Report of the Brenthurst Foundation

Somaliland Election Monitoring Mission (SEMM)

June 2021

Strengthening Africa's Economic Performance

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1 June 2021

Introduction

Members of The Brenthurst Foundation's Somaliland Election Monitoring Mission visited Somaliland between 26 May and 2 June 2021 to monitor Parliamentary and Local Government elections on 31 May 2021 at the invitation of President Muse Bihi Abdi. This report was agreed to by the mission and handed over to the presidency on 1 June 2021.

Led by the Foundation's director, Dr Greg Mills, the mission included the following members, all based in African countries:

- H.E President Ernest Bai Koroma, Former President of Sierra Leone
- Mr Alex Waiswa, National Unity Platform, Uganda
- Mr Aly Verjee, Africa Center, US Institute for Peace, Ethiopia
- Mr Abbasali Haji, MD, East Africa Capital, Tanzania
- Mr Atom Lim, Special Advisor to President Olusegun Obasanjo, Nigeria
- Mr Benjamin Ezeamalu, Premium Times, Nigeria
- Mr Bradford Machila, Legal Adviser, UPND, Zambia
- Ms Chipokota Mwanawasa, Lawyer, Zambia
- Ms Dianna Games, CEO, Africa@Work, South Africa
- Ms Gladys Hlatywayo, Secretary for International Relations, MDC, Zimbabwe
- Ms Gwen Ngwenya, Head of Policy, Democratic Alliance, South Africa
- Mr Johannes Martin, Shadow Minister for Defence, PDM, Namibia
- Mr John Githongo, CEO, Inuka, Kenya
- Mr John Steenhuisen, Leader, Democratic Alliance, South Africa
- Dr Kizza Besigye, Leader, Forum for Democratic Change, Uganda
- Mr Lutero Simamgo, MDM, Mozambique
- Ambassador Lewis Brown, Former Representative to the UN, Liberia
- Mr Peter Fabricius, Daily Maverick, South Africa
- Mr Richard Harper, Richard Harper Logistics, South Africa
- Hon. Mr Tendai Biti, Vice-President, MDC, Zimbabwe
- Mr Zitto Zaberi Kabwe, Leader, ACT Wazalendo, Tanzania

The above members were specifically selected for their experience in either observing or participating in elections as members of political parties, sometime both.

The Brenthurst Foundation team comprised:

- Dr Greg Mills, Director, South Africa
- Mr Ray Hartley, Research Director, South Africa
- Dr Lyal White, South Africa
- Ms Marie-Noelle Nwokolo, Ghana
- Ms Leila Jack, South Africa
- Ms Gugu Resha, South Africa.

The mission travelled to six centres – Hargeisa, Berbera, Burao, Sheikh, Boroma and Gabiley – encompassing an estimated three-quarters of Somaliland's 3.5 million population.

A total of 249 polling stations were observed by the group, comprising nine percent of the total number of 2709.

This report is a summary of their observations of the election of 31 May 2021.

Historical Background

In June 1960 Somaliland gained its independence from its colonial master Britain before deciding to join former Italian Somaliland five days later in a union which collapsed amidst civil war in 1991.

In the centre of the capital, Hargeisa, is the 18 May independence memorial, commemorating the event when, having lost control of the province, the Somali President Mohamed Siad Barre ordered his air force, operating from the local airport, to bomb the city briefly captured by local Somali National Movement (SNM) liberation fighters in May 1988, resulting in many thousands of civilian casualties. By the time of Siad Barre's fall three years later, the main cities of Hargeisa and Burao had been reduced to rubble.

Peace and recovery have not demanded vast external resources, but rather the mobilisation of domestic political will.

Somaliland's democracy was built on five major internal meetings, starting with the Grand Conference of the Northern Peoples in Burao, held over six weeks, concluding with the declaration of Somaliland's independence from Somalia on 18 May 1991.

The independence declaration was signed in an octangular tin-roofed building near the former colonial governor's building, without electricity and running water, the white walls outside still pock-marked by bullet holes. This and other peace conferences were managed and financed by locals, bringing their own food and shelter.

Such events were organically bottom-up rather than top-down. Peace in Somaliland demanded a combination of community spirit and persistence, as has the recovery which has followed.

The former British protectorate has developed a stable, democratic system of politics, merging modern and traditional elements, with seven election events over the last thirty years, including the 2001 referendum.

In 2002, Somaliland made the transition from a clan-based system to multi-party democracy following the referendum, formalising the *Guurti* as an Upper House of Elders, which secures the support of traditional clan-based power structures. There have since been regular elections and a frequent turnover of power between the main political parties. The 2003 presidential election was won by Dahir Riyale Kahin by just 80 votes in nearly half a million from Ahmed Mahamoud Silanyo. The tables were turned in 2010, with Silanyo winning 49% of the vote to his opponent's 33%. Muse Bihi Abdi, a former SNM fighter, who had earlier served as a Soviet-trained fighter pilot in the Somali Air Force, was elected in November 2017, receiving 55% of the vote, becoming the country's fifth president, and cementing a tradition of peaceful handovers of power rare to the region.

On 31 May 2021, around the 30th anniversary of Somaliland's independence and the 20th anniversary of its multiparty democracy, despite Covid-19, the parliamentary and local district elections were staged, with 1.1 million voters registered by the National Electoral Commission (NEC). Unlike Somaliland's previous six elections, which were mostly funded by outsiders, 70% of the $8 million budget was financed internally. And despite delays in the election, caused by a standoff between the presidency and opposition parties over the nomination of members of the NEC, and challenges with the iris biometric voter registration system, these were among the most competitive, with 246 candidates for 82 parliamentary seats and 966 for 249 district municipality posts across the six regions.

Method

Mission members were present in Somaliland from 26 May 2021 until 2 June 2021.

The team spent the days ahead of elections in an intensive set of preparatory meetings with election officials from the leadership of the National Election Commission to technical staff involved in voter verification. Meetings also took place with local observers under the Somaliland Non-State Actors Forum (SONSAF) umbrella and the Limited International Election Observation Mission (LIEOM) funded by the Foreign, Commonwealth and Development Office of the United Kingdom. The team also met with the SOLJA, an organisation representing Somaliland journalists, and with opposition groups.

Limited observation of campaigning took place in the run up to voting.

For election day, the team divided itself among five key centres accounting for more than 70% of the voting population with two-person teams in each centre visiting a number of polling stations. The stations were chosen to ensure a geographic spread, and a rural-urban mix. Teams were asked to observe the opening and closing of a particular station, but to visit others in the interim to monitor proceedings.

The teams formally employed two forms to ensure consistent reporting on polling station procedures and the proper recording of incidents which might have affected the outcome. Examples of both forms are attached to this report.

A rapporteur was given responsibility for compiling regional reports on the events of election day. The final report was adopted on 1 June 2021.

Pre-election meetings

NEC Briefings

The Mission was briefed in detail on election preparations by the head of the National Electoral Commission, Abdirashid Mohamuod Ali on 27 May 2021. The briefing covered the electoral system, voting procedure, and the voters roll among other topics and was followed by an in-depth question and answer session.

A second, more detailed briefing and question and answer session was held with the chairman as well as the director of operations, Saeed Mohamed Osman and the commission's IT department on 28 May 2021. A further NEC official briefed the team on gender issues on 29 May 2021.

SONSAF Mission and Civil Society

The Mission was briefed by Ayan Hassan of the Somaliland Non-State Actors Forum on its extensive monitoring operation involving over 900 observers and was given a tour of the organisation's operations centre where election day data was to be collected and disseminated to the public on 29 May 2021.

LIEOM

The Mission was briefed by Professor Michael Walls of the Limited International Election Observation Mission on their plan to observe the election on 28 May. The SEMM also engaged with the LIEOM during the election monitoring phase in the field.

Political parties

Meetings were also held with political party leaders, both to inform them of the mission's intentions and receive a briefing on their perspective of the elections. This was a limited encounter and full meetings with the leaders of parties would have added to the team's knowledge, but were difficult to organise in the immediate run-up to the election on 29 May

President Muse Bihi Abdi

The Mission held a meeting with Somaliland President Muse Bihi Abdi, who invited The Brenthurst Foundation to establish the monitoring mission, at the presidency on May 29. The meeting included the introduction of members of the delegation and a description of its work, a statement by the president on the upcoming elections and a wide-ranging question and answer session.

SOLJA

The Mission met with the leadership of the Somaliland Journalists Association (SOLJA) on 29 May 2021. It was also briefed on the state of media freedom, reporting of the election and the accessibility of information to voters.

Concerns included the concentration of government in radio with only one, government-controlled radio station and the arrest (and subsequent release) of several journalists in the period prior to the election. However, SOLJA leaders said they believed the country was

moving in an “improving” as opposed to “deteriorating” media freedom environment, citing the large number of independent television channels and the proliferation of independent internet and social media-based outlets.

Election Briefings and Civil Society

At its pre-election preparation meeting, the team was briefed by two of its members, John Githongo and Aly Verjee, both of whom have observed many elections on their previous experience of monitoring elections and advice on 29 May. The meeting was attended by an official of the NEC and by Edna Adan Ismail, a nurse, midwife, activist and the first female Foreign Minister of Somaliland from 2003 to 2006 to advise on local conditions in the regions. A further briefing on what to look out for over the election was provided by Dr Jama Musse Jama of the Red Sea Cultural Foundation on 30 May 2021.

Election day

Teams outside Hargeisa were in place in regional locations the day before voting and returned the day after. This enabled them to observe the opening and closing of polling stations as well as counting in selected stations. Teams were given the freedom to move from their assigned station to observe voting elsewhere but returned to their original station prior to closing.

Regional teams met after election day to discuss events and to assist the rapporteur with the completion of the regional reports included below:

The total number of stations observed was 249, broken down into: Hargeisa (104), Burao and Sheikh (45), Berbera (64) and Boroma (56).

This section comprises both specific observations and general comments.

SPECIFIC ELECTION INSIGHTS

Time of opening

Most stations opened at 0700 or soon after. The reasons for delays seemed mostly to be late arrivals of NEC or party agents. The equipment arrived on time, and the majority of presiding officers all followed correct procedures of showing the empty boxes and the seals to party agents before voting began. Voters in various stations had been queuing as early as 0330, and there were high levels of anticipation and excitement.

Presence of party agents inside polling station during voting and counting

With the exception of a small number of stations, party agents from all three parties were present. Any disagreements witnessed about party representation were resolved to the satisfaction of all. SONSAF local observers were present in about 60% of voting stations.

Privacy during voting

Most stations had rudimentary screens comprising NEC-supplied cloth kits. A high percentage of illiterate voters meant that a large number were assisted by officials. This practice

compromised voter secrecy in these cases. This was regardless conducted in an open and highly transparent manner with the agreements of the party agents.

Accessibility of voting station to all

Stations were generally accessible, and there were instances of assistance by security forces and others for disabled and elderly voters who were, in many instances observed, allowed to vote first.

Time of closing

Most polling stations closed at 1800, though allowing those already in the queue to vote. The generally slow pace of voting observed, at around 20-30 votes cast per hour, meant that voting continued in one case as late as 2000. In only one case was a voter allowed to vote arriving shortly after poll closure.

Security of voting

The checking of voters' registration details, while laborious and time consuming, was thorough. Voters' fingers were daubed with indelible ink as per NEC regulations. The use of fingerprints as an additional measure of voter security was employed. There were some instances of the adding of names to the voter roll.

Most ballot boxes were very full, and most appeared to be sealed or partly sealed, and in a few cases unmarked with the polling station identification number.

In some cases, concern was expressed at the apparent youthfulness of voters, but registration details were checked by the presiding officers.

Vote counting, management of contested ballots

Vote counting was generally slow, reflecting the tired state of many officials who had already worked a long day in difficult conditions, though NEC officials and party agents worked well together throughout the counting process in both establishing and verifying the results. The stamping of unused ballot papers seemed inconsistent between stations, though this was under the scrutiny always of party agents.

Other noteworthy issues

Observers noted poor Covid-19 measures across the entire geography of the SEMM, although most officials had been issued with marks. Social distancing was, as a rule, very difficult to enforce given the high turnout of voters and the hot conditions. Voting booths were generally cramped, and conditions inside hot and uncomfortable.

Lighting was poor especially in rural areas for the counting, though lights and generators were employed along with cellphones and solar lamps.

There was a degree of confusion between the use of identification cards and blue A5 temporary documents, with some stations delaying voting as a consequence

Polling stations officials had to draw up their own counting templates which took time and delayed the vote count.

General Observations

- This is the eighth democratic election in Somaliland, strengthening is its democratic tradition in a region not known for its democratic character. This should be recognised by the world and especially supported by Africa.
- Voting was generally peaceful, characterised by high levels of trust and enthusiasm from the electorate, which assisted in overcoming any frailties in the election management.
- The conduct of the election illustrates overall the existence of an effective state governed by its own unique form of social contract.
- The National Electoral Commission effectively administered a complex and logistically demanding election, with scope for improvements according to its own regulations and laws.
- There was consensus on disputes inside the polling stations. In Somaliland the software appears to work exceptionally well despite the rudimentary conditions and widespread poverty, centering on the trust and implicit confidence in the NEC. The hardware is a secondary tool and consideration in these circumstances.
- Local civil society is admirably represented though dependent on the quality of the local observer. SONSAF is a cost-effective means for donors to support democracy in action.
- The Somaliland proportional representation system is complex, especially for illiterate voters but the lack of winner-takes-all system makes for political system where loss does not mean dramatic ethnic exclusion from power and economic opportunity.
- The calm that characterised the process, the lack of party rancor on the day not only demonstrates people's implicit confidence in the process but that Somaliland has used its own permutation of a modern democratic model to manage intra-clan cleavages.
- Allowing 15-year old voters is a striking feature of Somaliland’s democracy, but may assist in empowering a sense of responsibility and assist, too, including a critical and large demographic.
- The country has built on peace based organically on social consensus from the bottom up and developed a stable political environment centered around democratic participation which contains tensions and mediates conflict through democratic choice. This was noteworthy during the elections which took place on 31 May 2021.
- The three political parties contesting the election share a view that there is democratic progress. Although conditions were sometimes rudimentary, a can-do, consensus-based approach by all political parties and officials quickly resolved problems to the satisfaction of all.
- On election day there was a prominent presence of security officials who were pre-occupied with managing queues which threatened to become disruptive in some locations. No security force interference with voting in any polling station was observed.
- The election was observed by two international missions and a large, independent domestic NGO mission which deployed over 900 monitors to polling stations. The NEC co-operated with and shared information freely with these observers and availed its

leadership to brief and inform the delegations as requested. International monitors and observers were welcomed everywhere they went and even honoured in some polling stations.

– From what the Brenthurst Foundation's mission saw during its period and scope of observation, the 31 May 2021 Somaliland election process was free, fair and credible.

The Mission will revert with a statement outlining detailed recommendations.

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Delegation

Dr Greg Mills, Director, Brenthurst Foundation, South Africa (Head of Delegation)
H.E President Ernest Bai Koroma, Former President of Sierra Leone
Mr Alex Waiswa, National Unity Platform, Uganda
Mr Aly Verjee, Africa Center, US Institute for Peace, Ethiopia
Mr Abbasali Haji, MD, East Africa Capital, Tanzania
Mr Atom Lim, Special Advisor to President Olusegun Obasanjo, Nigeria
Mr Benjamin Ezeamalu, Premium Times, Nigeria
Mr Bradford Machila, Legal Adviser, UPND, Zam
Ms Chipokota Mwanawasa, Lawyer, Zambia
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Mr Lutero Simamgo, MDM, Mozambique
Ambassador Lewis Brown, Former Representative to the UN, Liberia
Dr Lyal White, Research Associate, Brenthurst Foundation, South Africa
Mr Peter Fabricius, Daily Maverick, South Africa
Mr Richard Harper, Richard Harper Logistics, South Africa
Hon. Mr Tendai Biti, Vice-President, MDC, Zimbabwe
Mr Zitto Zuberi Kabwe, Leader, ACT Wazalendo, Tanzania
Ms Marie-Noelle Nwokolo, Researcher, Brenthurst Foundation, Ghana
Ms Leila Jack, Project Administrator, Brenthurst Foundation, South Africa
Ms Gugu Resha, Machel-Mandela Fellow, Brenthurst Foundation, South Africa

THE BRENTHURST FOUNDATION ELECTION DAY MONITORING CHECKLIST
SOMALILAND ELECTIONS
31 MAY 2021

Observer Team #:	Polling Station Location:	Arrival:	Departure:			
#		Yes	No	N/A	Comment
	POLLING STATION				
1.	Did the polling station open at the prescribed time				
2.	Was the opening process free from interference (including by security personnel)				
3.	Is the polling station accessible to all voters				
4.	Has provision been made for the disabled; lame, blind, deaf, & dumb				
5.	Is the environment around the polling station peaceful				
6.	Is the polling station free from obstructions to free movement				
7.	Is the polling station free of all campaigning and political party materials				
8.	Were election materials delivered safely, securely and on time				
9.	Are all party agents present to observe voting				
10.	Was the ballot box presented as empty to all present; party agents, voters, observers				
11	Was the empty ballot box properly sealed thereafter by election officials				
12.	Were parties present allowed to fix their individual seals thereafter on the ballot box				
13.	Were any complaints or objections raised to the presiding officer				
14.	Were polling officials able to address these objections to the satisfaction of all				
	VOTING PROCESS				
15.	Are voters checked for signs of prior voting when entering the polling station				
16.	Did all voters on the voters' register receive a ballot				
17.	Were some registered voters unable to vote. If yes, why				
18.	Were voters' fingers marked with indelible ink immediately after receiving a ballot				
19.	Did election officials clearly demonstrate to voters how to fold the ballot paper				
20.	Were voters free from intimidation				
21.	Were voters free from pressure on who to vote for				
22.	Were voters free from pressure to reveal whom they voted for				
23.	Did election officials protect the secrecy of the ballot				
24.	Was impartial assistance given to voters who required to be assisted				
25.	Were the right procedures followed to avoid duplicate voting				
26.	Was voting interrupted in the process for any reason, if yes why				
27.	Were any complaints or objections raised to the presiding officer				
28.	Were polling officials able to address these objections to the satisfaction of all				
29.	Was the eligibility of any voter challenged				
30.	Were there more ballot papers than registered voters for this polling station				
31.	Any signs of ballot paper stuffing				
	VOTE CLOSURE				
32.	Was voting closed on time				
33.	Was the closing time satisfactory to all present, party agents, officials, observers				
34.	Were voters in line at time of closure allowed to vote				
35.	Were voters who arrived after closing time turned away				
36.	Was closing free from any disruptive or violent incidents				

	VOTE COUNTING				
37.	Did the presiding officer open each ballot box in the presence of everyone				
38.	Was the vote counting transparent and observable by agents, officials, observers				
39.	Was counting conducted in a peaceful environment,				
40.	Was the counting process free from interference (including by security personnel)				
41.	Were all ballots accurately counted				
42.	Was the validity of ballots determined in an objective and impartial manner				
43.	Was there an established criterion to determine the intent of the voter				
44.	Was the criterion to establish the intent of the voter followed				
45.	Were there any objections or complaints raised to the presiding officer				
46.	Were these complaints addressed to the satisfaction of all				
47.	Were election materials securely sealed after counting by presiding officer				
48.	Was the declaration of results signed by presiding officer and all parties present				
49.	Were copies of the declaration of results given to all party representatives				
50.	Were the results announced at the polling station before transmission to election HQ				
	OVERALL ASSESSMENT				
	Very good – no irregularities or significant incidents				
	Good – minor irregularities but no significant effect on integrity of the process				
	Poor – Irregularities that significantly affect the integrity of the process				
	Very Poor – Significant irregularities that puts the integrity of the process in doubt				
	ADDITIONAL SPECIFIC COMMENTS				

INCIDENT REPORT TEMPLATE
SOMALILAND PARLIAMENTARY ELECTIONS
31 MAY 2021

Please complete the following form whenever you witness or hear about an incident that may impact the electoral process. A mention of the incident should also be included in your final report under the relevant topic area.

Observer's Name/s
Observer's ID
Team No.
Location of Incident
Polling Station Code
Date & Time of Incident

Incident:

_____
_____
_____
_____

Did you witness the incident or was it reported to you? If reported to you, please indicate by whom (if possible) and how credible this source is.

_____
_____
_____

Does this incident impinge on the electoral rights of any individual such as safety and security, freedom of expression or association?

_____
_____

Does it undermine the integrity of the election process? If yes, please explain below. If no, please explain why.

_____
_____
_____

Have you drawn the attention of the presiding officer?

_____
_____
_____

Were the election officials and party reps present capable of addressing the issue?

_____
_____
_____

Was the issue addressed to the acceptance and agreement of all present?

_____
_____
_____

In your opinion, how many voters were affected by this incident (if any)?

☐ Several (51 and above)
☐ Some (11 to 50)
☐ Few (1 to 10)
☐ None
☐ Unknown