

PBF PROJECT PROGRESS REPORT

COUNTRY: SOMALIA
TYPE OF REPORT: FINAL REPORT
YEAR OF REPORT: 2022

Project Title: Support to NIEC Electoral Dispute Resolution Mechanisms – Somalia			
Project Number from MPTF-O Gateway: 00118635			
If funding is disbursed into a national or regional trust fund:		Type and name of recipient organizations:	
<input checked="" type="checkbox"/> Country Trust <input type="checkbox"/> Regional Trust Fund		UNDP (Convening Agency) UNOPS	
Name of Recipient Fund:			
Date of first transfer: 20 November 2019			
Project end date: 28 February 2022			
Is the current project end date within 6 months? Yes			
Check if the project falls under one or more PBF priority windows:			
<input type="checkbox"/> Gender promotion initiative <input type="checkbox"/> Youth promotion initiative <input type="checkbox"/> Transition from UN or regional peacekeeping or special political missions <input type="checkbox"/> Cross-border or regional project			
Total PBF approved project budget (by recipient organization):			
<ul style="list-style-type: none"> • Please enter the total amounts in US dollars allocated to each recipient organization • Please enter the original budget amount, amount transferred to date and estimated expenditure by recipient. • For cross-border projects, group the amounts by agency, even where transfers are made to different country offices. You can provide the detail in the attached budget. 			
Recipient organisation	Budget Allocated (\$)	Amount Transferred to date (\$)	Amount spent to date (\$)
UNDP	1,600,000	1,600,000	1,593,784
UNOPS	900,000	900,000	882,165
TOTAL	2,500,000	2,500,000	2,475,949
Approximate implementation rate as percentage of total project budget: 99.04%			
ATTACH PROJECT EXCEL BUDGET SHOWING CURRENT APPROXIMATE EXPENDITURE			
Current level of expenditure/commitment \$ 2,475,949.			
Gender-responsive Budgeting:			
Amount expended to date on expertise provided by Technical Advisor P4 and activities focused on supporting the EDRC activities including through gender equality or women’s empowerment dimension (approx. \$425,000).			
Project Gender Marker: GM2			
Project Risk Marker: LOW			
Project PBF focus area: 4.1 Strengthening National State Capacity			
Report preparation:			
Project report prepared by: Mary Cummins, Deputy Chief Electoral Advisor, UNDP			
Project report approved by: Dragan Popovic, Portfolio Manager, Inclusive Politics, UNDP			
Did PBF Secretariat review the report:			

NOTES FOR COMPLETING THE REPORT:

- *Avoid acronyms and UN jargon, use general /common language.*
- *Report on what has been achieved in the reporting period, not what the project aims to do.*
- *Be as concrete as possible. Avoid theoretical, vague or conceptual discourse.*
- *Ensure the analysis and project progress assessment is gender and age sensitive.*
- *Please include any COVID-19 related considerations, adjustments and results and respond to section IV.*

PART 1: OVERALL PROJECT PROGRESS

*Briefly outline the **status of the project** in terms of implementation cycle, including whether preliminary/preparatory activities have been completed (i.e., contracting of partners, staff recruitment, etc.) (1500 – character limit):*

The Project started in November 2019 for an initial period of 21 months and was granted a six month no cost extension to try and match the ever-changing timelines for the elections. The Project ended on 28 February 2022 assuming the indirect process will be finalized by then. However, due to further delays in implementing the indirect process, a number of electoral deadlines were missed, including the final deadline in February 2022. Only on the 29 May 2022, the Office of the Prime Minister issued a decree officially dissolving the indirect process ad hoc committees, including the Election Dispute Resolution Committee (EDRC). An International Consultant carried out an independent evaluation of this Project from February to May 2022.

The initial plan of the Project was to support the National Independent Electoral Commission (NIEC) to develop and establish an Electoral Dispute Resolution (EDR) system and structure, to develop regulations and procedures on EDR and to assist the NIEC to develop and implement training programs for NIEC staff, relevant judges and electoral stakeholders implementing universal suffrage elections planned for December 2020. However, the National Consultative Council (NCC) consisting of the Federal Government of Somalia (FGS) and Federal Member States (FMSs) leadership (including representatives of Banadir) agreed on an indirect electoral model sidelining the NIEC and establishing ad hoc indirect implementation bodies¹, such as FEIT², SEITs³ and EDRC⁴ to manage the process.

Output 1: EDRM mechanism established, resourced, implemented and understood by all electoral stakeholders:

The Electoral Technical Specialist (ETS) was recruited from November 2020 to February 2022 to provide support to the NIEC EDR mechanism and subsequently to the EDRC and the indirect electoral process. The Project used the existing IESG structure including personnel as a framework within which to provide support to the development, establishment, and capacity building of EDR system and process. IESG consists of UNDP and UNSOM. The project used the existing IESG structure including personnel as a

¹ See NCC political agreements/communiqués establishing political/technical procedures for the indirect process: 19. Aug. 2020 – Dhusamareb Agreement, 17. Sep. 2020- Mogadishu Agreement (acknowledged by Federal Parliament in the “Law Guiding the 2020-2021 Elections on implementation of Mogadishu Agreement” from 26 Sept.2020), 01. Oct. 2020- NCC FEIT procedures, 01. Oct. 2020 – NCC SEIT procedures, 01. Oct.2020 – NCC EDRC procedures, 27. May 2021- NCC Communique, 22.Aug. 2021- NCC Communique, 9 January 2022 NCC Communique.

² The different terms used in official documents “FEIT”, “FIEIT” and “FEIC” are referring to the same ad-hoc committee at FGS level tasked to implement the indirect process.

³ The different terms used in official documents “SEIT” and “SIEIT” are referring to the same ad-hoc committee at FMS Level tasked to implement the indirect process.

⁴ The different terms used in official documents” EDRC“ and “Dispute Resolution Committee” (“DRC“) are referring to the same ad-hoc committee tasked to resolve indirect process related disputes.

framework within which to provide support to the development, establishment, and capacity building of an EDR system and process. The project structure, with the built-in support of the IESG as a whole, provided the resilience to adapt to the complicated implementation of the indirect process and the serious delays in the electoral timeline, including the change from universal suffrage elections to indirect elections. At the same time, IESG continued to support the NIEC to prepare for its central role in the EDR process in anticipation of direct elections in 2026.

Before the change in the electoral model in September 2020, IESG provided advice to the NIEC's legal department, Secretariat and the Board of Commissioners on EDR structures in compliance with the National Electoral Law at Federal Level and the existing legislative framework during numerous advisory sessions, workshops and meetings. It was decided by the NIEC to establish a temporary EDR Committee comprising of representatives from all FMSs supported by a temporary EDR structure within the NIEC secretariat for the universal and equal suffrage election process. This structure appears to meet established standards for EDRMs.

The indirect electoral process was characterized by delays caused by political disagreements among political actors about the composition of the ad hoc electoral committees appointed to conduct the elections, the presidential term, as well as security issues, the most serious of which almost brought Mogadishu to armed conflict in April 2021. The process eventually got started in late July 2021, with indirect elections for the 54-member Upper House (UH) which concluded on 13 November 2021. Only the members of the Federal Member State (FMS) parliaments and Somaliland representatives could vote for their representatives in the UH. The House of the People (HoP) elections began in November 2021. This election is more complex, with 275 seats, each elected by 101 delegates, selected by committees of clan elders and civil society members belonging to the clan.

The EDRC did not register any complaint arising from the UH elections. On 29 March 2022, the EDRC released some statistical information stating that it adjudicated six officially filed complaints about the HoP indirect process in total. In addition, two complaints were informally resolved by EDRC with the help of traditional elders, and two complaints were withdrawn by the complainants. One complaint was listed as being invalid. However, through social media and other channels including directly to the United Nations several informal complaints/allegations related to the indirect electoral process were reported.

Seven members, including the Chairperson, of the EDRC were dismissed by the Prime Minister on 18 December 2021 on account of partisanship and not abiding the election code of conduct. Seven new members were appointed on the same day and the committee later elected a new Chairperson. Furthermore, the Supreme Court of Somalia in Mogadishu rejected a case on 20 April 2022 which was filed by the former National Intelligence and Security Agency (NISA) Director General and at this time National Advisor to the outgoing President against a decision taken by the FEIT to suspend the results of the indirect election of HoP seat #086 (Hirshabelle) which he won. The Supreme Court cited its lack of jurisdiction, and that the petitioner should have filed a complaint to the EDRC and the National Consultative Council (NCC) as these are the mandated bodies to deal with complaints related to the indirect process.

On 22 April 2022, EDRC issued a statement declaring that the parallel elections in Garbaharey and Elwak for the same 16 seats (Jubaland) bypassed the electoral agreements and procedures and called on the NCC to urgently address the parallel election process in the Gedo region and ensure a durable solution is found based on negotiation, persuasion, and compromise. At the same time, the EDRC did deploy teams to both locations.

On 29 May 2022, the Office of the Prime Minister issued a decree officially dissolving the indirect process ad hoc committees (FEIT, SEITs and EDRC). Furthermore, the decree tasks the NIEC to fill any actual vacant seats or those that are becoming vacant in the future in line with the indirect process procedures.

With the establishment of the ad hoc EDRC following the 17 September 2020 agreement, IESG supported both the NIEC and EDRC on EDR, such as:

1. IESG held weekly meetings with the NIEC Legal Department providing capacity building and support, including on EDR related matters, key to the long-term sustainability of the Project's efforts.⁵
2. In 2021, the IESG legal team supported NIEC's institutional capacity development by providing training and support to the NIEC's Legal Department with the ETR conducting four specific trainings/workshops on EDR.⁶ Moreover, IESG provided three workshops for the NIEC Legal Department on Electoral Legal Framework Review including EDR related topics in April and May 2021. IESG held weekly meetings with the NIEC Legal Department providing advice and support, including on EDR related matters.⁷
3. As a result of the decision to hold indirect elections the project document was amended and budget related to certain activities was reallocated to provide support for the 21-member ad hoc EDRC, for EDRC members allowances, workshops, and consultation with different stakeholders.
4. IESG provided technical support to the EDRC in establishing the EDR mechanism and structure. Furthermore, EDRC Procedures, Internal Regulation, Code of Conduct, Complaint Forms and other key EDR documents were developed with the support of IESG. IESG also provided support to the EDRC on complaints registration and adjudication, and in developing a communication and public outreach plan, including public outreach message development. The IESG also provided an initial training on EDR to the EDRC and again in September 2021, but scheduling challenges on the part of the EDRC prevented regular training events, limiting such assistance to informal mentoring for key members of the EDRC and financial support.
5. IESG stayed in regular contact with the EDRC and provided technical support on complaints registration and adjudication upon request and reported regularly on any EDR related event or activity.
6. IESG held bi-weekly meetings with donors on project implementation. Donors were receptive to the project's need to reorient in response to the scheduling and process changes. Donors generally found the project to be transparent and responsive.
7. IESG designed and prepared lessons learned workshop on 18 and 19 June in Mogadishu.

Challenges affecting the Project

- Exclusion of NIEC from the electoral process and establishment of ad hoc electoral committees to implement the indirect process. As a result, IESG was obliged to support simultaneously two different electoral bodies on EDR responsible to implement different processes, such as an indirect process and a direct universal and equal suffrage election process.
- The entire indirect process is a political process and the EDRC was not designed to be independent by the NCC procedures issued on the establishment of the EDRC. The NCC as a political body is the highest authority in the EDR process. EDRC members are political appointees with only one person

⁵ With the start of the COVID 19 pandemic IESG legal team and NIEC Legal Department met regularly online, for instance: 1) in Apr-Dec 2019: 31 meetings, 2) in 2021: 47 meetings, and 3) in Jan-June 2022: appr. 20 meetings.

⁶ Training/ workshops: 1) 11. Mar. 2021: Electoral Cycle and EDR, 2) 15 Mar 2021: EDR Bodies: General Classification, 3) 23 Mar. 2021: Principles and Guarantees of EDR Systems, 4) 28 Mar. 2021: Basic elements of EDR Systems.

⁷ With the start of the COVID 19 pandemic IESG legal team and NIEC Legal Department met regularly online, for instance: 1) Apr-Dec 2019: 31 meetings, 2) in 2021: 47 meetings (an average of 4 per month), and 3) Jan-Feb 2022: 6 meetings.

on the committee having a legal background and were not selected based on their technical knowledge and skills. Therefore, the EDRC could not perform its functions at a desired level of credibility or effectiveness and lacked acceptance and trust of the indirect process stakeholders.

- Disputes among the political stakeholders about the membership of the electoral committees (including EDRC), and other disputes between political stakeholders, resulted in delayed preparations for the indirect process and the EDRC was requested to stand down for two months until a political agreement was reached between the FGS and FMS regarding the membership of the various committees. In addition, when the seven members, including the chairperson, of the EDRC were dismissed by the Prime Minister on 18 December 2021 the process got delayed even more. This event also clearly reflected the lack of independence of the EDRC.
- Delay in approval of EDRC procedures by the EDRC committee impacted negatively on some activities like capacity building of committee members, public awareness and training stakeholders.
- The EDRC leadership showed little interest in ensuring committee members received training on their responsibilities.

Output 2: NIEC stakeholder outreach and EDR facilities are developed at NIEC HQ, including security enhancements (Construction):

UNOPS completed construction of the EDRM a fully functional, two-story office building with 25 offices and a meeting hall with a capacity of 100 people already in March 2021. The building handover to NIEC is currently pending completion of other security infrastructure construction work at the site. NIEC staff is expected to move into this new building during 2022. The building is complete but not occupied because the compound and security infrastructure, the construction of which is not under the control of the Project, is incomplete. Additionally, there are wider drainage and electrical connection infrastructure issues at the site. The 12-month defects notification period has now elapsed without the building being occupied, which means that repair of any building defects noted later will not be covered by the initial construction contract. NIEC has been engaged to start utilizing the facility before the DNP ends. The NIEC had plans to move in during 2021 but due to ongoing security infrastructure construction works by other contractors at the compound, the site is not yet ready to enable NIEC staff work in safety at the compound. The NIEC will use the facilities for the next universal suffrage elections.

*FOR PROJECTS WITHIN SIX MONTHS OF COMPLETION: summarize **the main structural, institutional or societal level change the project has contributed to**. This is not anecdotal evidence or a list of individual outputs, but a description of progress made toward the main purpose of the project. (1500 – character limit):*

The Project ended on 28 February 2022. An International Consultant for the evaluation of this project started work in late February 2022 and finalised the evaluation report in June 2022. For further analysis, please consult the Evaluation Report (attached).

The overall envisaged outcome of the project is: “EDR mechanism is effectively strengthened in its capacity to prevent the outbreak of electoral violence by mitigating and resolving electoral complaints through formal and informal dispute resolution.” The project and IESG were key components of UNSOM’s mission to deliver “inclusive, credible and transparent ‘one person, one vote’ elections...”. The political decision to move from a universal and equal suffrage election to an indirect model made achieving this goal impossible. However, the flexibility of the project and IESG allowed to adapt to the new context. The project provided advice and the resources needed for the EDRC to function and to support the peaceful transfer of power represented in the overall acceptance of results of the indirect process to fill seats of the Federal Parliament, and the subsequent indirect elections of a new President including the peaceful handover from the former President to the new one. It was also reported that the EDRC provided some alternative dispute resolution

opportunities, such as mediation at the polling locations. No official fees were collected for these services and no records were kept of such interactions.

The project always maintained a relationship with the NIEC and provided capacity building to the NIEC on EDR issues, key to the long-term sustainability of the project's efforts. In addition, the project provided substantive support and resources to construct a fully functional, two-story office building with 25 offices and a meeting hall with a capacity of 100 people to facilitate the EDRM.⁸

The EDRC may not have become an effective part of the indirect electoral process reflected in the low number of complaints officially received, however, this is not due to a failure on the part of the project but due to the political indirect process design.

PART II: RESULT PROGRESS BY PROJECT OUTCOME

Describe overall progress under each Outcome made during the reporting period (for June reports: January – June; for November reports: January – November; for final reports: full Project duration). Do not list individual activities. If the Project is starting to make/have made a difference at the outcome level, provide specific evidence for the progress (quantitative and qualitative) and explain how it impacts the broader political and peacebuilding context.

- *“On track” refers to the timely completion of outputs as indicated in the workplan.*
- *“On track with peacebuilding results” refers to higher-level changes in the conflict or peace factors that the project is meant to contribute to. These effects are more likely in mature projects than in newer ones.*

If your Project has more than four outcomes, contact PBSO for template modification.

Outcome 1: EDR mechanism is effectively strengthened in its capacity to prevent the outbreak of electoral violence by mitigating and resolving electoral complaints through formal and informal dispute resolution mechanisms.

Rate the current status of the outcome progress: On track

Progress summary: (3000 – character limit)

The flexibility of the project allowed IESG to adapt to the new context to achieve Outcome 1. The project provided advice and the resources needed for the EDRC to function and to support the peaceful transfer of power represented in the acceptance of results of the indirect process to fill seats of the Federal Parliament by the majority, and the subsequent indirect elections of a new President including the peaceful handover from the former President to the new one. The project also maintained an ongoing relationship with the NIEC and successfully provided capacity building to the NIEC on EDR issues, key to the long-term sustainability of the project's efforts. In addition, the project provided substantive support and resources to construct a fully functional, two-story office building with 25 offices and a meeting hall with a capacity of 100 people to facilitate the EDRM.

Since the commencement of the project in November 2019 until its closure in February 2022, the Project through IESG provided advice to the NIEC legal department, Secretariat and the Board of Commissioners on an EDR structure in compliance with the National Electoral Law at Federal Level (Electoral Law) and

⁸ For more details on support provided, see above Output 1 and 2

the existing legislative framework during numerous advisory sessions, workshops and meetings. The NIEC decided to establish a temporary EDR Committee comprising of representatives from all FMS supported by an EDR structure within the NIEC secretariat for the universal suffrage election process. Even though the political decision to move to an indirect model which excluded the NIEC, the developed envisaged structure by the NIEC “would appear to meet established standards for EDRMs” according to the evaluation report. However, a definitive statement on its compliance with international standards and best practices would be premature.

IESG supported NIEC’s institutional capacity development by providing training and support to the Legal Department on dispute resolution. The training aimed to improve capacities of the legal team to review and develop proposals to improve the electoral legal framework, including the electoral law and the political party law, and to enable the NIEC legal team to advise the NIEC Commissioners on an EDR mechanism suited to the Somali context. IESG provided support to NIEC on drafting an EDR concept note and related content for the new NIEC five-year Strategic Plan.

IESG provided technical support to the EDRC in establishing the EDR mechanism and structure including supporting the development of EDRC Procedures, Internal Regulation and Code of Conduct and other key EDR documents, such as the EDRC infographics, the draft budget, EDR forms and the communication and public outreach plan and key messages for public awareness to ensure Somali citizens have a clear understanding of the EDR process. IESG conducted a working session for EDRC’s sub-committee on Regulations and Complaints Registration on how to register, categorize, investigate and adjudicate electoral complaints, and provided advise on complaints registration and adjudication.

The EDRC may not have become an effective part of the indirect electoral process reflected in the low number of complaints officially received, however, this is not due to a failure on the part of the project but due to the political indirect process design. Following comments of stakeholders, the EDRC was also involved in providing alternative dispute resolution opportunities. EDRC members engaged in arbitration and mediation on an informal level when deployed to the election locations in the FMS. This supposedly helped avoid formal complaints being filed, and it is assumed that these alternative dispute resolution efforts contributed to a political climate in reducing electoral violence.

In March 2021, construction of an accessible and gender supportive EDRM facility for training and meeting purposes was completed, a fully functional, two-story office building with 25 offices and a meeting hall with a capacity to hold 100 people. The NIEC will use the facilities for the next universal and equal suffrage elections. The facility includes disability access-ramps, handrails, wide doorways and separate toilet facilities to allow for increased privacy.

Indicate any additional analysis on how Gender Equality and Women’s Empowerment and/or Youth Inclusion and Responsiveness has been ensured under this Outcome: (1000 – character limit)

To enhance women’s participation in the indirect electoral process, IESG, in coordination with the senior leadership of the United Nations and the international donor partners, advocated for a reduction in the candidacy and complaints fees for women which successfully resulted in the candidacy registration fee being reduced by 50% but the NCC did not approve any reduction for complaint fees by women.

One woman was party to a joint complaint submitted to the EDRC for HoP seat 209 (Somaliland) and which was unsuccessful.⁹ IESG advised EDRC to ensure all complaints are treated equally. IESG supported the EDRC Gender sub-committee to develop messages specific to women to raise their awareness to file complaints with EDRC. In addition, all ad hoc electoral committees were supposed to

⁹ See Annex A below for details of the six complaints registered by the EDRC.

include 30% women as members, but no electoral committee met this requirement. The EDRC 21-member committee included five women or 24%.

The new building constructed for the NIEC means that there are accessible and gender-supportive facilities available for EDR, training and meeting purposes. Facilities include disability access-ramps, handrails, wide doorways and separate toilet facilities to allow for increased privacy. The office building incorporates 25 offices and one meeting hall that can accommodate up to 100 people. IESG also provided gender sensitive advice to the NIEC on EDR related matters.

INDICATOR BASED PERFORMANCE ASSESSMENT

Using the Project Results Framework as per the approved project document or any amendments- provide an update on the achievement of key indicators at the outcome level in the table below (if your project has more indicators than provided in the table, select the most relevant ones with most relevant progress to highlight). Where it has not been possible to collect This refers only to outcome level data on indicators, state this and provide any explanation. Provide gender and age disaggregated data. (300 characters max per entry)

Outcome 1	Performance Indicators	Indicator Baseline	End of project Indicator Target	Indicator Milestone	Current indicator progress	Reasons for Variance/ Delay (if any)
<p>EDR mechanism is strengthened in its capacity to prevent the outbreak of electoral violence by mitigating and resolving electoral complaints through formal and informal dispute resolution</p>	<p>Indicator % of electoral disputes resolved in a correct, timebound and peaceful manner through formal dispute resolution and NIEC/EDRC dispute resolution body/staff/ or local alternative dispute mediation</p>	<p>N/A</p>	<p>80%</p>	<ul style="list-style-type: none"> • Capacities of the NIEC further strengthened and made fully operational • Increased participation of citizens in political processes and elections 2020/2021 • EDRC procedures developed and followed by stakeholders 	<p>IESG conducted training and workshop sessions on EDR to NIEC Legal Department. IESG provided support to NIEC Legal on EDR structure and process concept note. IESG held weekly meetings with NIEC Legal Department where EDR related matters were discussed.</p> <p>IESG provided technical support and advice to the Electoral Dispute Resolution Committee (EDRC). The EDRC released statistical information stating that it adjudicated 6 complaints about the HoP indirect process in total. In addition, two complaints were informally resolved by EDRC with the help of traditional elders, and two complaints were withdrawn by the complainants. One complaint was listed as being invalid. Statistical data does not enable an assessment on the quality of the EDRC decisions making process and decisions take. Many informal complaints/allegations related to the indirect electoral process were reported through social media and other channels including directly to the United Nations.</p> <p>By the majority, the acceptance of results and a peaceful transfer of power took place.</p>	<p>Reason for variance and delay: FGS and FMS agreed in September 2020 to hold federal parliamentary elections through an indirect process similar to 2016. The NIEC and political parties were excluded from the process. An ad hoc Committee (EDRC) was established to resolve electoral complaints on the basis of a political negotiated procedural framework and not on the basis of a fully developed legal framework.</p>

PART III: CROSS-CUTTING ISSUES

Please indicate any significant project-related events anticipated in the next six months, i.e. national dialogues, youth congresses, film screenings, etc. (1000 – character limit):

The Project ended on 28 February 2022. On 29 May, the Office of the Prime Minister issued a decree officially dissolving the indirect process ad hoc committees (FEIT, SEITs and EDRC).

*In a few sentences, explain whether the Project has had a positive **human impact**. May include anecdotal stories about the Project’s positive effect on the people’s lives. Include direct quotes where possible or weblinks to strategic communications pieces. (2000 – character limit):*

N/A

You can also upload up to 3 files in various formats (picture files, PowerPoint, pdf, video, etc..) to illustrate the human impact of the Project and 3 links to online resources

OPTIONAL

<p><u>Monitoring:</u> Please list monitoring activities undertaken in the reporting period (1000 – character limit)</p> <p>UNDP contracted a Third-Party Monitoring (TPM) firm to conduct monitoring and evaluation of the project in 2021. The TPM exercise was completed and a report received (related to Indirect Elections Support).</p>	<p>Do outcome indicators have baselines? No</p> <p>Has the Project launched perception surveys or other community-based data collection? No</p>
<p><u>Evaluation:</u> Has an evaluation been conducted during the reporting period? Yes</p>	<p>Evaluation budget (response required): USD 24,700</p> <p>If project will end in next six months, describe the evaluation preparations (1500 – character limit):</p> <p>UNDP commissioned an independent consultant to conduct the evaluation of the project which took place from February to May 2022. The Evaluation was prepared in accordance with UNDP and PBF evaluation policy and guidelines, the Terms of Reference (TOR) developed by UNDP Somalia and the PBF. Due to the exigencies of the COVID-19 pandemic, the evaluation was conducted remotely by the International Consultant, an expert in electoral dispute resolution, elections, and governance, with the cooperation and facilitation of Integrated Electoral Support Group (IESG) staff in country. The evaluation is based upon reviews of project documents, relevant laws, regulations, and procedures, EDRC decisions, and interviews with key interlocutors.</p>
<p><u>Catalytic effects (financial):</u> Indicate name of funding agent and amount of additional</p>	<p>Name of funder: MPTF and FCDO</p>

<p><i>non-PBF funding support that has been leveraged by the Project.</i></p>	<p>Office of the Prime Minister Amount: \$374,805.76</p>
<p><i>Catalytic Effect (non-financial):</i> <i>Has the project enabled or created a larger or longer-term peacebuilding change to occur?</i></p> <p><i>Please select</i></p> <p><input type="checkbox"/> No catalytic effect</p> <p><input checked="" type="checkbox"/> Some catalytic effect</p> <p><input type="checkbox"/> Significant catalytic effect</p> <p><input type="checkbox"/> Very Significant catalytic effect</p> <p><input type="checkbox"/> Don't Know</p> <p><input type="checkbox"/> Too early to tell</p>	<p><i>If relevant, please describe how the project has had a (non-financial) catalytic effect. Please limit your response to 3000 characters including spaces.</i></p> <p>The Project appeared to be relevant to deliver “inclusive, credible and transparent ‘one person, one vote’ elections...”in line with the UNSOM mandate. The Project successfully began to implement Output 1, enabling the NIEC to outline the legal and administrative foundation appropriate to a credible and effective EDRM, a foundation which can be used as a basis for building an EDRM in future elections. In addition, the Project was able to successfully complete an EDR outreach centre and electoral offices under Output 2, which will allow the NIEC to operate as a more credibly independent and non-partisan body in the future.</p> <p>However, the Somali political decision to side-line the NIEC and establish the ad hoc EDRC, with all EDRC decisions appealable to the NCC, made establishing a credible and effective EDRM for this indirect electoral cycle extremely challenging. None of the institutional capacity built in the EDRC will carry over to the next electoral cycle. However, the flexibility of the Project allowed it to adapt to the new context and deliver as well as possible within that context. The project provided the resources needed for the EDRC to function and to support the peaceful transfer of power. The EDRC’s considerable flaws existed despite the project’s work, not because of it. None of the institutional capacity built in the EDRC will carry over to the next electoral cycle.</p>
<p><i>Other:</i> <i>Are there any other issues concerning project implementation that you want to share, including any capacity needs of the recipient organizations? (1500 – character limit)</i></p>	<p>The political process introduced on 17 September 2020 suspended the planned universal suffrage elections in line with the legal framework for an indirect electoral process. Thus, the Project activities could not be fully implemented as planned as some activities are not suitable to an indirect electoral process.</p> <p>Due to slippage in the electoral timeline, the project closed before completion of the 2020/2022 indirect electoral process.</p> <p>The NIEC requires further capacity and institution building to be prepared for the first universal and equal suffrage elections (assumed to take place in 2026) and to be able to provide a credible EDR process protecting effectively fundamental rights of election stakeholders.</p>

PART IV: COVID-19

Please respond to these questions if the project underwent any monetary or non-monetary adjustments due to the COVID-19 pandemic.

PLEASE NOTE THAT THIS SECTION IS OPTIONAL

In the reporting period, COVID-19 did not affect the Project implementation. The COVID-19 relevant information covering the entire time of the Project will be provided in the final report.

- 1) Monetary adjustments: Please indicate the total amount in USD of adjustments due to COVID-19:
N/A
- 2) Non-monetary adjustments: Please indicate any adjustments to the project which did not have any financial implications:

To compensate for regular in-person meetings due to COVID-19 restrictions and insecurity, the IESG held several virtual meetings with the NIEC Legal Department and EDRC senior management and sub-committees. Online training sessions were organized by IESG for the NIEC legal department and the EDRC sub-committees.

Almost since the start of the project implementation stakeholders have had to deal with the challenges and constraints imposed by security threats, political delays and COVID-19, in holding the indirect elections.

The IESG project, with MPTF funds, provided zoom licenses to the NIEC to enable the organisation maintain business and conduct virtual meetings with both staff and all stakeholders from early 2020 onwards.

- 3) Please select all categories which describe the adjustments made to the Project (*and include details in general sections of this report*):

- Reinforce crisis management capacities and communications
- Ensure inclusive and equitable response and recovery
- Strengthen inter-community social cohesion and border management
- Counter hate speech and stigmatization and address trauma
- Support the SG's call for a global ceasefire
- Other (please describe):

If relevant, please share a COVID-19 success story of this project (*i.e., how adjustments of this Project made a difference and contributed to a positive response to the pandemic/prevented tensions or violence related to the pandemic etc.*)

The provision of PPE helped to provide protection for committee members, delegates and candidates and were widely used during the voting process.

Annex A: List of Electoral Complaints received by EDRC

Date of EDRC Decision/ Withdrawal	Location	Seat	Description	Status
November 2021 (Decision)	Somaliland	HoP # 239	<p>On 2 November 2021, EDRC received a complaint related to seat HOP # 239 won by the Deputy Prime Minister. The complainant and former holder of the seat, Hussein Arab Isse, claimed that he was refused to register for that seat by SEIT Somaliland. He also pleaded that the seat is exclusively allocated to the Bah-deksi sub-clan, and that candidates running for this seat must belong to that sub-clan. The EDRC decision, issued on 8 November 2021, states that based on the 01 October 2020 EDRC procedures issued by the NCC, the agreement of traditional elders, the evidence submitted, the investigations and hearings of the relevant parties conducted between the 02 and 07 November, the management process for HOP seat # 239 was correct and in line with 2020/2021 procedures for the indirect elections.</p>	<p>Complaint adjudicated on 08 November 2021. EDRC concluded that the election management process for seat HoP # 239 was in accordance with the procedures for Indirect Elections 2020/2021 and hence authorized FEIT to officially announce the results of that seat.</p>
15 December 2021 (Decision)	Galmudug	HoP # 067	<p>On 28 November 2021, Ahmed Abdikarim Ali (Candidate) and Ali Hassan Ali (Ali Jesto) (Elder) filed two complaints with EDRC, which were combined in one complaint as they are related to the same seat, HoP #067. Ahmed Abdikarim Ali, from Waceysle Clan and Mohamed Ade Molalim sub-clan, claimed that Galmudug SEIT had refused him to register to contest for the seat number HoP # 067. He also stated that Waceysle Clan seats allocation in 2016 was not in line with the clan power sharing system but was based on a different system that was not agreed by the sub-clans of the Clan and therefore, his sub-clan lost representation in the</p>	<p>Complaint adjudicated on 15 December 2021. EDRC concluded that the election management process for seat HoP # 067 was conducted in accordance with the procedures for Indirect Elections 2020/2021 and hence authorized FEIT to officially announce the results of that seat.</p>

15 December 2021 (Decision)	Galmudug	HoP # 067	<p>Parliament.</p> <p>Ali Hassan Ali, the second complainant, argued that the election of the HoP # 067 was conducted without his knowledge while he is the signatory of the HoP # 067 and registered at the Galmudug State and Ministry of the Interior of the Federal Government of Somalia, and that he was the Head of elders of the Marooyin sub-clan who selected delegates in 2016 for the same seat. He also claimed to have been barred from traveling to Dhusamereb.</p> <p>The EDRC decision issued on 15 December states that the EDRC found that in the 2016 election, seat HoP#067 was allocated to Marooyin sub-clan, not the Mohamed Ade Molalim sub-clan and the issue regarding the power sharing of the seats within the Waceysle clan is beyond EDRC powers. It also found that Ali Hassan Ali is neither the official elder that signed the delegate list who elected HoP#067 in 2016 elections nor one of the Traditional Elders registered with relevant authorities. EDRC concluded that the election management process of the seat number HoP#067 is in accordance with the Procedures for Indirect Elections 2020/2021 and hence authorized FEIT to officially announce the results of that seat.</p>	
			<p>On 28 November 2021, Ahmed Abdikarim Ali (Candidate) and Ali Hassan Ali (Ali Jestu) (Elder) filed two complaints with EDRC, which were combined in one complaint as they are related to the same seat, HoP #067. Ahmed Abdikarim Ali, from Waceysle Clan and Mohamed Ade Molalim sub-clan, claimed that Galmudug SEIT had refused him to register to contest for the seat number HoP # 067. He also stated that Waceysle Clan seats allocation in</p>	<p>Complaint adjudicated on 15 December 2021. EDRC concluded that the election management process for seat HoP # 067 was conducted in accordance with the procedures for Indirect Elections 2020/2021 and hence authorized FEIT to officially announce the results of that seat.</p>

			<p>2016 was not in line with the clan power sharing system but was based on a different system that was not agreed by the sub-clans of the Clan and therefore, his sub-clan lost representation in the Parliament.</p> <p>Ali Hassan Ali, the second complainant, argued that the election of the HoP # 067 was conducted without his knowledge while he is the signatory of the HoP # 067 and registered at the Galmudug State and Ministry of the Interior of the Federal Government of Somalia, and that he was the Head of elders of the Marooyin sub-clan who selected delegates in 2016 for the same seat. He also claimed to have been barred from traveling to Dhusamereb.</p> <p>The EDRC decision issued on 15 December states that the EDRC found that in the 2016 election, seat HoP#067 was allocated to Marooyin sub-clan and not the Mohamed Ade Molalim sub-clan and the issue regarding the power sharing of the seats within the Waceysle clan is beyond EDRC powers. It also found that Ali Hassan Ali is neither the official elder that signed the delegate list who elected HoP#067 in 2016 elections nor one of the Traditional Elders registered with relevant authorities. EDRC concluded that the election management process of the seat number HoP#067 is in accordance with the Procedures for Indirect Elections 2020/2021 and hence authorized FEIT to officially announce the results of that seat.</p>	
22 December 2021 (Decision)	Somaliland	HoP # 255	<p>The EDRC team responsible to cover the indirect process in Somaliland and Banadir received (not stated when) and investigated a complaint in relation to seat HoP # 255 (Somaliland) submitted by</p>	<p>The EDRC team responsible to cover the indirect process in Somaliland and Banadir resolved the complaint and decided on 22 December 2021 that the seat election was in line with election procedures.</p>

			<p>candidates: Abdullahi Bihi and Ahmed Mohamad. Both candidates complained about the process of voting. On 22 December 2021, the EDRC members issued a decision and decided the election of the seat was in line with election procedures.</p>	
25 January 2022 (Decision)	Puntland (Garowe)	HoP # 166	<p>The EDRC team responsible to cover the indirect process in Puntland investigated a complaint about the election procedure of seat HoP # 166 submitted by the candidate Bashir Warsame Mohamed. The candidate complained that he was prevented to receive his letter of candidacy to compete for the seat. On 25 January 2022, EDRC issued a decision and rejected the candidate's claims.</p>	<p>The EDRC team responsible to cover the indirect process in Puntland decided on 25 January 2022 to reject the complaint. In its press statement from 29 March 2022 the complaint is considered to be "invalid".</p>
30 January 2022 (Withdrawn)	Somaliland	HoP # 238	<p>HoP # 238 complaint has been withdrawn by the complainant.</p>	Withdrawn
03 February 2022 (Decision)	Somaliland	HoP seats # 201, # 209, # 211	<p>On 27 January 2022, EDRC registered a complaint arising from HoP elections in Somaliland in relation to three seats: HoP # 201, HoP # 209 and HoP # 211. The complaint was jointly lodged by two complainants Khayre Mohamed Mahamad, one of the women candidates for seat HoP # 209 and Suldan Diiriye Gelle Cali, an elder. They claimed that delegates who participated in election for those seats do not belong to the sub-clans sharing those seats, and that the delegates selection process was not in accordance with the procedures. They also pleaded that the delegates who participated in the election for the three seats were not part of Mohamed Isse, Samaron clan and the Barre Abokor, Bahabar Obokor sub-clan/Mohamed Isse could not run for the seats as they are already represented in the Upper House.</p>	<p>On 03 February 2022, EDRC issued a decision on the third complaint related to seats HoP 201, 209 and 211. The EDRC decision states the EDRC investigation revealed that the delegates who attended the election were from Mohamed Isse, Samaron clan and Suldan Diiriye Gelle Cali refused to sign the list of delegates. The decision also clarifies that there are no barriers for candidates from Barre Abokor, Bahabar Abokor / Mohamed Isse sub-clans to run for HoP # 201. EDRC concluded that the election management process for seats HoP # 201, # 209 and # 211 was correct and in line with 2020/2022 indirect elections procedures. Therefore, EDRC validated the results announced by Somaliland SEIT and authorized the FEIT to announce final results for those seats.</p>

13 February 2022 (Withdrawn)	Somaliland	HoP # 150	HoP # 150 complaint has been withdrawn by the complainant.	Withdrawn
21 February 2022 (Decision)	Somaliland	HoP # 242	The EDRC team responsible to cover the indirect process in Somaliland investigated a complaint about HoP # 242 seat submitted by an elder: Sultaan Mohamed Sultan Hassan sultan Bulbul. The elder complained that he was prevented to receive and to sign the delegate list of the seat. On 21 February 2022, the EDRC issued a judgment on the matter and concluded the election of the seat was in line with 2020-22 indirect electoral procedures.	On 21 February 2022, the EDRC team responsible to cover the indirect process in Somaliland issued a judgment on the matter and concluded the election of the seat was in line with 2020-22 indirect electoral procedures.
27 February 2022 (Decision)	SouthWest (Baidoa)	HoP # 045	EDRC registered a complaint against the SEIT SWS related to HoP seat # 045 on 19 February 2022. The complaint was jointly lodged by two candidates, including the incumbent MP, the Minister of Petroleum and Mineral Resources Mr. H.E. Abdirashiid Mohamed Ahmed, and one traditional elder. The complainants accused the SWS SEIT of wrongly allocating the seat to the Jazeera sub clan instead of allocating it to the Gandarshe sub clan. The EDRC investigated the complaint and the history of allocating the seat to sub-clans. According to the EDRC, the two sub-clans (Jazeera sub clan and Gandarshe sub clan) have been alternating to fill the seat since 2000. EDRC issued decision on 27 February 2022 confirming the decision of SWS SEIT and informing FEIT that they are free to release the official result.	EDRC issued decision on 27 February 2022 on complaint HoP seat # 045. The EDRC decided that the SWS SEIT conducted the election of the seat in line with the existing NCC procedures for the indirect process 2020-2022. As a consequence, the EDRC confirmed the decision of SWS SEIT and informed FEIT that they are free to release the official result.

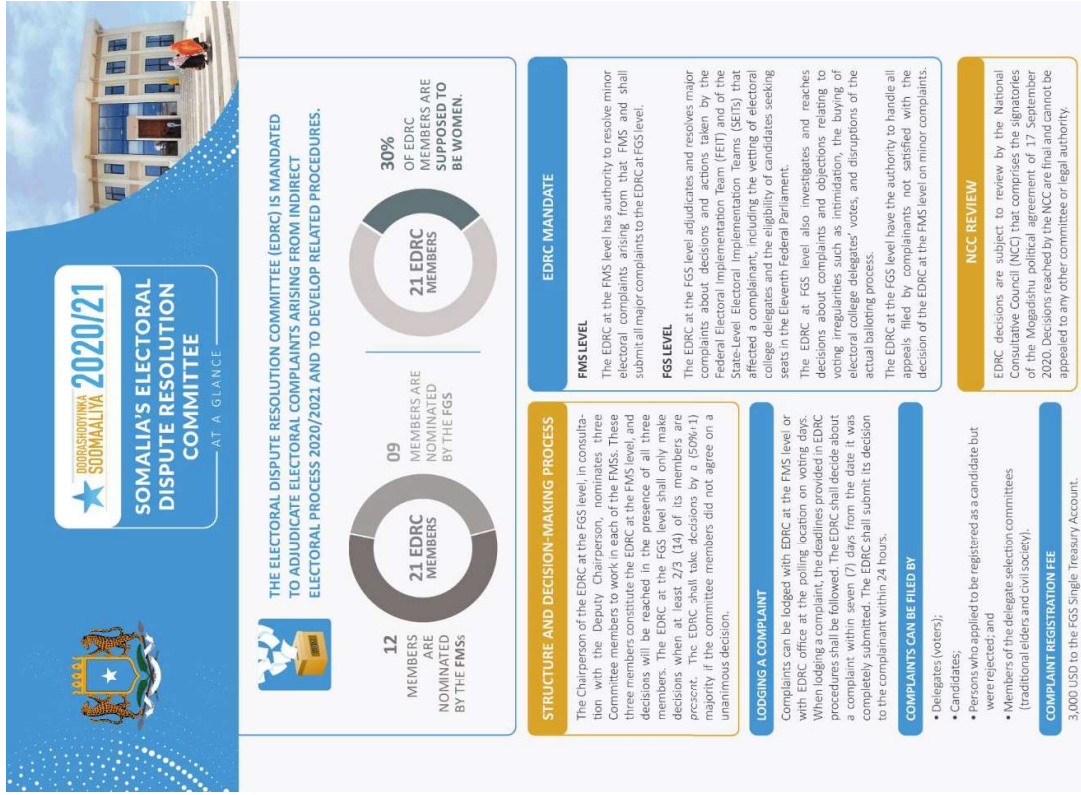
Annex B: Photo Montage





Photos of the EDR building and aerial view of the new NIEC Compound including EDR building.

Annex C: Somalia's electoral dispute resolution committee



Annex D

INSERT EDRC LOGO HERE	
THE FEDERAL REPUBLIC OF SOMALIA	
ELECTORAL DISPUTES RESOLUTION COMMITTEE	
EDRC at FGS <input type="checkbox"/>	EDRC at FMS <input type="checkbox"/>
COMPLAINTS FORM	
Case Number (To be filled by EDRC staff/Member)	
Election	Upper House <input type="checkbox"/> House of People <input type="checkbox"/>
Category	Candidate nomination <input type="checkbox"/> Polling <input type="checkbox"/> Voting <input type="checkbox"/> Other <input type="checkbox"/>
PERSONAL DETAILS	
Name of complainant	Father's name
Gender: Male <input type="checkbox"/>	Female <input type="checkbox"/>
State:	Seat number: Polling station:
CONTACT DETAILS	
Mobile Phone Number:	Email:
RESPONDENT	
Name of respondent	Father's Name
Gender: Male <input type="checkbox"/>	Female <input type="checkbox"/>
State:	
Mobile Phone Number:	Email:
Brief information regarding the complaint (subject, details of the complaint, location, date, contested seat/clan)	
Evidence/documents provided:	
Name and signature of complainant:	Name, title and signature of complainant:
	Date and time

NB: The complainant will get a receipt (detached from this form) indicating the name of the complainant, respondent, date and time, name and signature of the staff receiving the complaint.

INSERT EDRC LOGO HERE	
THE FEDERAL REPUBLIC OF SOMALIA	
ELECTORAL DISPUTES RESOLUTION COMMITTEE	
EDRC at FGS <input type="checkbox"/>	EDRC at FMS <input type="checkbox"/>
REFERRAL/APPEAL FORM	
Case Number (To be filled by EDRC staff/Member)	
Election	Upper House <input type="checkbox"/> House of People <input type="checkbox"/>
Category	Candidate nomination <input type="checkbox"/> Polling <input type="checkbox"/> Voting <input type="checkbox"/> Other <input type="checkbox"/>
Name of complainant	Father's name
Gender: Male <input type="checkbox"/>	Female <input type="checkbox"/>
State:	Seat number: Polling station:
Name of respondent	Father's Name
Gender: Male <input type="checkbox"/>	Female <input type="checkbox"/>
Reasons for referral/ Grounds of appeal:	
Accompanying documents:	
Names and Signature of EDRC member/staff	Date and time: Stamp of EDRC

Annex E: EDR Frequently Asked Questions 20210917 Somali version prepared for EDRC by IESG

Su'aalo iyo Jawaabo Ku Saabsan Xallinta Khilaafaadka Doorashooyinka Soomaaliya

1. Hay'adde ayaa leh waajibaadka sharci ee Xallinta Khilaafaadka Doorashada Soomaaliya?

Sida ku xusan Heshiis Siyaasadeedka Habraaca Hagaya Hirgalinta Doorashada 2020/2021 ee heer Federaal, Guddiga Xallinta Khilaafaadka Doorashada (GXKHD) wuxuu ka mas'uul yahay u garnaqidda iyo xallinta cabashooyinka ka dhasha geedi-socodka doorashada dadban ee 2020-2021. Golaha Wadatashiga Qaranka (GWQ) waxa uu awood sharci u leeyahay xal ka gaarista arrimaha ama diidmada u baahan xal siyaasadeed. GWQ waxa uu dib u eegis ku sameyn karaa go'aanada GXKHD, go'aanad uu soo saaro GWQ waa kuwa kama danbeys ah.

2. Waa Maxay Waajibaadka GXKHD?

Guddigu wuxuu ka mas'uul yahay u garnaqidda iyo xallinta cabashooyinka laga keenay go'aanada iyo tallaabooyinka ay qaadeen Guddiga Hirgalinta Doorashooyinka ee Heer Federaal (GHDHF) iyo Guddiga Maamulka Doorashada ee Heer DXDF (GMDDXDF), iyo cabashooyinak la xariira ergooyinka, musharixiinta iyo ku dhawaaqista natiijooyinka kama dambeyska ah ee doorashooyinka dadban 2020- 2021.

3. Waa Maxay Hadafka GXKHD?

Hufnaan, caddaalad iyo in si waxtar leh loo xalliyo cabashooyinka.

4. Maxay yihiin Wajibaadka Muhiimka ah ee GXKHD?

GXKHD wuxuu ka mas'uul yahay u garnaqidda iyo xallinta cabashooyinka laga keenay go'aanada iyo tallaabooyinka ay qaadeen GHDHF iyo GMDDXDF, ee la xariira:

- Xulista Ergada
- Magacaabista musharixiinta labada Aqal ee Baarlamaanka
- Codbixinta iyo Tirinta
- Soo bandhigista natiijooyinka
- Ku dhawaaqista natiijooyinka horudhac ah

5. Go'aanada GXKHD kuwa kama dambeys ah miyaa?

Maya, go'aanada GXKHD ma ahan kuwa kama dambeys ah, waxaana dib u eegis ku sameyn kara GWQ marka uu codsi ugu yimaado cidda cabashada qabta.

6. GXKHD Xafiisyo maku leeyahay Gobolada?

GXKHD waxa uu xafiis ku leeyahay midkasta oo kamid ah Dowlad Goboleedyada, waxaana ka hawlgalaya 3 xubnood oo katirsan GXKHD ee uu magacaabay Guddoomiyaha GXKHD.

7. Immisa heer go'aan gaaris ah uu leeyahay GXKHD?

Xubnaha GXKHD ee Dowlad Goboleedyada waxay go'aan ka gaarayaan cabashooyinka fudud. Cabashooyinka culus waxaa go'aan ka gaaraya xubnaha GXKHD ee Xarunta Dhexe. Cidkasta oo ku qancin go'aanada cabashooyinka fudud ee ay gaareen xubnaha GXKHD ee Dowlad Goboleedka waxay racaan usoo gudbin karaan Xarunta Dhexe GXKHD.

8. Waa sidee Qaab-dhismeedka GXKHD & Hannaan sidee ah ayaa lagu Magacaabay Xubnaha GXKHD?

Xubnaha GXKHD waa 21 xubnood, 9 kamid ah waxaa soo magacaabay Dowladda Federaalka, halka 12 xubnood ay soo magacaabeen Dowlad Goboleedyada. Si loo xaqiijiyo matalaada haweenka, 30% xubnaha GXKHD waa haween.

9. Waa maxay Mudda Xileedka Xubnaha GXKHD?

Mudda Xileedka xubnaha GXKHD waxa uu ku egyahay dhamaadka hirgalinta doorashada dadban ee 2020 – 2021.

10. Waa maxay Kooramka Kulmada iyo Go'aan gaarista GXKHD?

Kulamada GXKHD ee lagu xallinaayo cabashooyinka culus waa inay joogaan (ama qaab Fogaan Arag ah) dhamaan 21 xubnood ee Guddiga ama 2/3 ee xubnaha Guddiga.
Go'aanada waxa lagu gaaraayaa si wadar ogol ah ama 50%+1 marka go'aanka lagu gaari waayo si wadajir ah.
Xubnaha GXKHD ee Dowlad Goboleedka, go'aanada waxay ku gaaraayan in 3-da xubnood ay wada joogaan ama aqlabiyad buuxda.

11. Halkee Cabasho laga Diiwaangalin karaa?

Cabashooyinka waxa loo soo gudbin karaa Xafiisyada GXKHD ee Dowlad Goboleedka, Xarunta Dhexe ee GXKHD ama goobta codbixinta inta lagu gudajiro muddada codbixinta.

12. Goorma ayaa Cabasho la Diiwaangalin karaa?

- Cabashooyinka laxariira soo xulista ergada waxa lasoo gudbin karaa 5 cisho kadib dhamaadka muddada xulista ergada.
- Cabashooyinka laxariira magacaabista musharaxiinta iyo diiwaangalintooda waxa lasoo gudbin karaa 5 cisho gudahood kadib dhamaadka muddada diiwaangalinta musharaxiinta.
- Cabashooyinka laxariira natiijooyinka waxa lasoo gudbin karaa 5 cisho kadib marka lagu dhawaaqo natiijada doorashada.
- Cabashooyinka laxariira codbixinta waxaa laga diiwaangalinaa goobta codbixinta.

13. Yaa Cabasho Soo Gudbin Kara?

- Odayaasha Dhaqanka, & bulshada rayidka ee laga aqoonsanyahay Wasaaradda Arrimaha Gudaha iyo Xafiiska Raisulwasaaraha.
- Ergada ama Xubnaha Xildhibaanada Dowlad Goboleedka oo ah codbixiyaasha Aqalka Sare.
- Musharaxiinta.
- Musharaxiinta codsigooda la laalay/ la diiday.

14. Waa Maxay Shuruudaha Diiwaangalinta Cabashada?

- Dacwad Oogaha waa inuu helaa xuquuq uu ku dacwodo.
- Dacwad oogaha waa inuu si dhameystiran u buuxiyaa foomka cabashada. Haddii uu fahmi waayo xogta foomka ku qoran, dacwad oogaha waa inuu caawinaad waydiistaa xubnaha GXKHD.
- Soo gudbinta foomka uu buuxiyay iyo caddeyn bixinta lacagta diiwaangalinta cabashada oo la socota caddeynta cabashada uu soo gudbinaayo.

15. Lacag maa la bixinayaa si cabasho loo diiwaangaliyo?

Haa. Cidkasta oo GXKHD usoo gudbisa cabasho waa inay bixisaa lacagta diiwaangalinta cabashada oo ah \$3,000 (sadex kun oo doolarka Maraykanka) laguna shubaa kootada GHDHF. Lana soo gudbiyaa caddeynta bixinta lacagta. Lacagta lama celinaayo haddii cabashada la laalo.

16. GXKHD muxu sameynaayaa kadib diiwangalitna cabashada?

- Kala soocidda cabashooyinka
- Baaritaan iyo falanqayn, haddii loo baahdo.
- Dhageysiga Dacwada, hadii laga maarmaan tahay
- Xalinta cabashada iyo go'aan gaarista
- Wargalin/ogaysiis
- Fulinta go'aanka

17. Sidee cabashooyinka loo kala soocaa?

- Xubnaha GXKHD ayaa qiimeyn ku sameenaayo sax ahaansha dukumintiyada waxayna u kala qaybin doonaan A, B iyo C.
- Qaybta A: cabashooyinka, hadii la cadeeyo inay run yihiin, saameyn doonta natiijada doorashada.
- Qaybta B: cabashooyinka, hadii la cadeeyo inay run yihiin, aan saamayn ku yeelanaynin natiijada doorashada.
- Qaybta C: cabashooyinka sax aan ahayn. Cabashooyinka noocan ah si deg-deg ah ayaa loo laalaayaa, baaritaan dheeri ah laguma sameynaayo.

18. Waa maxay cabashooyinka aan sax ahayn?

- Cabashooyin usoo gudbiyay dacwad ooge aan sharci ahayn
- Cabashooyin lasoo gudbiyay kadib muddada loogu talagalay.
- Cabashooyin aan wax caddeyn ah lahayn
- Cabashooyin aan la bixinin lacagta diiwaangalinta cabashada
- Cabashooyin ka baxsan waajibaadka GXKHD

19. Go'aanada GXKHD ee Heer Dowlad Goboleed Racfaan malaga qaadan karaa?

Haa. Qof kasta oo ku qancin go'aanka xubnaha GXKHD ee Heer Dowlad Goboleed waxay racfaan u gubin kartaa xarunta dhexe ee GXKHD.

20. Sidee dhinacyada kiiska ku ogaan karaan natiijada cabashadooda?

Iyada oo la adeegsanaayo foomka wargalinta/ogaysiiska, GXKHD waa inuu dhinacyada ay dacwadda khuseyso ku ogeysiiyaa go'aanka ugu dambeyn 24 saac gudahooda marka go'aanka la gaaro.

21. Maxaa kamid ah tallaabooyinka sixitaanka ee GXKHD uu qaadi karo?

- Inuu la taliyo ama u digo ku xadgudbaha doorashada;
- In GHDHF iyo GMDDXDF lagu baraarujiyo hanaanka xallinta khilaafaadka ee cabashooyinka;
- In aqoonsiga lalaalo ama dib loogu celiyo;
- In magac laga saaro ama dib loogu celiyo liiska horudhaca ee ergada ama musharaxiinta;
- Bixinta amar ku saabsan dib u tirinta codadka;
- In lalaalo codadka musharaxa/xiinta ama guud ahaan goobta codbixinta;

- Bixinta amar in doorashada dib loogu celiyo goobta codbixinta oo ay ka dhacen xadgudubyo iyo takrifal la xaqiijiyay;
 - Xallinta arrimaha laga maarmaanka ah;
 - In falalka dambiyada loo gudbiyo hey'adaha ka shaqeeya sharciga, hadii ay khuseyso.
22. Waa maxay doorka GXKHD ee wax ka qabashada dambiyada doorashada?
- GXKHD waxa uu dambiilaysaasha u gudbinaayaa hey'adaha ay khuseyso ee sharciga ciqaabta si loogu sameeyo dabagal sharci.
23. Waajibaadka GXKHD ma kamid tahay hirgalinta arrimaha jinsiga?
- Haa, GXKHD waxa ka go'an hirgalinta arrimaha jinsiga, GXKHD waxa uu leeyahay Guddi-Hoosaad ka shaqeeya ilaalinta kootada haweenka. Foomka cabashada waxa lagu muujinaayaa jinsiga dacwad oogaha. GXKHD waxa uu soo bandhigayaa xogta oo u kala soocan jinsiga. Hawlaha GXKHD ee Wacyigalinta Dadweynaha, waa in Guddiga xaqiijiyaa in fariinta ay gaarto bulshada qaybaheeda kala duwan, sida haweenka, dhalinyarada, dadka baahiyaha gaarka qaba.
- GXKHD waxa uu si wadajir ah ula shaqayanaayaa Xafiiska Arrimaha Haweenka ee ku yaala Xarumaha Wadajirka Hawlgalada Amniga si haweenka loo ogeysiiyo suurtagalnimada ay cabasho ugu gudbin karaan GXKHD. Cabashadu waa inay tahay mid la xariirta waajibaadka guddiga.
- GXKHD waa inuu xaqiijiyaa in si iskumid ah loo xalliyo cabashooyinka ay soo gudbiyaan ragga iyo haweenka.

Frequently asked questions on EDR and EDRC in Somalia prepared by IESG (English version)

24. Which institution has the legal mandate on EDR in Somalia?

According to the Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections at the Federal Level, the EDRC is mandated to resolve electoral complaints arising from the indirect electoral process 2020 - 2021. The National Consultative Council (NCC) has authority to adjudicate issues or objections requiring a political solution. It also has competence to review EDRC decisions and its decisions are final.

25. What is the mandate of EDRC?

The EDRC is responsible for resolving complaints about decisions and actions taken by the Federal Electoral Implementation Team (FEIT) and the State Electoral Implementation Team (SEIT) from delegates and candidate's nomination to announcement of final results of the indirect elections 2020 - 2021.

26. What are the goals of EDRC?

Transparency, fairness and efficiency in complaints adjudication.

27. What are the key authorities of EDRC?

The EDRC is responsible for resolving complaints about decisions and actions made by the FEIT and SEIT related to:

- Delegates' selection.
- Candidates' nomination for either of the Two Houses of the Parliament.

- Voting and counting.
- Tabulation of results.
- Announcement of provisional results.

28. Are EDRC decisions final?

No, EDRC decisions are not final as they may be reviewed by NCC upon a request by a party to the case.

29. Does EDRC have regional offices?

The EDRC has an Office at each Federal Member State (FMS) staffed by a team of 3 EDRC committee members who are deployed by the EDRC Chairperson. .

30. How many adjudication levels does EDRC have?

EDRC Team at FMS level makes decisions on minor complaints. Major complaints are resolved by EDRC at central level. Anyone aggrieved by the decision of EDRC Team on minor complaint may lodge an appeal to EDRC central level.

31. How is the EDRC composed and how are the EDRC Commissioners appointed?

The EDRC comprises twenty-one (21) members, of which 9 members are nominated by the Federal Government, while the other 12 members are nominated by the FMSs with two (2) members each. In order to ensure women representation, at least 30% of EDRC members must be women.

32. What is the tenure of the EDRC members?

The tenure of the EDRC members is limited to the completion of the indirect electoral process 2020-2021.

33. What is EDRC quorum for meeting and decision making?

The EDRC meetings on major complaints resolution shall be in the presence (virtual or actual) of all 21 members or when at least 2/3 of its members are present.

The decisions are reached through consensus or at 50%+1 in absence of unanimity.

For EDRC Team at FMS level, the decision is made in the presence of all 3 members unanimously or at absolute majority.

34. Where can complaint be registered?

Complaints may be submitted at EDRC Team office in each FMS, at EDRC central office or at the polling location during voting period.

35. When can a complaint be registered?

- Complaints related to selection of delegates shall be submitted within 5 days after the selection period expires.
- Complaints related to candidate nomination and registration shall be submitted within 5 days after the end of candidate registration period.
- Complaints related to results shall be submitted 5 days after election results announcement.
- Complaints related to voting shall be submitted at the polling location.

36. Who can complain?

- Traditional elders & civil society recognized by Ministry of interior and the Office of the PM.
- Delegates or Members of FMS parliament who are voters for Upper House.
- Candidates.
- Candidates whose application was rejected.

37. What are the requirements to file a complaint?

- The complainant must have right to complain.
- The complainant should fully fill out the complaint form. In case of unfamiliarity with filling the form, the complainant should seek assistance from EDRC members.
- Submit the filled form and proof of payment of the complaint registration fee together with the evidentiary proof.

38. Is there a fee to register a complaint?

Yes. Anyone who submits a complaint to the EDRC must pay a complaint registration fee of \$3,000 (three thousand US dollars) on FEIT bank account. She/he must produce a related proof document. If the complaint is rejected the fee is not returned.

39. What will EDRC do after complaints are registered?

- Categorization of complaints.
- Investigation and analysis, if necessary.
- Hearing, if necessary.
- Addressing complaints and decision making.
- Notification.
- Execution of the decision (implementation.)

40. How is complaints categorization carried out?

- EDRC Team will assess the authenticity of the documents and will categorize complaints into major and minor complaints as follows:
- Category A: complaints that, if proved true, will affect the elections results.
- Category B: complaints that, if proved true, will not affect the elections results.
- Category C: invalid complaints. These complaints are automatically rejected without any further investigation.

41. What are invalid complaints?

- filed by unqualified complainants.
- filed after the expiration of the prescribed deadline.
- without any evidence.
- without proof of payment of the complaint registration fee.
- which fall out of EDRC jurisdiction.

42. Can a person appeal the decision of the EDRC at FMS level?

Yes, any person aggrieved by the decision of EDRC Team at FMS level may lodge an appeal with EDRC at central level.

43. How will parties to the case know the outcome of their complaint?

Using the notification form, the EDRC shall notify the parties to the case not later than 24 hours following the decision.

44. What are some corrective measures can EDRC take?

- to advise or warn the electoral violator.
- to instruct the FEIT or SEIT on how to resolve the problem following the complainant request.
- to revoke or reinstate an accreditation.
- to remove or reinstate a name from the preliminary list of delegates or candidates.
- to order a recount of votes.
- to invalidate votes of a candidate(s) or the whole polling station.
- to order repeat of election in the polling location where serious malpractices and violations have occurred and proven.
- to resolve the issue as deemed necessary.
- to refer criminal actions to the respective authorities dealing with criminal law, if applicable.

45. What is the role of EDRC in addressing electoral crimes?

EDRC refers the perpetrators to the relevant authorities dealing with criminal law for legal pursuit.

46. Is the EDRC mandated to implement a gender responsive approach?

Yes. The EDRC is committed to implement a gender responsive approach. It has established a sub-committee for safeguarding the womens quota. The gender of the person complaining is recorded on the complaint form. The EDRC will publish data disaggregated by sex.

In its public awareness activities, EDRC shall ensure the messages on EDR target women, and additionally youth, people with disabilities and minorities.

The EDRC will collaborate with the Women Situation Desks of the Joint Security Operation Centres to inform women about the possibility to file a complaint with the EDRC within its jurisdiction. EDRC shall ensure equal treatment is given to both male and female complainants.

ELECTORAL DISPUTE RESOLUTION COMMITTEE

Date: 29/03/2022

PRESS RELEASE

The 2020/2022 Indirect Electoral Dispute Resolution Committee (EDRC) is fully prepared to fulfill its mandate on implementing the 17 September 2020 agreement, 1st October procedure which established the EDRC, the 27th May 2021 agreement, the communique from the National Consultative Council (NCC) on 21-22 August 2021, hereby share with 2020-2022 indirect process stakeholders the official complaints received and adjudicated by EDRC, official complaints withdrew by complainants after being internally resolved by respective traditional elders, invalid complaints that have been rejected by EDRC as they were out scope of EDRC mandate as they have not fulfilled admission requirements which EDRC will submit them to NCC after remaining seats are elected.

Today 29/03/2022, EDRC ensured that FMS electoral committees (SEI), Somaliland and Banadir awarded provisional certificates to 249 HoP citizens and 54 UH citizens of 11th parliament.

The Indirect Electoral Dispute Resolution Committee (EDRC) presents below types of complaints decided and adjudicated:

Major complainants

Seat Number	Decided by majority of EDRC members in the below date
HoP#239	08/11/2021
HoP#067	15/12/2021
HoP#201	03/02/2022
HoP#209	03/02/2022
HoP#211	03/02/2022
HoP#045	27/02/2022

Minor complainants

Seat Number	Resolved by majority of EDRC members at FMS level in the below date
HoP#255	22/12/2021
HoP#242	21/02/2022

Invalid Complaints

Seat Number	Decided by majority of EDRC members at respective FMS level and EDRC Legal section in the below date
HoP#166	25/01/2022

Complaints that have been withdrawn

Seat number	These complaints have been withdrawn by the complainants after they presented written and audio testimonies showing they have withdrawn from the official complaints.
HoP#238	30/01/2022
HoP#150	13/02/2022

In addition, there are 25 complaints that are in custody of the Indirect Electoral Dispute Resolution Committee (EDRC) which have not met requirements of 2020-2021 indirect electoral procedures. Some of these 25 complaints have issues that cannot be underestimated as they involve violations of multiple rights. Those violations include Age requirement of some current MPs who have provisional certificates, women quota representation, political manipulation against some citizens whom refused to travel to their respective constituency as well mis -allocation of seats to other clans. Lastly, the EDRC will wait for these 25 complaints until the reaming 26 seats of **Jubaland iyo Hirshabeele** are completed. The EDRC will put these complaints before NCC and will publish seat number of all disputed seats before submitting them to NCC.

END

Annex G

THE FEDERAL REPUBLIC OF SOMALIA ELECTORAL DISPUTE RESOLUTION COMMITTEE OF 2020/2021 PROCEDURE (Drafted by IESG)

Preamble

The Electoral Dispute Resolution Committee (EDRC) is empowered to resolve electoral disputes pursuant to the “Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections at the Federal Level – Electoral Dispute Resolution Committee for the 2020/2021 Indirect Elections” issued by the Federal Republic of Somalia – The Presidency, Communications Office, dated 01/10/2020.

Article 1

Definitions

For the purpose of this Procedure, the following terms shall have the following meanings:

Appeal: A request to the EDRC at FGS level to reconsider a decision made by the EDRC at FMS level directly affecting the appellant.

Complaint: A request to the EDRC at FMS level to reconsider a decision or action taken by the FEIC or FMSEMC directly affecting the complainant.

EDRC at FGS level: Electoral Dispute Resolution Committee at Federal Government of Somalia level composed of 21 members.

EDRC at FMS level: Electoral Dispute Resolution Committee working in each of the Federal Member States. This Committee comprises 3 members from the EDRC at FGS level.

FEIC: Federal Electoral Implementation Committee.

FMSEMC: Federal Member State Electoral Management Committee.

National Consultative Council: Leaders of the Federal Government, the Leaders of the Federal Member States and the Mayor of Mogadishu and Governor of Banadir Region.

Article 2

General Provisions

2.1. The EDRC at FGS level is mandated to establish an effective and enforceable procedure in which complaints shall be judged legally/fairly and impartially.

2.2. FEIC and FMSEMCs shall support the EDRC at FMS and FGS level in fulfilling its mandate especially by providing required documents and evidence.

2.3. All relevant stakeholders participating in the electoral process are presumed to be aware of the applicable legal procedures and the relevant codes of conducts.

2.4 A complaint can be filed by a delegate (voter) or candidate with the EDRC at FMS level. Other stakeholders may be granted specific rights of complaint, for example Observers may file a complaint if they are not granted accreditation. Such rights of complaint will be mentioned and set out in the relevant procedures.

A person who was rejected or removed from the list of Delegates by the FEIC or FMSEMC may file a complaint in line with the EDRC procedures. A person whose candidacy was rejected or whose candidacy was revoked may file a complaint in accordance with the EDRC procedures. A candidate or delegate may file a complaint on other issues, such as alleged breaches of process in the polling station, or on the results.

2.5. The National Consultative Council may review decisions taken by the EDRC at FGS level upon a request filed by a delegate (voter) or candidate. This request can only be filed after exhausting the legal recourse provided by the EDRC at FMS and FGS level.

2.6. Abusing the right to complain or appeal, or making false, groundless or frivolous complaints or submissions to the respective authorities is prohibited. The EDRC FMS and FGS level and National

Consultative Council may refer such case to the respective authorities dealing with criminal law, if applicable.

2.7. The EDRC at FMS and FGS level and National Consultative Council shall refer any criminal issue to the respective authorities.

Article 3 **EDRC structure**

3.1. The EDRC at FGS level shall consist of twenty-one (21) members, of which 9 members will be nominated by the Federal Government, while the other 12 members will be nominated by the Federal Member States with two (2) members each.

3.2. 30% of the EDRC at FGS level shall be women.

3.3. The EDRC at FGS level shall, at its first meeting, elect from among its members a chairperson and a deputy chairperson. The election of the chairperson and deputy chairperson shall be by a simple majority of votes (50% +1).

3.4. The Chairperson of the EDRC at FGS level, in consultation with the deputy Chairperson, shall nominate three (3) EDRC members who shall work in each of the Federal Member States. These three (3) members constitute the EDRC at FMS level. Each EDRC at FMS level shall have office at the polling location.

3.5. The Chairperson and the deputy Chairperson shall collaborate to ensure smooth coordination among EDRC at FMS level for uniformity in decision making throughout the country.

Article 4 **Mandate of EDRC at FMS and FGS level and National Consultative Council**

4.1. The EDRC at FMS level shall be the primary authority to deal with electoral disputes and shall have the following prerogatives:

(a) adjudicate and resolve complaints about decisions and actions affecting the complainant taken by the FIEC and FMSEMC, including the vetting of electoral delegates and candidates running for either of the two Houses of Parliament.

(b) to investigate and decide about complaints and objections to matters relating to candidacy or voting (such as intimidation, vote-buying, disruption/interruption of the process, adversely affecting the compilation or declaration of the results).

(c) The EDRC at FGS level shall have the authority to handle all appeals filed by complainants not satisfied with the decision of the EDRC at FMS level.

(d) The EDRC at FGS level is the primary authority to deal with complaints from Somaliland. Furthermore, the EDRC at FGS level shall be the primary authority under special circumstances when there is a conflict of interests among the EDRC members at the FMS level. In such case, the EDRC members at FMS level should refer the case to the EDRC at FGS level mentioning clearly the reason for such reference.

4.2. The mandate of the National Consultative Council as defined by the “Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections at the Federal Level – Dispute Resolution Committee for the 2020/2021 Indirect Elections” is:

(a) Issues or objections requiring a political solution shall be decided by the National Consultative Council unanimously. If no unanimity among the National Consultative Council members, the matter shall be decided on simple majority of its members.

(b) Decisions of the EDRC at FGS level may be reviewed by the Leaders of the FGS and the FMSs upon a request filed by an aggrieved party to the case, and the decision made by the Leaders shall be the final decision, and the case cannot be referred to any other committee or legal authority.

Article 5

Decision making process

5.1. The EDRC at FMS level shall take decisions in presence of all three members. The EDRC at FGS level shall make decisions when at least 3/4 of its members are present.

5.2. The EDRC at FGS level and the EDRC at FMS level shall take their decisions unanimously. If the committee members do not agree on a unanimous decision, decision will be made by a (50%+1) majority of its present members.

5.3. The EDRC at FMS and FGS level may organize open sessions where parties to the cases are invited to attend and be heard.

5.4. Session of the EDRC at FGS level shall take place in person, virtually or through other means of communication in order to adhere to the timeline for taking a decision. EDRC members at FGS level shall express their decision verbally in person, by phone, in writing or any other way. The decisions making process shall be recorded.

Article 6

Complaints and Appeals

6.1. A submitted complaint shall contain at least the following information:

(a) The complainants name, gender, address and contact information (mobile phone number, and if available an email address). If complainants contact details are not available the contact details of an authorized representative shall be provided.

(b) The complaint must be signed or fingerprinted by the complainant.

(c) A sufficient description of the alleged violation which should include the date, time, people and witnesses involved, and the place of the alleged violation.

(d) If available, details of any evidence and copies of any relevant documentation or other evidence in the possession of the complainant or an instruction about where to find evidence not in possession of the complainant. Complaints need to be well-grounded and substantiated, and it is the duty of the person complaining to provide evidence to establish and prove the allegation.

(f) Anyone who submits a complaint to the EDRC at FMS level must pay a complaint registration fee of \$3,000 (three thousand dollars), a letter stating that he/she has deposited it in the bank account of the FIEC and must attach it to his or her complaint file. No fee is required for appeal or review.

6.2. A submitted appeal shall contain the information mentioned under 6.1. and shall have the complaint decision attached.

6.3 The EDRC at FGS and FMS level shall keep a record of sex disaggregated data on all complaints/appeals received.

Article 7

Complaints Process

7.1. Complaint's adjudication process:

The complaints process may consist of six steps:

(1) Receiving of the Complaints

(2) Process of Registration of the Complaints

(3) Reporting

(4) Investigation process

(5) Decisions

(6) Notification about the decision

7.1. (1) Receiving Complaints

(a) Complaints related to the vetting and selection of delegates shall be filed within 3 days after the end of the period of vetting and selection of delegates.

(b) Complaints related to the nomination and registration of candidates shall be filled within 3 days after the end of the period for nomination and registration of candidates.

- (c) Complaints related to irregularities occurred during the course of voting and counting process can be filed at each of the EDRC offices at the polling location during the polling, counting and not later than 24 hours after the last day of voting. Complaints related to results shall be lodged to the EDRC at FMS level within 3 days after the announcement of preliminary results for this particular seat.
- (d) Complaints related to the preliminary results of the electoral process shall not be accepted after the certification of the final results.
- (e) Complaints shall be submitted within the legal timelines. In case no other timeline is specified for a particular case, a complaint shall be filed within 48 hours after the day the challenged action occurred, or the challenged decision was published. In all cases, the deadline starts running the next day following the day on which the challenged action occurred, or the challenged decision was published.
- (f) Anyone who submits a complaint to the EDRC at FMS level must pay a complaint registration fee of \$3,000 (three thousand dollars) and submit a letter stating that he/she has deposited it in the bank account of the FEIC. This letter will be attached by EDRC to the complaint file. Until the proof of payment is provided the complaint is not considered to be complete. If the letter related to deposit of the complaint registration fees is not submitted to the EDRC at FMS level within two days following the filing of the complaint to the EDRC, the complaint shall be rejected for not fulfilling the legal requirements.
- (g) No appeal registration fee required.
- (h) The complaints forms shall be provided at each of the EDRC offices at all levels.

7.1. (2) Registration process:

- (a) The EDRC members at FMS level will receive and register the submitted complaints.
- (b) Complaints should be processed as careful and as timely as possible.
- (c) The EDRC members at FMS level shall register the complaint and allocate a complaint/ case number to each complaint. The complaint/ case number shall include a reference to the Federal Member State in which the complaint has been filed (in case of complaints filed in relation to the Somaliland process the FMS in which the complaint has been filed shall be replaced by a reference to Somaliland), the date the complaint has been received and a sequential number. Afterwards, the complaint shall be entered into the official complaint register which is created to capture all important information of the complaints.

7.1. (3) Reporting:

- (a) The EDRC members at FMS level shall send a daily report listing all complaints received to the EDRC at FGS in Mogadishu and file all related documents.
- (b) EDRC at FGS in Mogadishu shall publish information about the number of complaints received regularly. External reporting shall be anonymized using the allocated complaint/case number.

7.1. (4) Investigation process:

- (a) Complaints and appeals need to be well-grounded and substantiated and it is the duty of the person complaining or appealing to provide evidence to establish the allegation.
- (b) Taking into account the nature and gravity of the offence, EDRC at the FMS level shall examine all evidence submitted by the complainant.
- (c) The EDRC at FMS level shall investigate complaints, by registering the statement of the complainants and respondent and examining the available and required evidence as deemed necessary in order to decide about the complaint/case. If necessary, parties to the case shall be heard by the Committee before a decision is made.
- (d) The EDRC at FMS and FGS level shall categorize all complaints/appeals and priority should be given to complaints/appeals with impact to the election results.
- (e) Complaints not meeting all legal requirements shall be automatically rejected without any further investigation.

7.1. (5) Decisions:

(a) EDRC at FMS level may declare a complaint as received but incomplete if the proof of payment of the complaint registration fee is not provided within a period mentioned under article 7.1 (1) (f) of this Procedure.

(b) EDRC at FMS level may declare a received complaint as inadmissible after registration if it does not fulfill minimum requirements.

(c) EDRC at FMS level may after consulting with EDRC at FGS level refer a complaint requiring a political solution to the National Consultative Council. Violations of technical procedures governing the process cannot be considered to require a political solution.

(d) Taking into account the nature and gravity of the electoral violation/ offence, EDRC at FMS level shall examine all evidence and issue a decision providing the reasoning and motivation behind reaching such decision. The EDRC at FMS level shall reach their decisions unanimously or by a simple majority of present members.

(i) A complaint shall be rejected if it does not fulfill the minimal requirements or if the complaint registration fee is not paid.

(ii) False, groundless or frivolous complaints or submissions to the respective authorities are prohibited and shall be rejected. The EDRC at FMS level may refer such case to the respective authorities dealing with criminal law, if applicable.

(iii) Unsubstantiated complaints shall be rejected.

(vi) The EDRC at FMS level shall determine whether the complaint was fully or partly substantiated and take a respective decision.

(v) The EDRC at FMS level shall decide about a complaint within seven (7) days from the date the complaint has been submitted and should, inter alia issue the following decisions:

- to instruct the FEIC or FMSEMC on how to resolve the problem following full or partly the complainants request,
- to revoke or reinstate an accreditation,
- to refer criminal actions to the respective authorities dealing with criminal law, if applicable,
- to remove or reinstate a name from the preliminary list of delegates or candidates;
- to order a recount of votes;
- to invalidate votes of a candidate(s) or the whole polling station;
- to order repeat of election in the polling location where serious malpractices and violations have occurred and proven;
- to resolve the issue as deemed necessary;
- to reject the complaint.

(f) The EDRC at FMS and FGS level will issue one similar decision to all similar cases.

(g) Any decision issued by the EDRC at FMS level shall include an information about the possibility to appeal against the decision to the EDRC at FGS level.

7.1. (6) Notification:

The EDRC at FMS and FGS level shall submit the decision to the complainant/appellant within 24 hours of the decision being made. In addition, the decision shall be anonymized published and displayed using the complaint/ case number, and it shall be considered to be legally received after 48 hours after publication or display.

Article 8 Appeals

8.1. In case the complainant is not satisfied with the decision of the EDRC at FMS level, he/she may personally or through his/her authorized representative lodge an appeal to the EDRC at FGS level within a period of 3 days after notification of the decision by the EDRC at FMS level. The EDRC at FGS level has 7 days to make its final decision. Upon its own reinvestigation, the EDRC at FGS has the prerogatives

to uphold, reform or reject the decision of the EDRC at FMS level. In case the decision of the first level is rejected, the EDRC at FGS level shall issue a new decision.

8.2. Appellants are authorized to submit their appeals to the EDRC at FMS level. All appeals submitted to EDRC at FMS level and related complaints file shall be sent to EDRC at FGS level within a period not exceeding 2 days following their reception for re-examination.

8.3. The appeal process will follow the same steps as described under article 7 of this Procedure.

Article 9

Review

The National Consultative Council has the authority, upon request submitted by the aggrieved party within 2 days after the notification by the EDRC at FGS level, to review any decision of the EDRC at FGS level. In case a member of the National Consultative Council is a candidate to election, he shall refrain himself from participation in the Council decisions making.

Article 10

Archive

Both hard and soft copies of all decisions should be sent to EDRC at FGS level for being archived for institutional memory.

Article 11

Coming into Force

This Procedure shall enter into force as of the day the EDRC approves it.



United Nations Development Program UNDP
Somalia Programme

**2020-2022 ELECTORAL DISPUTE RESOLUTION MECHANISM
(EDRM) LESSONS LEARNED WORKSHOP**

18th – 19th June 2022, Airport Hotel, Mogadishu

PROCESS REPORT

Prepared by Facilitator: Ali Chahine, ahs102@hotmail.com

A- Background:

After the completion of the national elections 2021-2022, it became necessary to assess the process, especially its Electoral Dispute Resolution Mechanism (EDRM) which was mandated to Electoral Dispute Resolution Committee (EDRC). In order to identify what lessons have been learned and to propose improvements for the mechanism in the coming elections, a Lesson Learned Workshop was organized in Airport Hotel in Mogadishu on 18th and 19th June 2022.

The workshop was supported by Integrated Electoral Support Group (IESG) and attended by representatives of (EDRC), National Independent Electoral Commission (NIEC), some civil society organizations who were involved in observing the elections, IESG and Electoral Institute for Sustainable Democracy in Africa (EISA).

This report prepared by the Facilitator focuses on the process aspect of the workshop and outlines the facilitation agenda, the post evaluation assessment and observations and recommendations.

B- Workshop Objectives:

1. Identify the lessons learned from the EDRM and assess its strengths and weaknesses
2. Discuss recommendations and suggestions for improving electoral dispute resolution mechanisms in future elections
3. Share best practices on resolving electoral disputes from other contexts

C- Workshop Facilitation Methodology and Tools Used

The facilitation methodology aimed to encourage participants to reflect, and share thoughts and experiences throughout the sessions and help to generate fruitful discussions between them. Through creating more comfortable and safer space, using ground rules and participatory facilitation tools (working groups, energizers and facilitated plenary discussions) participants contributed to the workshop outcomes. In spite the workshop started late on both days, still the participants were able to complete the agenda on time mainly because consecutive translation wasn't needed since all participants understood English.

Sessions Title	Expected Output	Facilitation Methodology
Sessions 1: Plenary Discussion on the Performance of the EDRC, its achievements and setbacks	General overview of what went well and what didn't so to frame the discussions of the lessons learned.	In plenary session, the participants were asked first to answer: 1- What did EDRC achieve? After acknowledging the achievements, the discussion moved to identify the setbacks by addressing the following: 2. Where did EDRC didn't perform? And why? 3. Why was the number of the officially filed complaints low?
Sessions 2 & 3: Identification of Lessons Learned and Factors that Affected the Work of the EDRC and Proposing Improvements	Identification of lessons learned from the process regarding a set of elements/themes.	A set of detailed guiding questions (See Annex 2) categorized in four groups were distributed to the participants to look at while going through each category. The four categories which all participants reviewed sequentially in the plenary were:

		<ol style="list-style-type: none"> 1. Internal mandate, structure, roles and governance 2. Planning, effectiveness, training, administration and technical capacities 3. Coordination, communication and relations and perceptions among various stakeholders and public 4. External threats and opportunities within the surrounding context
Session 4: Sharing Best Practices from other Contexts and to What Extent Applicable in Somali Context During and After the Elections	Share with the participants best practices in formal and informal EDRM from other contexts, mainly in Africa	<p>Two power point presentations were presented:</p> <p>The first on EDRM principles and formal types of EDRM in Africa delivered by the Co-Facilitator/EDR Expert</p> <p>The second on informal models of EDRM presented by EISA County Director</p> <p>Each presentation was followed by open discussion and Q&A.</p>
Sessions 5 & 6: Suggestions and Recommendations for Improving Election Security for Coming Elections in 2026	List of proposed suggestions and recommendations to improve the EDRM in the coming elections in 2026	<p>The participants were divided randomly into three groups to suggest recommendations. They were guided by the following questions:</p> <ol style="list-style-type: none"> 1. What should be done differently in future processes in relation to EDR? 2. What should be reinforced, improved on and what should not be done in future electoral processes whatever the electoral system may be? <p>Using flipcharts, each group presented their outcomes and the floor was opened for comments and questions.</p>

D- Post-Evaluation Assessment:

To assess the participants' evaluation of the workshop, they asked to fill the evaluation form (enclosed in Annex 3 of this report) discreetly. It contained both quantitative and qualitative questions. Fourteen participants filled the form.

On average, the participants gave a score of **4.50 (out of 5) for the workshop's objectives and content** and a score of **4.50 for its useful and relevance** for their work. They gave a score of **4.86 for the facilitation style** and facilitator's approach. **The organization and logistics scored 4.21.** These high scores reflect the level of the participants' satisfaction.

Attribute	Average Score (Out of 5)
Objectives and Content	4.50
Organization and Logistics	4.21

workshop was organized by UNDP/IESG and PBF. The workshop was facilitated by Ali Chahine and co-facilitated by Remegie Gahungu. 20 participants attended the session.

On the first day, participants discussed EDRC achievements, the shortfalls and challenges of EDRC and the reasons for very low number of complaints lodged with EDRC.

Moreover, participants discussed in plenary the following topics:

- A) Internal mandate, structure, roles and governance
- B) Planning, effectiveness, training, administration and technical capacities
- C) Coordination, communication and relations and perceptions among various stakeholders and public
- D) External threats and opportunities within the surrounding context.

Each topic had questions to guide participants in their discussion (Annex I). Participants to the workshop also discussed the challenges, opportunities, strengths and weaknesses of the EDRC.

On the second day of the workshop, Mr. Remegie Gahungu, co-Facilitator and Antonetta Hamandishe, Programme Manager, Peaceful Elections and Civil society Enhancement (PEACE) Project, EISA made presentations respectively on Principles and Guarantees of EDRM, best practices from other countries (Annex II) and informal mechanisms of settling electoral disputes (Alternative EDRM- Annex III). Participants made suggestions and recommendations for improving the future electoral processes.

2. Objectives

The workshop objectives are to:

1. Identify the lessons learned from the EDRM and assess its strengths and weaknesses
2. Discuss recommendations and suggestions for improving electoral dispute resolution mechanisms in future elections
3. Share best practices on resolving electoral disputes from other contexts

3. Background

The Federal Republic of Somalia recently concluded indirect electoral process. The elections for the Upper House (UH) were completed on 13 November while the elections for the House of the People (HOP) started on 1 November 2021 and ended on 13 April 2022. Following conclusion of the HOP elections, Presidential indirect elections were held in Somalia on 15 May 2022.

In accordance with its Provisional Constitution and Electoral Legal Framework, Somalia was committed to organize universal suffrage elections. However, following protracted discussions in July and August 2020 between the Federal Government of Somalia (FGS) and Federal Member States (FMS), a political agreement was reached on 17 September 2020 in Mogadishu on an indirect electoral formula to conduct the 2020-2021 federal elections and the agreement was endorsed by Parliament on 26 September 2020. The agreement excludes both the NIEC and political parties from the indirect electoral process which is essentially a slightly expanded version of the 2016 electoral process. As a result of this political decision, a different approach to electoral dispute resolution was required. The Electoral Dispute Resolution Committee (EDRC), an ad-hoc body, was established to resolve electoral disputes arising from the indirect electoral process.

The EDRC comprised of twenty-one (21) members, of which 9 members were nominated by the Federal Government, while the other 12 members were nominated by the Federal Member States with two (2) members each. The EDRC has two levels of adjudication: the EDRC at the central level with all 21 members and EDRC at Federal Member States (FMS) level with 3 members. The role of the EDRC at the FMS level was to register complaints, investigate and make decisions for minor complaints. In case the EDRC at FMS level concluded that the complaint was major and complex, it has duty to forward it to the EDRC at central level for determination. The EDRC at central level had also authority to hear and decide on appeals from decisions on minor complaints. Although the election of Members of Parliament representing Somaliland had special procedures, EDRC had jurisdiction to handle related electoral disputes. The National Consultative Council (NCC) was also involved in determination of electoral complaints as it had authority to decide on all electoral disputes requiring a political solution and review

any EDRC decision without any condition. NCC decision was final and conclusive, and the case could not be referred to any other committee or legal authority. This provision hampers the independence of the EDRC as its decisions are subject to approval by the executive (NCC).

The election dispute process did not provide for access to the courts. Complaints could be filed by delegates and candidates upon payment of a complaint registration fee of 3,000 USD.

The number of electoral complaints received and adjudicated by EDRC is very low. No complaint registered with EDRC during Upper House (UH) elections. EDRC received and adjudicated only six (6) complaints arising from the House of the People (HOP) elections. Although the NCC Procedures were not clear whether or not EDRC had authority on complaints from presidential elections, no complaints from presidential elections were registered by EDRC.

4. Discussion

At the beginning of the workshop, participants gave ‘one-word’ impressions of the Electoral Dispute Resolution Mechanism for the indirect elections in Somalia and described it as: opaque, frustrating, expensive, unclear guidelines, inconsistent, without legal framework, challenging, lacking enforceable authority and power, important but ineffective, relevant, offered possibilities, a mismanaged process, difficult, a missed opportunity to enhancing integrity.

4.1. Achievements

- With IESG support, EDRC managed to draft detailed procedures to complement the existing NCC Procedure.
- EDRC managed to register and adjudicate 6 complaints. Only one joint complaint was lodged by a woman. Parties were timely notified of the outcome of their complaints. The EDRC Deputy Chair confirmed EDRC constituted an archive of decisions in hard copies which will be handed over to NIEC.
- In collaboration with civil society, EDRC provided information and guidance as outreach activities on the process of lodging complaints and resolving disputes.

According to the participants, no complaint related to UH elections was registered by EDRC because:

- There was no application for candidacy. All candidates for UH elections were nominated by FMS leaders and nominated candidate were not interested to challenge the list of candidates.
- Right to complain limited to a small group of people. Only candidates and voters (MP) can file a complaint with EDRC.
- Exorbitant complaint fee (3,000 USD).
- Lack of interest to complain. Most of the seats were contested by one candidate as the other was withdrawing leaving the seat uncontested.

Discussing about the low number of complaints registered by EDRC (6 in total), participants argued that there were so many obstacles to EDRC accessibility:

- Lack of clear electoral timeline: the timeline developed by SEITs did not take into consideration the EDR. Furthermore, the lists of delegates selection committees (DSC), delegates and candidates were not duly published. How could someone complain about a delegate or a candidate if the list was not published? The consequence was that complaints on DSC, delegates and candidates’ lists were filed with EDRC after completion of election for the concerned seat.
- Right to complain limited exclusively to delegates and certified candidates.
- High complaint fees. 3,000 USD is an obstacle to the right to complain as it is too high for Somalia citizens, hence people resorted to alternative media channels to vent their frustrations and challenges with the process.
- Public awareness not properly and effectively conducted. Some people were not aware neither of EDRC existence nor its duties and responsibilities.
- No interest to complain as for some seats election was conducted by show of hands after one of the two candidates withdrew from the race.

4.2. Challenges

Challenges encountered by EDRC include the following:

- Lack of legal framework. The indirect electoral process was regulated by unclear political agreements, procedures and Communiqué issued by National Consultative Council (NCC).
- Lack of timeline. The EDRC could not discharge its functions in the absence of the timeline. It was not possible to submit complaints related to delegates and candidates as lists of delegates and candidates were not published. Thus, all complaints received by EDRC on candidacy were lodged after elections. It was a big challenge to EDRC because invalidation of candidacy after election means invalidation of the election of the concerned seat which is time and budget consuming.
- No separation of powers. For the indirect electoral process, the NCC was simultaneously the Executive, the Legislature and the Judiciary.
- EDRC mandate not clear: whether a rejected candidate may complain to EDRC. Although EDRC received and adjudicated some complaints lodged by rejected candidates, FEIT opposed such decision to include rejected candidates and delegates. Thus, after FEIT-EDRC discussion, only certified candidates were allowed to file a complaint with EDRC.
- Lack of independence: political pressure and review of EDRC decisions by NCC.
- Internal tensions: Internal factions and divisions were noted among EDRC members which weakened the Committee due to lack of a shared vision. The dismissal of the 7 EDRC members added the salt to the wound instead resolving existing tensions.
- Conflict due to overstepping of mandate by the FEIT was noted throughout the process which defied the purpose and establishment of the EDRC. FEIT interfered with EDRC by receiving and deciding on complaints while it had no authority at all. FEIT suspended election results for seat HOP 086 alleging to have received complaints from clan elders. EDRC did not register any complaint related to that seat. Moreover, on 24 November, FEIT confirmed it received some complaints and will make investigation and decide. On 5 December, FEIT issued a statement invalidating elections for two seats HoP#154 and 103 in Southwest State arguing election of the two seats was not in line with NCC agreements (there were irregularities during candidates' nomination process). The EDRC did not make any statement or decision on these seats as they did not register any related complaint on the same seats. SW SEIT argued that FEIT has no competency to investigate as no complaint lodged with EDRC. According to NCC procedures, anyone who has a complaint must lodge it with EDRC, the sole body competent to receive and adjudicate complaints.
- Intimidation of EDRC members by clan elders, candidates and politicians exerting pressure to carry out their directives was frustrating the work of the Commission.
- EDRC members did not receive appropriate training relevant to electoral complaints adjudication. The training offered by IESG could not take place because EDRC was very busy preparing for deploying its teams in the regions, EDRC Deputy Chair stated in the workshop.

4.3.Threats and Opportunities

Threats:

- The ad hoc nature of the EDRC is not sustainable and should be reviewed for alternatives.
- Costs of establishing and maintaining the structure are high only to disband the body after the election process.
- The establishment of EDRC and its political nature has potential to cause tensions.

Opportunities:

- Valuable technical and financial support provided by the IESG and other international partners.
- Commitment of CSO to collaborate with the Committee.

5. Sharing best practices and recommendations

The co-Facilitator made a presentation on how EDRB are classified according to their structure, the principles and guarantees of an EDRB and shared the practice in other countries especially East African Countries. He indicated that East African countries are using the EMB and Courts to adjudicate complaint. He insisted that whatever type of EDRB is opted for, the body cannot be effective and efficient if the

principles and guarantees are not upheld. On the existing EDR structure in Somalia, the co-Facilitator mentioned that the structure is almost similar to the East African countries' EDR and seems to respect the best practices and common requirements for EDR processes. However, he suggested that before its implementation, the competent authority should ensure all principles and guarantees are adopted and implemented. The EDRB must be not only independent but must transparently be seen to be independent. Answering the question on how EDRB members should be selected, the co-Facilitator stated that there must be consultation with stakeholders and inclusivity in the selection process and members should be approved by the Parliament before their appointment.

Antonetta Hamandishe made a presentation on Alternative Electoral Dispute Resolution Mechanisms (AEDRM). She indicated that AEDRM has been helpful in some African countries with political tensions and conflicts. According to her, the best way is to go to Court because the competition is about loser and winner. However, if there is conflict which may be resolved amicably, the AEDR is helpful.

Before concluding the workshop, participants discussed and made suggestions and recommendations for the improvement of EDR in future electoral process which they believe will be universal suffrage elections.

All participants unanimously concluded that for the coming elections, Somalia needs to organize universal suffrage elections and not continue with indirect electoral processes. They recommended that NIEC should be the election management body even if political leaders decide to proceed with indirect elections. The mandate of NIEC should be respected and the NIEC should also have authority to adjudicate complaints and appeals should be lodged to the Court. They strongly condemned and rejected any plan to re-establish ad-hoc bodies as it is a duplication and a waste of resources.

They recommended that the EDRB should be institutionalized with clear legal framework providing for principles and guarantees of an EDRB. According to the participants, the Legislature should enact a clear legal framework with provisions embodying all principles and guarantees of EDR. The legal framework should be indorsed some years before conducting elections for an effective preparation of the general elections.

The legal framework should provide for a clear appeal process.

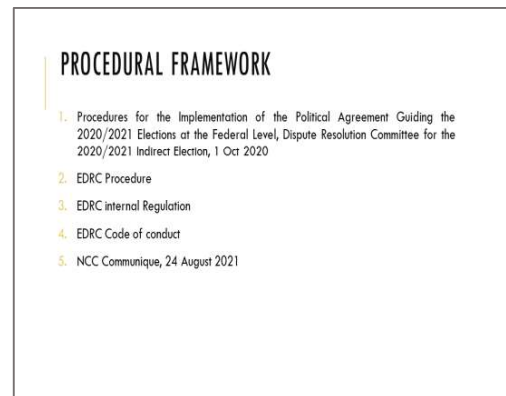
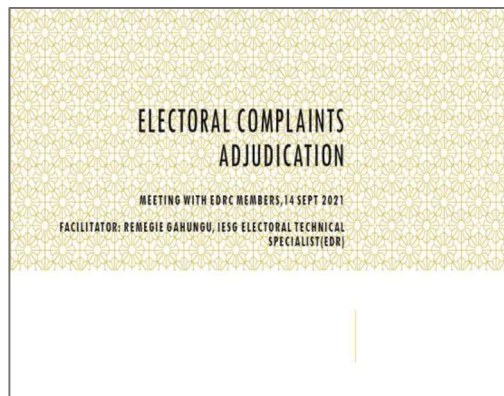
Participants further recommended that:

The Government should ensure separation of powers is upheld.

The Government should allocate adequate budget to the NIEC and Courts in charge of settling electoral complaints.

The capacity of the judiciary in electoral dispute resolution should be built and enhanced.

The Government should provide a package of technical and advisory support for the NIEC and the courts to manage electoral disputes and ensure that all electoral actions, procedures and decisions are constitutional and legal.



EDRC ADJUDICATION LEVELS

1. EDRC Team at FMS level (3 members) will determine all minor complaints.
2. EDRC at central level (21 members) will:
 - adjudicate all major complaints except issues requiring political solution.
 - determine all appeals against EDRC Team decisions on minor complaints.

COMPLAINTS ADJUDICATION PROCESS

- ❖ EDRC Team will:
 1. Receive and register complaints (complaint form, numbering, receipt...)
 2. Assess and Categorize complaints into 3 groups:
 - A : Major complaints
 - B: Minor complaints and
 - C: Invalid complaints
 3. Reject (dismiss) all invalid complaints without any further investigation. Mentioning the reason for rejection is mandatory.
 4. Send all major complaints to the EDRC at central level for determination.
 5. Investigate and adjudicate all minor complaints.
 6. notify parties to the case.

COMPLAINTS ADJUDICATION PROCESS (CONT.)

- ❖ EDRC at central level
 1. Registration of all submitted complaints.
 2. Submission of complaints files to the relevant Team for evaluation.
 - Relevant Team assess the authenticity of the documents in each complaint file.
 - If proofs or supporting documents are required, the complainant is contacted.
 - If any person subject to complaint, he will be asked to respond and defend.
 - If clarification is not obtained by EDRC after two days, a decision will be made.
 3. Review of complaints, define and identify their nature and contents, and extract applicable Procedural provision, if any.

4. drafting of recommendations (recommended decision) of the study/analysis and put it in the folder (including recommendation on complaints to be decided by NCC).
 5. The drafts of recommended decision will be shared with the EDRC members by the Head of the relevant Team.
 6. The EDRC members, based on the recommendations made by the Team (but not bound to accept its content), will make decisions on complaints after hearing parties to the case, if necessary.
 7. Notification to parties.
 8. EDRC shall instruct relevant authorities to execute the decision.
- The EDRC shall submit all complaints requiring political solution to the NCC for determination, if any.
 - Reporting (template- daily- segregated data per FMS, Sex, age...).

Summary

1. Registration
2. Assessment and Categorization
3. Investigation
4. Recommendations for decisions
5. Decision making (after hearing, if necessary)
6. Notification
7. Execution (Implementation)

Sections of EDRC Operational Plan

1. Procedures and Regulations
2. Complaints adjudication process
3. Deployment of EDRC Teams
4. Public awareness
5. Electoral complaints timeline
6. Reporting process
7. Collaboration with FEIT and SEITs
8. Protection of 30% women quota



Introduction

- Dispute resolution is an **integral part** of the electoral process.
- Disputes are inevitable in the course of electoral competition.
- Dispute resolution mechanisms provide stakeholders with an opportunity to **preserve fundamental political rights**.
- Dispute resolution mechanisms prevent stakeholders from trying to find **unlawful ways of seeking justice**.
- Electoral laws should establish different mechanisms for the resolution of electoral disputes.
- Electoral frameworks and administrative practices for election complaints and adjudication **differ from one country to the other** (No single approach or model works everywhere).
- Electoral dispute resolution systems are a core element of the integrity and legitimacy of an election.

Reference to International and Regional Principles & Standards

- Processes to resolve disputes, "are well established in international law through the rights to an effective remedy and the right to a fair and impartial hearing"
- Provide a foundation for electoral justice mechanisms based on public and international law such as:
 - International Covenant on Civil and Political Rights.
 - The African Charter on Democracy, Elections and Governance (2007) requires State Parties to "establish and strengthen national mechanisms that redress election-related disputes in a timely manner" Article 17(4) o
 - Regional Instruments such as: the African Charter on Human and People's Rights, American Convention on Human Rights; European Convention for the Protection of Human Rights and Fundamental Freedoms
 - United Nations' Human Rights Committee and Venice Commission's Code of Good Practice on Electoral Matters, - provide detail and definition to these principles.
 - May not expressly address issues related to electoral justice - they offer broader rights such as: right to an effective remedy and right to a fair and public hearing and equality before the law - basis of electoral justice



Guidelines for the design and administration of election dispute resolution systems

International standards guidelines suggest:

- A right of redress for election complaints and disputes.
- A clearly defined regimen of election standards and procedures.
- An impartial and informed arbiter.
- A system that judicially expedites decisions.
- Established burdens of proof and standards of evidence.
- Availability of meaningful and effective remedies.
- Effective education of stakeholders about EDR mechanisms.
- Accessible and effective complaints mechanisms
- Able to independently, promptly and thoroughly investigate allegations (Independent of external influences (Malawi 2019, Kenya 2017 and 2021))
- Timely resolution of electoral disputes



Electoral dispute resolution?

- System of appeals through which every electoral action or procedure can be legally challenged. (ACE Encyclopedia)
- The rules, institutions, arbiters and processes put in place by a country to resolve electoral complaints, disputes and violations.
- This may be categorised into formal systems whose decisions are **corrective** of irregularities, or those that are **punitive** and whose decisions lead to the punishment of offenders, or also alternate dispute resolution mechanisms that parties to an electoral dispute may resort to for amicable settlement of disputes



Systems for the Resolution of Electoral Disputes

- Refers to the system of appeal through which every electoral action or procedure can be legally challenged.
- Two core distinguishable models of resolution of electoral disputes: (Judicial and nonjudicial)
- Judicial systems** are those carried out by judicial or by quasi-judicial institutions.
- Non-judicial systems** include alternative systems for the resolution of electoral disputes (complement to a formal electoral justice mechanism).
 - Easier, faster and more cost-effective access to justice
 - Less adversarial environment for parties to the dispute
 - Possible win-win outcome
 - Opportunity to circumvent discredited electoral justice mechanisms
- Includes: conflict mediation
 - Multi-party liaison committees
 - International AEDR Bodies or structures (eg AU, REC, UN, diplomacy)
- International best practice is for an electoral cycle approach to dealing with disputes. (see next slide)



Case studies

- Kenya in 2017 – Kenya Supreme court nullified the presidential election ordering a new vote within 60 days after finding that the elections contained irregularities – election rerun in Oct 2017 - opposition leader Raila Odinga pulled out of the rerun
- In the May 2019 General elections in Malawi the incumbent Peter Mutharika (Democratic Progressive Party) was re-elected, but on 3 February 2020 the Constitutional Court annulled the presidential results, citing irregularities (the Court also ruled that the previous first-past-the-post system for electing the president be replaced with an absolute majority system, with a runoff conducted if necessary). Rerun elections were conducted on 23 June 2020 in which Mutharika, with 40% of the vote, was soundly defeated by Lazarus Chakwera (Malawi Congress Party) with 59% of the vote.
- In August 2021 the Kenyan Appeal Court upheld the High Court's rejection of proposals by President Uhuru Kenyatta to amend the Constitution to create new posts for a prime minister, two deputy prime ministers and a leader of the opposition, as well as make cabinet ministers members of Parliament.
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Dispute resolution provisions

(May 2021)

<https://www.eisa.org/wp-content/uploads/2021/05/>

Country	Resolution Mechanism	Length of time	Final period	Final outcome
DR Congo	<ul style="list-style-type: none"> High-level election commission Constitutional Council Political and Electoral Affairs Committee of the Assembly and election administration tribunal 	90 days	Final period 3 days	Re-elected
Malawi	Constitutional Court (pre and post election)	120 days (pre and post)	10 days	Re-elected
Senegal	Constitutional Court (pre and post election)	90 days	Final period 5 days	Re-elected
Kenya	<ul style="list-style-type: none"> Parliamentary System Court Administrative Case Review Mechanism 	90 days	Final period 10 days	Re-elected
Uganda	<ul style="list-style-type: none"> Parliamentary System Court Administrative Appeal Tribunal Constitutional Tribunal for High Court Constitutional Tribunal for Electoral Disputes 	90 days	Final period 10 days	Re-elected
Sierra Leone	<ul style="list-style-type: none"> High Court Electoral Disputes Tribunal Administrative Case Review 	90 days	Final period 10 days	Re-elected
Nigeria	<ul style="list-style-type: none"> Parliamentary System Court Administrative Case Review Mechanism 	90 days	Final period 10 days	Re-elected
Senegal	<ul style="list-style-type: none"> High Court Electoral Disputes Tribunal Administrative Case Review 	90 days	Final period 10 days	Re-elected
Madagascar	<ul style="list-style-type: none"> High Court Electoral Disputes Tribunal Administrative Case Review 	90 days	Final period 10 days	Re-elected
Kenya	<ul style="list-style-type: none"> Parliamentary System Court Administrative Case Review Mechanism 	90 days	Final period 10 days	Re-elected
Senegal	<ul style="list-style-type: none"> High Court Electoral Disputes Tribunal Administrative Case Review 	90 days	Final period 10 days	Re-elected



<https://www.eisa.org/wep/condisputes.htm>

MALAWI	Election petitions and complaints are handled by the Malawi Electoral Commission (MEC). Appeals against the MEC findings are made to the High Court. Election petitions of the Presidential result must be received by the High Court within 48 hours of closing of polls.
MAURITIUS	In the event of electoral disputes, petitions are heard by a court with at least two judges sitting on the bench. Election petitions must be submitted to the court within 11 days after the date of the return of results.
MOZAMBIQUE	Petitions are made to the National Electoral Commission (CNE) within two days of the results being published. Appeals against decisions made by the CNE are made to the Constitutional Council within three days of the decision being published and must be decided on within 5 days.
NAMIBIA	Election petitions are heard by the High Court and petitions must be submitted within 30 days of the announcement of the result disputed. The decision of the Court must be rendered within 60 days of the registration of the petition. Appeals may be lodged with the Supreme Court.
SEYCHELLES	In the event of a dispute over the results, the Constitutional Court has authority to hear complaints. Decisions may be appealed in the Seychelles Court of Appeal.



<https://www.eisa.org/wep/condisputes.htm>

SOUTH AFRICA	The Independent Electoral Commission (IEC) and its officers are empowered to resolve objections, appeals and calls of conduct disputes through conciliation. Election petitions are heard by the courts with the Electoral Court sitting in final court of appeal. Petition must submit complaints within 48 hours of the announcement of results.
SWAZILAND	High Court adjudicates petitions regarding elections.
TANZANIA	Presidential election results are not subject to challenge under the law. Election petitions for parliamentary elections must be processed by the High Court within 14 days of the announcement of results. Resident Magistrates hear cases for local elections if submitted within 30 days of the announcement of results.
ZAMBIA	Election petitions are heard by the High Court. Petitions must be lodged within 30 days of the disputed results being declared. The ECZ is empowered to resolve conflicts and disputes through conciliation or mediation and to set up conflict management committees to resolve disputes.
ZANIBAR	The constitution prohibits enquiry by the courts into "anything done by the Electoral Commissions in performance of its functions". The Electoral Act provides for other petitions to be heard by the High Court.
ZIMBABWE	Election Petitions are heard by Electoral Court.



Alternative means of resolving electoral disputes (Non-judicial systems)

Formal EDR systems are often complemented by other means and mechanisms for managing electoral disputes, normally referred to as informal or alternative electoral dispute resolution (AEDR) mechanisms.

- Their purpose is to support rather than replace formal EDR systems through approaches include compromise, mediation, conciliation, negotiation, dialoguing...
- In contrast to EDR mechanisms, AEDR mechanisms allow one or more parties in conflict to initiate a resolution process, which can be done unilaterally, bilaterally or through a third party.
- The most common forms of AEDR mechanisms are permanent and/or established before elections are held and complement the EDRs.
- AEDR mechanisms are often considered more informal and include options such as the use of conciliation, mediation or arbitration as opposed to legal action through formal EDRs.
- The use of AEDR mechanisms does not indicate a weakness in the formal system, but rather offers a way to encourage speedy and cost-effective processes.
- Usually created as a result of political crises or institutional failure in existing formal EDR mechanisms in order to mediate more serious electoral disputes.



Alternative electoral dispute resolution (AEDR) cont...

- The use of informal AEDR (particularly in post-conflict societies) have grown in recent years, e.g South Africa, Lesotho, Ghana.
- Non-judicial, indigenous and informal methods have benefited all levels of society from the local community level to the political and electoral arenas.
- They can be used, for example, to resolve complex problems at the community level in circumstances where relationships between the disputants have to be maintained, community cooperation has to be strengthened and alternatives to violence or litigation are needed.
- AEDR mechanisms are voluntary by nature, and unless disputants voluntarily agree to enter into conciliation, mediation or arbitration, no decision is binding.
- By contrast, formal EDR mechanisms are mandatory and rulings have binding force even on actors that have opted not to engage in the process.



Examples of ADR Programs

Top-Level Electoral ADR

- UN Special Observer Missions put in place to enhance the credibility of elections: allow dialogue among the UN Electoral Division, the government and EMB, e.g. Sudan, January 2011 session referendum.
- Panels or Committees of the Wise
- Groups like this are particularly common in Sub-Saharan Africa.
- Include special envoys that supervise elections and enable dialogue between political leaders and candidates.
- Generally composed of former heads of state.
- Panels were involved in South Africa in 1994, in Burundi in 2005, in the Central African Republic in 2005, in Liberia in 2005, in the Democratic Republic of the Congo in 2008, in Sudan in 2008, and in Côte d'Ivoire in 2010.
- Ad hoc international mechanisms
- Institutionalized outside the constitutional frameworks e.g. of Kenya and Zimbabwe to address election disputes, 2007/2008

Grassroots Level Electoral ADR

Party Liaison Committees (PLCs)

- In many countries, public bodies are established to increase the flow of communication among parties, and between parties and voters.
- They provide space for political parties to resolve election-related disputes.
- It is important to note that PLCs are just consultative and the final decision-making powers remain with the EMB.
- Countries like South Africa, Burundi, Lesotho, Ghana and DRC use this tool. In South Africa and Lesotho have institutionalized party liaison committees that serve as a platform to engage the EMB and political parties for consultation and cooperation on election matters.
- In Ghana there is an Inter-Party Advisory Committee (IPAC), Zimbabwe IPPLC.



Examples of ADR Programs

The Electoral Institute for the Sustainability of Democracy in Africa (EISA) Conflict Management Panel

- This is a grassroots conflict prevention tool in which community leaders, women, youth and religious and traditional authorities are identified and agreed upon by the political parties, EMB and communities. In South Africa members of the legal profession (including the judiciary) have also been mediators. South Africa has included mediation as a means of resolving election related conflict in its election regulations, 2013 amendment to the Electoral Act 3 of 1998 with the insertion of section 103A. Conciliation in disputes and complaints: "103A The Commission may attempt to resolve through conciliation any electoral dispute or complaint about an infringement of the Code brought to its notice by anyone involved in a dispute or complaint.
- The choice of mediators involves a consultative process with election stakeholders. In certain instances, political parties appoint or approve the people chosen.
- The EMB coordinates the CMP while giving mediators the independence to implement the program.
- Mediators are effective election prevention "watchdogs" as their feedback on conflicts or potential conflicts allows the EMB anticipate or to immediately respond to risks of potential conflict.



Post Evaluation Form
Foomka Qiimeynta Aqoon-is-weydaarsiga

1- Heer kee ku qiimeynaysaa ujeedooyinka iyo casharada aqoon-is-weydaarsiga (1= Liita – 5= Fiican)
1- How do you evaluate the workshop's objectives and contents (1= Poor – 5= Excellent):

1	2	3	4	5
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Faallo / Remarks:

2- Heer kee ku qiimeynaysaa sida loo abaabulay aqoon-is-weydaarsiga (1= Liita – 5= Fiican):
2- How do you evaluate the workshop's organization (1= Poor – 5= Excellent):

1	2	3	4	5
---	---	---	---	---

Faallo / Remarks:

3- Heer kee ku qiimaynaysaa daadihiya iyo habka/qaabka daadihinta ee aqoon-isweydaarsiga (1= Liita – 5= Fiican):

3- How do you evaluate the facilitators and the facilitation styles (1= Poor – 5= Excellent):

1	2	3	4	5
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Faallo / Remarks:

4- Heer kee ku qiimaynaysaa faaidada iyo xiiriir lahaanshada shaqada aad qabataan iyo aqoon-is-weydaarsiga (1= Liita – 5= Fiican):

4- How do you evaluate the usefulness and relevance of the workshop (1= Poor – 5= Excellent):

1	2	3	4	5
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Faallo / Remarks:

5- Maxaa soo jeedinaysaa si loo hormariyo/wanaajiyo aqoon-is-weydaarsiga?

5- What do you suggest to improve the workshop?
