



Preliminary Statement

Domestic Observers in Somalia Find Elections to Upper House of Federal Parliament of Somalia Marred by Uncompetitive Contests and Extensive Delays.

Tuesday, November 16, 2021

Since late July 2021, Nala Ogaada, Somalia's domestic election observation coalition comprised of seven civil society organizations (CSOs), deployed 60 observers (30 women) throughout Somalia. This Preliminary Statement shares Nala Ogaada's findings from its observation of the electoral process for 54 seats in Somalia's Upper House (UH) of the Federal Parliament which took place between July 29 and November 13, 2021.

Nala Ogaada completed almost three months of pre- and post-election observation of the UH elections, assessing election preparations, visiting polling stations, attending public events, and given the indirect nature of the election, conducting meetings with a range of electoral stakeholders including traditional leaders, candidates, representatives of women, youth and marginalized communities, security forces and other civil society organizations and activists.

Preliminary findings indicate that nearly 50 percent of the successful candidates won their seats uncontested, that the elections were not held during the announced timeframe, and that only 14 of 54 (26 percent) seats went to women, short of the required 30 percent.

ELECTORAL FRAMEWORK

A September 17, 2020 political agreement proposed an election model largely similar to that of the 2016-2017 process with minor modifications: a 54-member Upper House (UH) elected by the Federal Member States (FMS) assemblies; a 275-member House of the People (HoP) with polling conducted in two locations per FMS; the number of voting delegates per parliamentary seat would rise from 51 to 101; and an expanded committee would review and approve individuals to serve as voting delegates. The 30 percent women's quota would be maintained.

Instead of one-person, one-vote elections (OPOV), fewer than 30,000 Somalis would be casting a ballot in these elections. Neither the National Independent Electoral Commission (NIEC), nor the many political parties who had received temporary registration (110 as of September 30, 2021) over the previous four years would play any formal role in this electoral process.

As in 2016, ad hoc, interim bodies would manage the process overseen by the Prime Minister: a 25-member Federal Election Implementation Team (FEIT), six State Election Implementation Teams (SEIT) with 11 members each, and an Electoral Dispute Resolution Committee (EDRC).

FINDINGS

UH elections were initially announced for July 25, 2021, with HoP elections to follow between August 10 and September 10, 2021. Delays started almost since the announcement. Jubaland held the first UH election when it elected four (of its eight) UH seats on July 29, followed by South West (five of eight seats) on August 2. The UH elections were completed on November 13 when Galmadug completed the UH elections for its final two seats. Nala Ogaada observed the electoral process for all 54 elections.

South West was the only FMS with all of its seats contested. In three FMSs, the majority of seats were uncontested: all seats (100 percent) in Galmadug; nine of 11 (82 percent) in Puntland; and six of 11 (55 percent) in Somaliland. Even for the seats where polling was conducted, the margin of victory in 20 out of 24 seats was greater than 2:1, meaning only four seats (two in Hirshabelle and two in Somaliland) were settled by competitive margins.

Table 1: An Overview of the indirect elections for the Upper House of the Federal Parliament of Somalia

FMS	Election Date	Contested Seats	Uncontested Seats	Women's Seats
Jubaland	July 29	2	2	0
	Oct 21	4	0	2
South West	Aug 2	5	0	2
	Aug 15	3	0	0
Galmudug	Aug 12	0	6	2
	Nov 13	0	2	0
Puntland	Aug 11	2	9	3
Hirshabelle	Sept 14	2	1	1
	Sept 15	1	0	0
	Sept 18	1	0	0
	Sept 19	1	0	0
	Oct 4	2	0	1
Somaliland	Sept 29	4	2	1
	Sept 30	1	4	2
Total		28	26	14

The election process in all states was conducted largely in accordance with regulations and without disruption, with only one seat in Hirshabelle being halted when the losing candidate challenged the way the vote was proceeding (election was peacefully concluded at a later date).

State assembly members, election officials and security forces similarly acted largely in accordance with procedures.¹

In every FMS, observers noted numerous informal complaints concerning the candidate nomination process by those who felt they had been deprived of their opportunity to stand when seats were allocated to another sub-clan or a preferred candidate, and women in at least five instances reported discriminatory treatment and clan opposition to reserved seats for women. No formal complaints were lodged with the EDRC.

Observers faced multiple challenges including COVID restrictions on public gatherings (thereby limiting observable election campaign activity), limited mobility owing to security measures and the ongoing threat of violence, and difficulty accessing polling locations owing to partial and/or late receipt of official observer accreditation from FEIT. However, both FEIT and the respective SEITs were largely welcoming of observers.

All the deployed observers were trained in best practices and a combination of international and regional standards on domestic election observation² and conducted their observation in accordance with the Code of Conduct for Election Observers issued by FEIT.³

This public statement is preliminary and subject to revision as additional data is gathered. Nala Ogaada will continue to observe and report on the 2021 indirect election process in Somalia, including the House of the People of the federal parliament and the federal president.

¹ FEIT, Procedures and Code of Conduct for Upper House Election, *available at* <https://doorashada2021.so/wp-content/uploads/2021/07/HABRAACA-IYO-XEERKA-ANSHAXA-EE-DOORASHADA-AQALKA-SARE-2021.pdf> (Somali language) (last accessed Nov. 13, 2021)

² Nala Ogaada's Election Observation Manual was developed jointly between Nala Ogaada and BUILD. This manual provides a systematic method of election observation that considers international best practices and standards for domestic observation. This manual also takes into consideration political rights enshrined in international and regional instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Democracy, Elections and Governance (ACDEG).

³ FEIT, Code Of Conduct for Observers and Candidate Representative of the Election 2021, *available at* <https://doorashada2021.so/wp-content/uploads/2020/12/CODE-OF-CONDUCT-FOR-OBSERVERS-CANDIDATE-REPRESENTATIVE-OF-THE-ELECTION-2021.docx.pdf> (last accessed Nov. 13, 2021).

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