-election statement of findings and a final report upon the conclusion of the election process. International election observation missions may also conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.

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- 8 The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions.
- 9 International election observation must be conducted with respect for the sovereignty of the country holding elections and with respect for the human rights of the people of the country. International election observation missions must respect the laws of the host country, as well as national authorities, including electoral bodies, and act in a manner that is consistent with respecting and promoting human rights and fundamental freedoms.
- 10 International election observation missions must actively seek cooperation with host country electoral authorities and must not obstruct the election process.
- 11 A decision by any organization to organize an international election observation mission or to explore the possibility of organizing an observation mission does not imply that the organization necessarily deems the election process in the country holding the elections to be credible. An organization should not send an international election observation mission to a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process, and international election observation missions in any such circumstance should make public statements to ensure that their presence does not imply such legitimacy.
- 12 In order for an international election observation mission to effectively and credibly conduct its work basic conditions must be met. An international election observation mission therefore should not be organized unless the country holding the election takes the following actions:
 - a Issues an invitation or otherwise indicates its willingness to accept international election observation missions in accordance with each organization's requirements sufficiently in advance of elections to allow analysis of all of the processes that are important to organizing genuine democratic elections;
 - b Guarantees unimpeded access of the international election observer mission to all stages of the election process and all election technologies, including electronic technologies and the certification processes for electronic voting and other technologies, without requiring election observation missions to enter into confidentiality or other nondisclosure agreements concerning technologies or election processes, and recognizes that international election observation missions may not certify technologies as acceptable;
 - c Guarantees unimpeded access to all persons concerned with election processes, including:
 - i electoral officials at all levels, upon reasonable requests,
 - ii members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections,
 - iii all of the political parties, organizations and persons that have sought to compete in

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the elections (including those that qualified, those that were disqualified and those that withdrew from participating) and those that abstained from participating,

- iv* news media personnel, and
- v* all organizations and persons that are interested in achieving genuine democratic elections in the country;
- d Guarantees freedom of movement around the country for all members of the international election observer mission;
- e Guarantees the international election observer mission's freedom to issue without interference public statements and reports concerning its findings and recommendations about election related processes and developments;
- f Guarantees that no governmental, security or electoral authority will interfere in the selection of individual observers or other members of the international election observation mission or attempt to limit its numbers;
- g Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation;
- h Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and
- i Guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who works for, assists or provides information to the international election observation mission in accordance with international principles for election observation.

As a prerequisite to organizing an international election observation mission, intergovernmental and international nongovernmental organizations may require that such guarantees are set forth in a memorandum of understanding or similar document agreed upon by governmental and/or electoral authorities. Election observation is a civilian activity, and its utility is questionable in circumstances that present severe security risks, limit safe deployments of observers or otherwise would negate employing credible election observation methodologies.

- 13 International election observation missions should seek and may require acceptance of their presence by all major political competitors.
- 14 Political contestants (parties, candidates and supporters of positions on referenda) have vested interests in the electoral process through their rights to be elected and to participate directly in government. They therefore should be allowed to monitor all processes related to elections and observe procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials.

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- 15 International election observation missions should:
- a establish communications with all political competitors in the election process, including representatives of political parties and candidates who may have information concerning the integrity of the election process;
 - b welcome information provided by them concerning the nature of the process;
 - c independently and impartially evaluate such information; and
 - d should evaluate as an important aspect of international election observation whether the political contestants are, on a nondiscriminatory basis, afforded access to verify the integrity of all elements and stages of the election process. International election observation missions should in their recommendations, which may be issued in writing or otherwise be presented at various stages of the election process, advocate for removing any undue restrictions or interference against activities by the political competitors to safeguard the integrity of electoral processes.
- 16 Citizens have an internationally recognized right to associate and a right to participate in governmental and public affairs in their country. These rights may be exercised through nongovernmental organizations monitoring all processes related to elections and observing procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials. International election observation missions should evaluate and report on whether domestic nonpartisan election monitoring and observation organizations are able, on a nondiscriminatory basis, to conduct their activities without undue restrictions or interference. International election observation missions should advocate for the right of citizens to conduct domestic nonpartisan election observation without any undue restrictions or interference and should in their recommendations address removing any such undue restrictions or interference.
- 17 International election observation missions should identify, establish regular communications with and cooperate as appropriate with credible domestic nonpartisan election monitoring organizations. International election observation missions should welcome information provided by such organizations concerning the nature of the election process. Upon independent evaluation of information provided by such organizations, their findings can provide an important complement to the findings of international election observation missions, although international election observation missions must remain independent. International election observation missions therefore should make every reasonable effort to consult with such organizations before issuing any statements.
- 18 The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ.

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- 19 The intergovernmental and nongovernmental organizations endorsing this Declaration recognize that there are a variety of credible methodologies for observing election processes and commit to sharing approaches and harmonizing methodologies as appropriate. They also recognize that international election observation missions must be of sufficient size to determine independently and impartially the character of election processes in a country and must be of sufficient duration to determine the character of all of the critical elements of the election process in the pre-election, election-day and post-election periods – unless an observation activity is focused on and therefore only comments on one or a limited number of elements of the election process. They further recognize that it is necessary not to isolate or over-emphasize election day observations, and that such observations must be placed into the context of the overall electoral process.
- 20 The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that international election observation missions should include persons of sufficiently diverse political and professional skills, standing and proven integrity to observe and judge processes in light of: expertise in electoral processes and established electoral principles; international human rights; comparative election law and administration practices (including use of computer and other election technology); comparative political processes and country specific considerations. The endorsing organizations also recognize the importance of balanced gender diversity in the composition of participants and leadership of international election observation missions, as well as diversity of citizenship in such missions.
- 21 The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to:
 - a familiarize all participants in their international election observation missions concerning the principles of accuracy of information and political impartiality in making judgments and conclusions;
 - b provide a terms of reference or similar document, explaining the purposes of the mission;
 - c provide information concerning relevant national laws and regulations, the general political environment and other matters, including those that relate to the security and well being of observers;
 - d instruct all participants in the election observation mission concerning the methodologies to be employed; and
 - e require all participants in the election observation mission to read and pledge to abide by the Code of Conduct for International Election Observers, which accompanies this Declaration and which may be modified without changing its substance slightly to fit requirements of the organization, or pledge to abide by a pre-existing code of conduct of the organization that is substantially the same as the accompanying Code of Conduct.
- 22 The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to use every effort to comply with the terms of the Declaration and the accompanying Code of Conduct for International Election Observers. Any time that an endorsing organization deems it necessary to depart from any of terms of the Declaration or the Accompanying Code of Conduct in order to conduct election observation in keeping with

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the spirit of the Declaration, the organization will explain in its public statements and will be prepared to answer appropriate questions from other endorsing organizations concerning why it was necessary to do so.

- 23 The endorsing organizations recognize that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organizations welcome any such observers agreeing on an ad hoc basis to this declaration and abiding by the accompanying Code of Conduct for International Election Observers.
- 24 This Declaration and the accompanying Code of Conduct for International Election Observers are intended to be technical documents that do not require action by the political bodies of endorsing organizations (such as assemblies, councils or boards of directors), though such actions are welcome. This Declaration and the accompanying Code of Conduct for International Election Observers remain open for endorsement by other intergovernmental and international nongovernmental organizations. Endorsements should be recorded with the United Nations Electoral Assistance Division.

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including long-term and short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS**Maintain Strict Political Impartiality at All Times**

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS**Maintain Proper Personal Behavior**

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

PLEDGE TO ACCOMPANY THE CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVER

I have read and understand the Code of Conduct for International Election Observers that was

provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the

highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election

officials and will maintain a respectful attitude toward electoral and other national authorities. I will respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the

instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

Signed _____

Print Name _____

Date _____

ACKNOWLEDGEMENTS

The Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers were developed through a multi-year process involving more than 20 intergovernmental and international nongovernmental organizations concerned with election observation around the world.

The process began informally in 2001 at the initiative of the National Democratic Institute for International Affairs (NDI) and the United Nations Electoral Assistance Division (UNEAD) and included an initial meeting at the UN in New York and a meeting in Washington co-hosted by the OAS and NDI.

Building on that foundation, the UNEAD, The Carter Center, and NDI formed a joint secretariat and launched the formal phase of the process in October 2003 at a meeting held at The Carter Center in Atlanta. This was followed by a September 2004 meeting in Brussels, which was hosted by the European Commission. An ongoing consultative process transpired among the participating organizations, which resulted in a consensus document that was offered for organizational endorsements beginning in July 2005.

The secretariat was comprised of Carina Perelli and Sean Dunne for UNEAD, David Carroll, David Pottie and Avery Davis-Roberts for The Carter Center, and Patrick Merloe and Linda Patterson for NDI. The secretariat members prepared the documents, with Mr. Merloe serving as the lead drafter, drawing on a substantial body of existing documentation from organizations involved in election observation. During the process, the secretariat received critical input and comments from many of the participating organizations.

The process was supported by financial assistance from the United Nations, the United States Agency for International Development (USAID), the European Commission, the Republic of Germany and the Starr Foundation, as well as a number of individual contributors.

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REPORT ON THE SOMALILAND PRESIDENTIAL ELECTION 2017

The Development Planning Unit, University College London (UCL), is an international centre specialising in academic teaching, research, training and consultancy in the field of urban and regional development, with a focus on policy, planning, management and design. It is concerned with understanding the multi-faceted and uneven process of contemporary urbanisation, and strengthening more socially just and innovative approaches to policy, planning, management and design, especially in the contexts of Africa, Asia, Latin America and the Middle East as well as countries in transition.

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