

International Election Observation Mission – Preliminary Assessment

Executive Summary

- The electoral process in Somaliland has not yet concluded, with the tabulation of votes and finalisation of results still to be completed. But it has so far largely taken place in an environment where citizens have been allowed to exercise their right to vote and demonstrated their enthusiasm for democracy.
- The IEOM found that the campaigning period was generally peaceful and did not observe candidates being prevented from freely presenting their views, nor voters being prevented from engaging in campaign activities or learning about candidates' views.
- The IEOM observed that the media were able to cover the campaign freely. Candidates and political parties had relatively unimpeded access to the media on a non-discriminatory basis, although access to the media largely depended on the resources available to the presidential candidates, political parties and associations. This imbalance in resources between candidates, parties and associations meant that the sanctions imposed by the National Electoral Commission's Ethics Committee did not appear to have the intended deterrent effect on the wealthier parties.
- On 13 November 2024, the IEOM observed voting in 146 polling stations, the opening and closing of polling stations, vote-counting, and tabulation in district centres. The IEOM observed a number of procedural and administrative errors by polling station staff which suggests a need for better training and clearer procedures, as well as better voter information as a number of voters were not clear about voting procedures. Overall, the IEOM did not observe any serious irregularities or electoral malpractice. In a few areas, polling stations did not open due to insecurity or conflict.
- The IEOM found that voters are normally able to cast their ballots free from intimidation, violence or administrative interference and without fear of retribution. However, the secrecy of the vote for illiterate voters and others that request assistance, was not upheld on elections day and the IEOM recommends that best practice from other countries is adopted for future elections.
- The IEOM also recommends that to address the issue of under-age voting and ensure that everyone in Somaliland of voting age can exercise their fundamental rights, the voter register is updated more regularly, closer to the holding of elections and/or on a rolling, permanent basis.
- To provide certainty to citizens, and to the electoral authorities whose responsibilities include the planning, management and implementation of elections, and to avoid a lack of clarity for voters and potential candidates, the IEOM recommends that elections are held at regular intervals and that extensions of mandates are reserved for only when there are extraordinary circumstances.

- The IEOM welcomed the role women played in running the polling stations and acting as party agents, although they noted their role varied significantly across the country and was more prominent in the cities rather than rural areas. The IEOM noted though that none of the candidates for President or Vice-President were women and that only one of the NEC commissioners is a woman.
- The IEOM welcomed the role played by the NEC in managing and implementing the elections. The NEC demonstrated competence, communicated with the public in a timely manner and developed productive relationships with all stakeholders. It is commendable that all political actors the IEOM spoke to, expressed their confidence in the NEC before 13 November, both in their impartiality and their technical and professional ability to administer the elections. The IEOM recommends that the NEC builds on the experience it has gained, draws lessons from it and develops a strategic, long-term capacity-building plan for the NEC. A voter education and information strategy should also be developed and delivered at a reasonable time before the next elections in Somaliland.
- The IEOM welcomed the NEC's invitation to observe the elections process in Somaliland and the invitations extended to other observation missions, both domestic and international. For future elections, communication to all NEC staff about the rights of observers to observe all stages of the process, as well as their other rights and responsibilities, should be prioritised.

1. Mission background

The Somaliland International Election Observation Mission (IEOM) was invited by Somaliland's National Electoral Commission (NEC) to observe the Presidential election and political party vote foreseen for 13 November 2024. The IEOM conducted its observation activities in accordance with the Declaration of Principles for International Election Observation, emphasising the independence and impartiality of the mission. The mission has been in Somaliland from 28 October and has met with the National Electoral Commission, political parties and associations, governmental officials, civic society groups, media representatives, other international and domestic observer groups and diplomats. On 13 November, the mission observed voting in 146 polling stations in all six regions of Somaliland and the tabulation of votes in district centres throughout the country.

2. Political background

On the 13th of November Somaliland held the eighth set of elections since their Declaration of Independence in 1991. In these elections the next President and the political associations who can compete in future elections as political parties were elected by the people of Somaliland.

Under the Somaliland Constitution (2001), the President of the Republic is directly elected for a five-year term and can serve for a maximum of two terms. Muse Bihi Abdi, the current President, was elected in 2017 representing the Kulmiye party. His five-year term was originally set to expire in 2022 but was extended for two years. Muse Bihi Abdi stood for the

Presidency again, representing Kulmiye, and competed with Abdirahman Abdilahi Irro from Waddani and Faisal Ali Hussein from the Justice and Welfare Party (UCID).

The Somaliland Constitution and subsequent electoral laws allow for only three political 'parties' to be registered to submit candidates for presidential and parliamentary elections.¹ On 13 November voters elected the three political parties from between the ten political parties and associations, de facto concluding the process of political party registration.

Somaliland's society is based on the clan system, and the political parties and associations largely reflect clan allegiances with parties and associations drawing their support from different clans and sub-clans. This leads to alliances between political parties and associations to win power. In the period running up to 13 November, a few political associations formed alliances with parties fielding presidential candidates.

Political associations and parties maintain contact with the NEC through the Political Parties/Associations Taskforce Committee. This is an entity required by the Election Law to liaise between the election administration and political entities, all of which nominate one representative.

3. Legal framework

The Constitution of 2001 established a framework for governance and introduced the separation of powers, the rule of law, and equality before a competent tribunal. The bicameral Parliament is composed of a lower, directly elected chamber, the House of Representatives (HoR) and House of Elders (Guurti). The highest judicial organ of Somaliland is the Supreme Court.² The right to participate in public affairs is protected by the right to vote and be elected.³ The component parts of the right to democratic elections, such as equality of citizens, freedom of assembly, the freedom to seek and impart information, including independence, and freedom of the press and media, are also constitutionally protected.

The 2024 elections are predominantly regulated by 'The Revision and Amendment of the Regulation of Political Associations and Parties Law. Law No. 91/2023' (the Election Law or EL) as well as 'The Revision and Amendment of the Regulation of Political Associations and Parties Law. Law No. 14/2023' (the Political Parties Law or PPL), except for the voter registration process and candidate and party registration, which were both conducted under previous legislation.

The Election Law complements the Constitution and guarantees equality of suffrage, secrecy of the ballot, and provides for establishing an independent National Electoral Commission (NEC) and its decentralised structures. The law also outlines the eligibility of voters and

¹ Art. 9 of the Constitution

² The Supreme Court is the final appeal instance and is also a Constitutional Court. Its chairmen and judges are nominated and appointed by the President, subject to approval by a joint sitting of both chambers of the parliament.

³ The Art. 22(2) of the Constitution implements the Art. 25(b) of the ICCPR: "Every citizen shall have the right and the opportunity, (...) and without unreasonable restrictions (...) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors"

candidates, including the process of voter registration and submissions of candidates by political parties. Moreover, the law regulates candidate registration fees, and the complaints and appeals system. The law also defines electoral offences, which include obstruction of the right to freedom of assembly, impersonation of any stakeholder in the election, campaigning on the election day, and vote-buying.⁴ The sanctions for electoral offences are stated.

4. Electoral System

The president is directly elected in a one-round system in one nation-wide constituency. A candidate who obtains the most votes is elected. In 2024, the right to nominate a presidential candidate was reserved for the three political parties that obtained the highest national proportion of votes in local elections in 2012.⁵ The law does not provide for independent candidates.

The Constitution states that *'the number of political parties in the Republic of Somaliland shall not exceed three'*.⁶ The legislation implemented this provision through regulation of local elections, the result of which became the basis for issuing the status of a political party to contesting "political associations" and imposed that the licensing period for political parties be ten years.⁷ For this election in 2024, for the first time, a direct vote was conducted to select the three political associations who will be granted the constitutional status of a political party. The three political associations that obtain the largest number of ballots cast and reach at least 20% of votes in each of the six regions of the country will receive the right to participate in parliamentary, presidential, and local elections held between 2024 and 2034. In case a slot remains unallocated because of the regional 20% condition, the count progresses to associations with the highest national share of votes.⁸

5. Electoral Reforms 2021-2024

The constitutional provisions for the term of office and election law prescribed that the presidential elections be held on 13 November 2022.⁹ Separately, the licensing of the 'three national political parties' was about to expire on 26 December of the same year. The law at the time indicated that the registration of political associations aspiring to the status of political party should be opened six months before the expiry of the ten-year permit of the 'three national parties'.¹⁰ In January 2022, in response to a petition, the Supreme Court indicated that the results of local elections could not be a determining factor for granting

⁴ Art. 151-161 EL

⁵ Art. 83 of the Constitution

⁶ Art. 8(2) of the Constitution

⁷ Under previous regulation (Art. 6 of the Consolidation of the Regulation of Political Associations and Parties Law 2011 and its Amendments 2011 or the Law 14/2011), three "political associations" scoring best results in local elections were granted constitutional status as "national political parties." However, the practice of linking political party licensing with results of local elections dates to 2002.

⁸ Art. 93 EL

⁹ Art. 88 of the Constitution provides for five-year terms of office of the President. The last presidential elections were held on November 13, 2017, and the President, Muse Bihi Abdi, commenced his mandate on December 13, 2017. Art. 83 (2) of the Constitution requires new elections to be held, one month before the expiry of the mandate of the incumbent.

¹⁰ Art. 5(2) Consolidation of the Regulation of Political Associations and Parties Law 2011 and its Amendments 2011 (Law 14/2011)

the legal status of the ‘three national parties’ and that instead, a direct vote, under universal suffrage, should be conducted to select the three licensed organisations.¹¹

The newly constituted NEC announced on 24 September 2022 that the presidential elections, initially planned for 13 November 2022, could not be conducted due to budgetary and technical constraints. The NEC also requested nine months to prepare for the elections. On 1 October 2022, the Guurti exercised its constitutional prerogative under an exceptional clause by voting to extend the president's term by two years, providing for a possible presidential election to be held on 13 November 2024.¹²

A disagreement between the legislative and executive over the electoral system resulted in political impasse through 2022 and 2023. The dispute primarily centred on whether political associations should be given the legal status of the three constitutional political parties through direct vote under universal suffrage or indirectly as a result of local elections, as had been the case in the past. On 17 July 2023, the NEC announced that the political party vote would take place on 28 December of the same year.¹³ Throughout July and August, the traditional leaders tried to negotiate for a remedy that would allow the electoral cycle to proceed, given the increasingly complicated procedural, legal, and political scenario, which included contradicting legal and constitutional timelines for elections. They concluded that the presidential and political party votes should be held on the same day, with the former restricted to three political parties that had previously received licences and the latter open to new political associations. The legislative and the executive branch subsequently adopted this proposal, allowing for the approval of new electoral laws on 24 January 2024, and setting both votes for 13 November 2024.¹⁴

The general norms of term of office are a key element for providing elections to be held at regular intervals as obligated by international law.¹⁵ Modifying one of the constitutional timelines influences other deadlines, creating incoherence and instability of the legal framework.¹⁶ This in turn deprives the mandated institutions, such as the NEC, of certainty about their deadlines and obligations in providing services to citizens. The prolonged periods of lack of clarity about the election date, electoral system, and political participant eligibility negatively influence the voters’ right to be provided with an informed choice and, at times, limit their opportunity to participate in public affairs.¹⁷ While the Constitution of

¹¹ The SC provided interpretation of the Art. 9 and the Art. 22 of the Constitution. SC decision MSD/DDDL/01/2022 of 16.01.2022.

¹² The House of Elders (Guurti) Ref: GG/JSL/G-03/10/2022 exercising the exceptional clause of the Art. 83(5) of the Constitution

¹³ NEC decision KDQ/KK/K-6/54/2023

¹⁴ Election Law 91/2023 and Political Party Law 14/2023.

¹⁵ ICCPR Art. 25 “Every citizen shall have the right and opportunity vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;”

¹⁶ Since adoption of the 2001 Constitution, only one out of eight elections were held on time, within constitutional timelines.

¹⁷ The delay of the presidential election and uncertainty about the political party vote influenced voter registration and political party associations registration (*see the respective parts of this report*).

Somaliland provides clauses for the extension of mandate, it is implicit that these are reserved for extraordinary circumstances.¹⁸

6. National Electoral Commission

The National Electoral Commission (NEC) is responsible for voter registration, conduct of the polls, and determination of the election results. The NEC is led by seven commissioners, one of whom is female.¹⁹ After taking office in September 2022, the current commission took on the challenging task of conducting election preparations during a time of legal and procedural ambiguity while carrying out some of the procedures that the former NEC leadership had started.²⁰

Notwithstanding uncertainty about the election date, instability of the legal framework, and the charged political atmosphere, the NEC adhered to legal deadlines and conducted preparations for the polls amid operational challenges.²¹ The NEC communicated their decisions to the public in a timely manner through traditional media outlets and social network platforms, increasing voters' agency over the process. The NEC and political stakeholders maintained open communication channels through a dedicated forum, providing for the continuous scrutiny of the process.²² The NEC also handed the copies of the final voter list to the political stakeholders.²³ Some important decisions the NEC took to increase public trust in the institution could have been issued earlier.²⁴ While publication of the legislation is not a legal requirement of NEC, it took a proactive measure and posted in the public domain a set of acts governing the 2024 process, filling a void created by the inaction of other public institutions and providing for additional means for independent scrutiny of the process.²⁵

The NEC recruited, trained, and deployed approximately 13,000 polling staff. The 'core staff' were enlisted from senior students at public universities; male students were deployed outside of their region of residence for election day while female students worked in their home regions.²⁶ While the NEC secretariat, which conducts day-to-day operations of the whole election administration, is designed as a permanent structure, most of its staff were only employed for a very limited time before the elections. Given Somaliland's regular

¹⁸ CCPR GC 27 p 13: "states should always be guided by the principle that the restrictions must not impair the essence of the right (...) the relation between right and restriction, between norm and exception, must not be reversed."

¹⁹ The President nominates three members; two members are nominated by the HoR opposition parties, and the remaining two are proposed by the House of Elders. The appointment of the seven commissioners is subject to the vote of the HoR and requires an absolute majority with a quorum of at least half of the members. NEC leadership is supported by a secretariat led by the Director-General.

²⁰ The previous NEC Commissioners resigned between April and June 2022.

²¹ Among others, NEC

²² The Political Party Task Force under Art. 21 EL was set up and operated for these elections.

²³ 15 May 2024

²⁴ For example, regulations such as codes of conducts, procedure for transmission of the results and tabulation were unnecessarily delayed due to internal processing.

²⁵ The full framework governing elections including, legislative acts, jurisprudence, regulations and codes of conduct is available at: <https://www.slneec.net>

²⁶ The "core staff" included Chairperson of the Polling Station, Vice-Chair and the Secretary. The following polling staff included inker/checker and queue controller. The policy of deployment of staff outside of their residence aims at safeguarding the integrity of the process.

electoral cycle, this should not be the case. Some of the election administration staff are dedicated to a time-specific polling day but the central headquarters of the NEC is mandated with tasks that continue throughout the electoral cycle.

7. Voter registration

Voter registration for new registrants and those whose records have changed is ‘active’, which means they must pro-actively request to register or have their record changed. In contrast, citizens who have registered for any of the previous elections and are in possession of their Voter ID Cards are automatically enrolled.

The Election Law provides for the right to vote for eligible citizens who are 15 years old by the year in which elections are held. The wording of this provision is particularly significant given the lengthy period between voter registration and the date of actual elections for which the voter register is used.²⁷ The Election Law also imposes a blanket deprivation of voting rights on all detainees and citizens with psychosocial impairment.²⁸

The current Voter Register (VR) was created in 2016 and updated in 2021.²⁹ For these elections, an update of the VR was started in February 2022 by the previous NEC, in anticipation of presidential elections at the end of 2022.³⁰ The NEC set up a timeline for the VR update, recruited and trained district voter registration staff and conducted exams for voter registration clerks.³¹ After the new NEC was constituted (in September 2022), the registration update was rescheduled for 28 December 2022 to 26 January 2023. Eligible citizens could register in one of the 176 registration centres across the country over a period of 15 days and for an additional 15 days in main population hubs and “border areas”. The number of voters increased by 161,201 (a 15% increase on the 2021 elections), totalling 1,227,048 registered voters for the 13 November polls.³² After registering, voters were later required to return to registration centres to collect their Voter ID Cards.³³

The VR is based on both biometric iris scan technology and a manual input of data. The iris is captured through an Optical Sensor Biometric Device and paired with the manual input of the identity records of a citizen. Between voter registration and distribution of the voters

²⁷ Art. 4(2) EL, however the update to the voter register was conducted under the previous election law 91/2020. There is no definite data to assess how many citizens became of voting age in between the end of the Voter Register update and the elections.

²⁸ Art. 4(3) EL and Art. 31(1) EL. Blanket deprivation of the voting rights of the incarcerated, regardless of the seriousness of the offence, and with disregard to whether they are serving a sentence or are in pre-trial custody, is incompatible with Art. 10(3) in conjunction with Art. 25 of the ICCPR. Furthermore, disqualification from voting citizens that are “mentally challenged” does not pass the test of objectivity criterion of a restriction to the right to vote under ICCPR.

²⁹ The biometric voter register was created in 2016 for the presidential election 2017 and updated in January 2021 during three 4-day regional phases, ahead of the parliamentary and local polls (May 2021).

³⁰ The NEC presented *Optical Sensor Biometric Device* hardware and software, used later for both, the Voter Registration as well as for “Pilot of Biometric Voter Verification System” on 20 February 2022.

³¹ All activities took place between the 20 February 2022 launch, up until the resignation of the leadership of NEC by 5 June 2022.

³² According to the Ministry of Planning and National Development, Somaliland has a population of 5,568,695 based on a growth formula created by the UNFPA in 2014. 52% of Somaliland's population is over the voting age of 15, per the 2020 Somaliland Health and Demographic Survey. 2,895,721 Somalilanders would be eligible to register to vote if this demographic structure were applied to the population estimate.

³³ Phase 1 covering the region of Awdal, Saaxil, and Sanaag regions was conducted from 31 May to 9 June 2023. The phase 2 for the Maroodi Jeex, Togdheer, and Sool regions, was conducted from 12 to 21 June 2023.

cards, the NEC conducted data clean-up activities, including removal of duplicate records; citizens who did not collect their Voter ID Card in 2016 or 2021 updates were deregistered.

8. Campaign

Somaliland's political campaign provisions organised political canvassing into a relatively concise period with only one political party or association permitted to hold rallies on a given day.

The official campaign,³⁴ as per the schedule published by the NEC on 10 October 2024, commenced on 19 October and ended on 10 November (23 days in total). Political parties and associations were allocated two days each in the first 20 days of the official campaign period, while the three presidential candidates were assigned one day each at the end of the period (8-10 November 2024). On the remaining days of the electoral period (11-13 November 2024), political parties, associations and presidential candidates were not permitted to campaign.

On 29 September 2024, leaders of the political associations and parties signed the Code of Conduct.³⁵ The code outlined the ethical and procedural standards that the parties and candidates should follow during the election campaign.³⁶

The Electoral Ethics, Conflict Resolution and Monitoring Committee (the Ethics Committee) was responsible for overseeing political associations and candidate's adherence to the law, including the Parties and Political Organisations Code of Conduct. Several political parties, associations and individuals were reported to this committee and received fines for breaches of the code of conduct.

The Ethics Committee fined both Kulmiye and Waddani for organising rallies and campaigning on the nights and/or days that were not their allocated days and on 29 October prohibited them from rallying at night after they had started campaigning earlier than permitted. On 2 November NEC suspended all night rallies for all parties and specifically allocated the campaigning time from 6am to 6pm.³⁷ Although campaigning had been suspended at night, Kulmiye and Waddani supporters continued to campaign outside the allocated hours and were consequently fined again on 9 November. The parties claimed they could not control their supporters.

Overall, the campaign was peaceful and conducted in an orderly and competitive manner. Candidates and Political Associations relied on in-person rallies, door-to-door outreach, as well as online campaigning to mobilise voters.

9. Campaign Finance

Campaign finance is partly regulated by the law.³⁸ Political parties and associations are obligated to submit reports on their campaign expenditures within 90 days after the

³⁴ Art. 95 Law no 91/2023

³⁵ Art. 67(2)(f) EL

³⁶ NEC website document

³⁷ DECISION National Electoral Commission ethics and dispute resolution and election observation. Campaign Timings for Gathering/Assembly 6:00am to 6:00pm

³⁸ Art. 100 EL

election day.³⁹ There are no limits to income or expenditure that a political party or association can spend or receive during the official campaign period.⁴⁰ The use of public resources is prohibited.⁴¹ This includes the government and other public officials.⁴² Regrettably, political parties and associations did not demonstrate during meetings with the IEOM that they have equal understanding of the campaign finance rules.

For funding of their campaigns, political parties and associations use membership fees, private and corporate donations, as well as the own resources of the candidates and leading members of their organisations. The law allows for financial support from all ‘Somaliland citizens’, which of course includes citizens located outside of the country. The ‘three national parties’ are subsidised by public funds, while associations who compete with them in the political party vote do not receive financial support from the state budget.⁴³ Almost all political associations the IEOM met reported that inequality in access to resources hindered their capacity to compete in the campaign.

10. Voter education and information

Voter education and information are basic elements required for every electoral process to be genuine and to enable voters to exercise their rights⁴⁴. The voter should be able to understand what they are voting for (voter education) and how to vote (voter information). The NEC set up a (temporary) Voter Education department in August 2024 which was fully staffed in October. This gave limited time to implement a comprehensive voter education and information programme.

The NEC decided to concentrate their efforts on voter information and developed three messages about when elections would happen, the signing of the Code of Conduct between the parties and associations and on voting requirements and the process inside the polling station. Activities were coordinated with the Netherlands Institute for Multiparty Democracy (NIMD) on design and supervision and with local CSOs to deliver the information to the voters on the ground. Various approaches were used for this purpose, ranging from banners, posters, video messages on social media platforms, text messages and loudspeakers on cars.

11. Inclusion of women, minorities and persons with disabilities

The Constitution of Somaliland prohibits discrimination on a number of grounds: ‘colour, ethnicity, clan affiliation, birth, language, gender, status, property, status, opinion and residence’ and requires public institutions to take proactive measures to address it.⁴⁵ The equality provision of the constitution is open-ended by the design of its drafters.⁴⁶ This

³⁹ Art. 106(1) EL. Separately, the Art. 104 EL provides for exceptions from what shall be reported as expense.

⁴⁰ Art. 100 (1) EL prescribes that for the purpose of financial reporting, expenses incurred within 120 days before the election day are considered. The provision however lacks clarity.

⁴¹ Art. 101(3) in fact prohibits the use of public funds, unless equal allocation between parties is provided for.

⁴² Art. 101(4-6) bans government officials from using public funds and vehicles for the purposes of the campaign, with exception for security reasons linked with the mandate of the head of state.

⁴³ The subsidy received by three national parties is allocated in the state budget and is now 17,000 USD a month.

⁴⁴ CCPR GC 25 para 11 Para. 11 “[voter] education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community”

⁴⁵ The Art. 8(1-2) of the Constitution

⁴⁶ Somaliland Constitution with Commentary, Ibrahim Hashi Jama April 2005 <http://somalilandlaw.net>

provides the public institutions, including the legislature, with an opportunity to interpret it in an inclusive manner. In the particular case of the right to participate in public affairs any derogation from the catalogue of the ICCPR art. 2(1) is impermissible.⁴⁷

Women constitute 51% of Somaliland's population.⁴⁸ The Constitution of 2001 prohibits gender-based discrimination, reiterating CEDAW commitments.⁴⁹ Somalilanders back the opinion that the participation of women in public life is beneficial.⁵⁰ Only one out of seven NEC's commissioners is a woman, reportedly, three Regional Election Officers are female.⁵¹ No woman was presented by the "three national political parties" as a presidential or vice-president candidate. The seven political associations seem to generally lack female leaders.

People with disabilities count for 5-15% of Somalilanders.⁵² Voters with physical disabilities are deprived from running for office.⁵³ The Somaliland National Disability Forum advocated for changes to the legislation.⁵⁴ The NEC through training and the election day manual for polling staff reinforced some of the inclusion modes.⁵⁵ On 10 November, the NEC announced that voters with disabilities would be provided with transport to and from polling stations. IEOM observers did not observe voters with disabilities being transported to polling stations but they did observe them being brought to the front of the voting queue.

12. Media

In keeping with international norms, Somaliland's media is protected by constitutional freedom of expression and legal independence of the media.⁵⁶ Despite this, the media has often been subject to government prosecution in Somaliland under criminal law provisions.⁵⁷ A conversation between one media outlet that had been subject to persecution and the IEOM suggested that this has a chilling effect. A draft media law that would subject media to civil law rather than criminal law has existed for some 24 years but remains stalled.

⁴⁷ Art 2(1) ICCPR "(state party) undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

⁴⁸ Somaliland Health and Demographic Survey 2020 <https://somalia.unfpa.org/en/publications/2020-somaliland-health-and-demographic-survey-slhds-launched>

⁴⁹ Art.8 of the Constitution writes "all citizens of Somaliland shall enjoy equal rights and obligations before the law and shall not be accorded precedence on grounds of colour, clan, birth, language, gender, property, status opinion etc." CEDAW treaty: <https://www.ohchr.org/en/treaty-bodies/cedaw>

⁵⁰ 86% of respondents of 1200 sample <https://heca.oxfam.org/latest/press-release/striking-gender-gap-somaliland-women-having-less-half-opportunities-men>

⁵¹ There are 23 DEOs in total.

⁵² National Disability Policy of Somaliland 2012 <https://mesaf.govsomaliland.org/article/disability> and Somaliland Health and Demographic Survey 2020.

⁵³ Art. 81 and Art. 41 of the Constitution

⁵⁴ <https://sndfsom.org>. National Disability Act 2023

⁵⁵ Among others, voters with disabilities were planned to be provided with voting priority.

⁵⁶ Art. 32(1) and Art. 32(2) of the Constitution which are complemented by Art.3(a) and Art.3(b) of the Press Law 2004

⁵⁷ <https://rsf.org/en/three-journalists-held-incommunicado-and-tortured-somaliland>; <https://cpj.org/2024/01/somaliland-journalist-mohamed-abdi-sheikh-detained-after-discussing-diplomatic-row/>. The penal code dates back to 1964, contains criminal offences that limit freedom of expression and media, including insulting a public officer or institution (Art. 268/1), and defamation with three-year prison sentence maximum sentence (Art. 452/3).

That said, Somaliland has a diverse and vibrant (if unregulated) media, and the mission's discussions with media stakeholders indicate it is able to report independently, and engage with issues and politicians around the election. There are around 20 television channels, including one state-run station, one state-run radio station, and organisations including SOLJA (the Somaliland Journalists' Association) which represent journalists. Social media is the main means of media delivery, with both independent journalists and the major media organisations using it as the primary platform. In addition, many "citizen journalists" use social media, making a wide and unquantifiable environment, with risks of inaccuracy, incitement and hate speech.

For the 2024 elections, as in past elections, the NEC put in place a Media Code of Conduct (MCC) outlining the responsibilities of media during the campaign, aiming to ensure balanced coverage, voter awareness and avoid incitement, with a key provision being only reporting results when official from the NEC. The MCC is overseen by a committee including representatives from SOLJA, the Minister of Information, Culture, and Awareness, the Somaliland WILJA (Women's Journalists Association), and legal experts and professionals. While the MCC was signed off only in early November, this followed consultation with SOLJA and other media stakeholders.

The MCC is a rare example of media regulation of a sort in Somaliland. By international standards, there are important absences: no independent media body or broadcast authority dealing with licensing, and the proposed draft press law does not include broadcast or online/social media. Laws and regulations to guarantee political parties and associations a certain level of free advertising while campaigning do not exist. In particular, paying for access to media is common, with parties paying for exposure on social media and paying their own journalists, as political parties and associations informed the mission.

Media monitoring was carried out throughout the campaign with SOLJA running one project, and NEC partnering with the Netherlands Institute for Multiparty Democracy (NIMD), measuring coverage over parties, fairness, misinformation and disinformation in the state media and the ten largest private media outlets in Somaliland. NIMD also supported SOLJA and WIJA in training journalists on election reporting.

The mission's discussions with political parties and associations indicate they generally regarded the election media coverage as balanced and fair. The mission's own monitoring, which commenced from late October, also indicated that the media reported with balance and covered political developments and issues, generally following the MCC. This included state media, which has a special responsibility to do so.⁵⁸ However, balance is relative in Somaliland's paid-for media environment, as shown by IEOM monitoring of the state

⁵⁸ General principles for how the media should function during elections are stated in the Declaration of Principles for International Election Observation, UN 2005: "The media should be able to cover the campaign freely, without interference or unreasonable restrictions imposed by authorities...Candidates and political parties should have unimpeded access to the media on a non-discriminatory basis, and state or public media should meet their special responsibility for providing sufficient, balanced and impartial information to enable the electorate to make well-informed choices."

networks (SLNTV and Radio Hargeisa), with far larger levels of coverage for certain political parties and associations.

With informing and educating the public being a key election role of media, the media performed their role in voter education, with the NEC contracting with influencers, social media channels, and broadcast networks to spread its information and messages widely. On election day itself, the NEC operated a situation room (viewed by the IEOM), where media interviewed major figures and stakeholders, and NEC monitored media to counter any disinformation and to get its own information and messages out throughout.

13. Election dispute resolution

The right to file complaints is granted by law and procedures for exercise of that right are provided to voters, political party and/or association representatives, and party agents. The NEC is responsible for adjudicating complaints throughout the electoral process, including the voter registration period, the campaign, the conduct of the polls, and the results. The decisions, actions and inactions of the election management bodies can be challenged and brought to the NEC. The only exception to this is if there are challenges to decisions which determine the results of elections; these are directly submittable to the Supreme Court.

The election administration also has the authority to file with the prosecution a request for an inquiry in suspected cases of violating election legislation by an individual, including members of a decentralised election management body. Decisions of the NEC can be appealed to the Supreme Court. The NEC's Political Parties/Associations Taskforce Committee and the Electoral Ethics, Conflict Resolution and Monitoring Committee also play a role in dispute resolution.

Another potentially important alternative dispute resolution mechanism is traditionally offered in Somali society by ad hoc mediation committees.

14. National and international observers

National observation was carried out by the Somaliland Non-State Actors Forum (SONSAF), which brings together different interest groups such as Nagaad (women organisation), SNDF (persons with disabilities), SOYDAVO (Youth) and the Adam Academy (minorities). They deployed a total of 300 static observers ('static' as they stayed in the same polling station throughout the day). 150 of these were deployed in polling stations in Hargeisa, while the other 150 were deployed in the other regional cities (Borama, Berbera, Burco, Caynabo and Erigavo). SONSAF observers transmitted information to their central HQ during Elections Day on the ongoing process. This information formed the basis for their statement about election day.

International observation is regulated by the revision and amendment of the general law for national elections and voters' registration⁵⁹. The IEOM, the Inter-Religious Council of Kenya,

⁵⁹ Law No. 91/2023, Art. 2,8,62,112,113,114,117

the Brenthurst Foundation, an independent US team and a diplomatic presence from the EU and other European countries observed the elections.

The NEC requested national and international observer delegations to sign a Code of Conduct just six days before election day. This created some concern among observers as some of the stipulations could be interpreted as limiting the ability of observers to undertake their duties in an independent manner. Also, there were a few incidents at district and polling station level with officials not being aware of the rights of observers to be present, thus restricting their access to observe voting or during the counting of votes. In future elections, the election authorities could either accept the Code of Conduct for International Election Observers⁶⁰ or come to agreement with observer missions on observers' rights as well as their responsibilities in a memorandum of understanding, and ensure these rights and responsibilities are communicated to all levels of the election administration.

15. Election Day

The IEOM deployed 28 observers to follow the final stages of pre-election preparation, the opening of the polling stations, voting, the closing of the polling stations, the counting of votes, the transmission of the results from polling stations to district centres and the tabulation process in district centres. IEOM observers were present in all six regions of the country on election day.

- The IEOM observed the opening of twelve polling stations. Nine of these (75%) opened late, one (8.3%) had essential material missing (the record book), and in only six polling stations (50%) were the correct opening procedures followed. At all locations the IEOM observed a calm atmosphere and that police or security forces were present. In a large majority of polling stations (85%) party agents were present, although domestic observers were present in only five of the twelve (42%). In two cases (17%), unauthorised people were present inside the polling station. IEOM observers judged that the opening process in 9 of the 12 polling stations (75%) was good or very good.
- The IEOM observed voting in 146 polling stations, spending approximately 30 minutes observing voting in each polling station. Polling procedures were properly followed in 65% and observers assessed the polling process to be good or very good in 84%. Party agents were present in all the polling stations visited but domestic observers were present in only 19%. Polling was suspended in many places to allow for lunch and praying - this was not foreseen in the procedures. Campaigning during election day by different parties was observed all over the country, although largely by parties/associations in their strongholds.
- In the polling stations where IEOM observed the elections, 37% of polling staff and 34% party agents were women with noticeable differences between different districts⁶¹. The IEOM observed that only 60% of polling stations were suitable for independent access

⁶⁰ Commemorated at the UN on 27 October 2005

⁶¹ Polling staff: Hargeisa 61% versus Saylac with 0%. Party agents: Hargeisa 46% versus 7.5% in Saylac

by voters with physical disabilities. Voter information was assessed as good or better in 69% of polling stations. Overall, the IEOM did not observe any serious irregularities or electoral malpractice. However, the NEC's instructions that the chairperson of the polling station should assist voters if requested and show the completed ballot to party agents means the secrecy of the vote was not always guaranteed.

- The IEOM's assessment of the Biometric Voter Verification Systems was positive but the system was not operational, due to various technical difficulties, in a number of polling stations. As manual lists were also being used, this did not have an impact on the integrity of the vote. A number of voters were visibly under-age, with one of them telling our observers that they were 11 years old. Voter identification and verification was at times challenged by the poor quality of the photos on the voter list printout at polling stations. This mostly concerned voters rolled over from the previous voter registration to the current register. In almost all reported instances of voters being turned away, they were quickly directed to the queue for their correct polling station by polling station staff.
- The IEOM observed the closing of 12 polling stations. The overall assessment was good or very good in 75 percent of polling stations although in some polling stations, staff found the forms too complicated.
- The IEOM observed the counting of votes in 12 polling stations. Counting was very slow in some places although overall, IEOM observers assessed counting as good or very good in 73.3% of polling stations.
- The IEOM observed tabulation in only a small number of tabulation centres as there were delays in transferring the ballot boxes from the polling stations to the tabulation centres. This meant tabulation frequently started the next day, or, in the case of Hargeisa, on 15 November.