PBF PROJECT EVALUATION
SUPPORT TO NIEC ELECTORAL DISPUTE RESOLUTION MECHANISMS

May 2022

Project and Outcome Information		
Project/outcome title	Support to NIEC Electoral Dispute Resolution Mechanisms	
Atlas ID		
Corporate outcome and output	UN Somalia Strategic Framework Priority 1: Deepening federalism & state-building, supporting conflict resolution & reconciliation, & preparing for universal elections. Outcome 1.3: Preparations for 2020/21 universal elections are completed.	
Country	Somalia	
Region		
Date project document signed	28 November 2019	
Project dates	**Start**	**Planned end**
	1 December 2019	28 February 2022
Total committed budget	USD 2.5 million	
Project expenditure at the time of evaluation	USD 2,308,802	
Funding source	Peacebuilding Fund	
Implementing party	UNDP Somalia	

Evaluation Information		
Evaluation type	Project Evaluation	
Final/midterm review/ other	Final	
Period under evaluation	**Start**	**End**
	1 December 2019	28 February 2022
Evaluator	Sean Gralton	
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Evaluation dates	**Start**	**Completion**
	24 February 2022	May 2022

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Table of Acronyms and Abbreviations

AU	African Union
CPD	Country Program Document
CSO	Civil Society Organization
DIM	Direct Implementation Modality
DSC	Delegate Selection Committee
EDR	Electoral Dispute Resolution
EDRC	Electoral Dispute Resolution Committee[1]
EDRM	Electoral Dispute Resolution Mechanism[2]
EISA	Electoral Institute for Sustainable Democracy in Africa
ERG	Evaluation Reference Group
FEIT	Federal Electoral Implementation Team
FGS	Federal Government of Somalia
FMS	Federal Member States
HACT	Harmonized Approach to Cash Transfer
IEDRM	Independent Electoral Dispute Resolution Mechanism[3]
IEP	Indirect Electoral Process
IESG	Integrated Electoral Support Group
KAP	Knowledge, Attitudes, and Practices
KII	Key Informant Interviews
LOA	Letter of Agreement
NCC	National Consultative Council
NIEC	National Independent Electoral Commission
NIM	National Implementation Modality
OPM	Office of the Prime Minister
PD	Project Document
PBF	Peacebuilding Fund
PBF Project or Project	Peacebuilding Fund Project PRF 118635, Support to NIEC Electoral Dispute Resolution Mechanisms
SEIT	State Electoral Implementation Team
TOR	Terms of Reference
UN	United Nations
UNDAF	United Nations Development Assistance Framework

[1] The EDRC refers to the specific dispute resolution committee established to address disputes in the 2020-2022 indirect electoral process.
[2] The EDRM refers to any electoral dispute resolution system which could have been established by the FGS.
[3] The IEDRM refers to the specific dispute resolution committee established to address disputes in the 2016 indirect electoral process.

UNDP	United Nations Development Programme
UNOPS	United Nations Office for Project Services
UNSF	United Nations Strategic Framework
UNSOM	United Nations Assistance Mission in Somalia
UNV	United Nations Volunteers
USD	US Dollar

Executive Summary

Background

The Peacebuilding Fund (PBF) Project PRF 118635, Support to NIEC Electoral Dispute Resolution Mechanisms, was a 2.5 million USD electoral support project which ran from November 2019 through February 2022, aimed at providing the National Independent Electoral Commission (NIEC) the capacity to build a credible and effective electoral dispute resolution mechanism (EDRM). The electoral process at which the Project was aimed was intended to start in late 2020, but was delayed until July 2021, with the NIEC replaced by *ad hoc* electoral committees, including the Electoral Dispute Resolution Committee (EDRC) charged with conducting all electoral dispute resolution (EDR) throughout the process.

Project recipients were the United Nations Development Programme (UNDP) and the United Nations Office for Project Services (UNOPS), with Project implementation led by the Integrated Electoral Support Group, (IESG) comprised of staff, volunteers, and consultants provided by UNDP, the United Nations Assistance Mission in Somalia (UNSOM), United Nations Volunteers (UNV), and the PBF and has the mandate for the UN's electoral assistance to the country.

This independent evaluation took place from February to May, 2022.

EDRC

The EDRC was established by the National Consultative Council (NCC) through the Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections, issued on October 1, 2020 in order to resolve electoral complaints arising from the electoral process. These procedures were based upon the 17 September 2020 agreement, which was formalized in the Law on the Political Agreement for Directing the 2020/21 Federal Parliamentary Elections, Law No. 30.

When dealing with fundamental rights, such as the right to elected and be elected, "There should be… access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes."[4] In order to vindicate that right, Somalia established the EDRC to hear complaints regarding the electoral process. However, the ICCPR also requires that judicial review must be by a competent, independent, and impartial tribunal established by law. The EDRC as constituted appeared to meet none of these requirements.

Findings

Relevance and Coherency

The Project was originally designed to support Somalia's first universal suffrage elections since 1962, using the lessons learned from the 2016 elections and in alignment with the UN Strategic Framework Somalia, 2017 – 2020. The Project's support to the NIEC was aligned with the decisions of the United Nations General Assembly and the Security Council and the mandate of the United Nations Assistance Mission in Somalia (UNSOM), to deliver "inclusive, credible and transparent 'one person, one vote' elections…" and

[4] General Comment 25 to the ICCPR.

was relevant given the Somali government's commitment to implement such an election in line with the Somali-led Operational Strategic Plan for 2017-2021.

The Project was built upon the already existing UNDP/UNSOM IESG, charged with providing support to the NIEC throughout the electoral cycle. The Project was intended to leverage the existing IESG structure to support the development, establishment, and capacity building of the EDRM of the NIEC.[5] As a relatively short-term project, targeted at only providing support to the EDR system immediately prior to the election itself and for a very short time after, this connection with other IESG projects was essential for the long-term capacity building of the NIEC's EDR capabilities. Both UNDP and UNSOM provided experts to the IESG and the integration was generally seamless, especially from the perspective of outside partners. Absent the continuance of the IESG and its ongoing support of the NIEC, the long-term sustainability of the Project's interventions as described in the original project document would be open to question.

Effectiveness and Impact

Lack of commitment to and lack of interest in universal suffrage elections and an impartial, independent EDRM on the part of the Somali political leadership were the two key factors influencing the project. The EDRC as a whole also showed a distinct lack of interest in the capacity building component of the Project.

Much of the Project would have been rendered irrelevant in the aftermath of the 17 September 2020 agreement had there not been institutional commitment by donors, the PBF, the IESG, UNDP, and UNSOM to ensure that the agreed upon process would be brought to a peaceful conclusion. Staff integration, expertise, and commitment to the Somali electoral process enabled the process to move forward in a chaotic environment. The IESG leveraged the Project to help maintain relationships with the NIEC, the permanent institution responsible for EDR processes in the future.

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.*

In alignment with the theory of change, the Project aimed to establish a fully functioning and capacitated EDRM unit within the NIEC, in a secure and impartial location, in order to reduce electoral errors and misunderstandings, with the end goal of reducing the risk of electoral violence and the overall acceptance of the electoral outcome. In order to achieve this outcome, the project was divided up into two separate Outputs. Output 1 focused on developing human capacity and Output 2 focused on providing the requisite physical infrastructure.

The indicator for Outcome 1 was: *The percentage 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.* This was achieved, but with many caveats.

[5] Project Document, p15.

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

In order to achieve Output 1's objectives, the Project initially planned to provide support to the NIEC in developing its own EDR capacity, and then assist the NIEC in nationwide training to ensure that the EDRM would be understood by all voters. The evaluation found that the IESG regularly provided technical assistance and electoral expertise on EDR to the NIEC. The foundation of IESG support were weekly meetings with the NIEC legal department, providing advice and support on legal issues, including EDR matters.

This IESG's support resulted in a design for a two tier EDR structure, with cases heard in the field and appealed centrally. This basic structure would appear to meet established standards for EDRMs, though, as it was never established, a definitive statement on its compliance with international standards and best practices would be premature.

Upon the establishment of the EDRC, the IESG's focus shifted to the EDRC. The IESG began regular weekly meetings with the EDRC in January 2021, immediately after its formation in December 2020. The tangible results of the Projects' support to the EDRC during this time include the EDRC Procedures, Internal Regulation and Code of Conduct, and other key documents, such as complaint forms and decision forms. Unfortunately, while the IESG regularly offered the EDRC training sessions, the EDRC was unable to schedule a time for the sessions to take place.

Under a letter of agreement (LOA) signed with the Office of the Prime Minister (OPM), project activities originally directed at supporting training for nationwide training on a universal suffrage election were redirected to provide financial support to the EDRC, including paying for staffing, allowances, accommodation, and transport. The IESG also provided continuing support to the EDRC's public outreach efforts, assisting the EDRC in developing a communications and outreach plan, infographics, and key messages to ensure that Somali citizens understood the EDR process.

Over the course of the project, nine EDRC members and two Chairs were replaced, complicating implementation of the Output 1.

Output 2: *Provision of offices and meeting rooms, and additional security enhancements for EDR and stakeholder outreach.*

As a fund recipient under UNDP leadership, UNOPS built a two-story office building with 25 offices and a meeting hall with a capacity of 100 people. The building is located in an electoral compound on land donated by the Mayor of Mogadishu, which occurred prior to the inception of this Project. The building includes communications and IT equipment, including a videoconferencing system, solar power, air conditioning, fire control systems, and all fixtures, though not furniture, which will have to be provided by the NIEC. The building was completed to international standards, and includes accessibility features, including access ramps to the ground floor, handrails, and wide doorways. In order to ensure gender

accessibility, there are gender separated bathrooms. Construction was completed in March 2021, with the defect notification period expiring in 2022.

While the building is complete, the building is not occupied because the compound, the construction of which is not under the control of the Project, is incomplete.

Efficiency and Project Management

UNDP took the role as overall project coordinator, and implemented Output 1. UNOPS implemented the infrastructure component under Output 2.

As the Output 1 was structured to use the existing IESG structure as a framework within which to provide support to the EDRM, and as the initial beneficiary was the NIEC, with which the IESG already had an ongoing and positive relationship, the Project was able to start implementing Output 1 immediately upon signing the project document. Most activities under Output 1 were designed to be implemented step by step as the electoral process unfolded. As a result, when the 17 September 2020 changes to the electoral system happened, the majority of activities under Output 1 had yet to be implemented. This permitted the IESG to pivot the majority of its resources to support the newly created EDRC. Unfortunately, the *ad hoc* nature of the EDRC means that these activities will not have a long-term impact on the development of government institutions in Somalia, calling into question the value for money and long-term institutional value of some of the funds expended under Output 1.

After the shift in focus to the EDRC, the Project signed an LOA with OPM calling for the OPM to administer a significant part of the ISEG's Output 1 support to the EDRC, specifically Committee members allowances, training, and media and public outreach funds. This was implemented using a direct implementation modality (DIM), required due to the relatively low level of governmental capacity in Somalia.

While the IESG had built an effective long-term relationship with the NIEC, the establishment of the EDRC required building new relationships. The turnover of commissioners, with more than half replaced before January 2022 made this more challenging. The lack of electoral or legal expertise on the EDRC made working with them a challenge, and the lack of interest in creating an effective training schedule frustrated IESG staff, as well as some members of the EDRC who would have liked more training.

Because of insecurity, the inability of IESG staff to embed with either the NIEC or the EDRC made the organic interactions essential to continuous technical advice difficult to achieve, though, prior to COVID, IESG staff visited NIEC headquarters on a weekly basis. Zoom licenses were obtained to allow for remote meetings and training, mitigating both security and health challenges, though not entirely.

Output 2 was not dependent on the outside political context, and Project implementation began almost immediately. UNDP and UNOPS signed an additional agreement for UNOPS to provide additional coordination services. Design and procurement were completed in the first half of 2020. Actual construction began in June 2020 and construction was finished in March of 2021.

Sustainability

The original project design was aimed at building the capacity of the NIEC, the permanent electoral administration body. The Project did provide strong support to the NIEC's EDRM development process prior to the shift to indirect elections. With the NIEC's place in the legal framework, the NIEC is likely to endure through the next electoral cycle, enabling it to use this capacity in support of universal suffrage elections. Unfortunately, due to the 17 September 2020 changes, the majority of the Project's efforts were directed at the EDRC, though meetings with the NIEC about EDR continued even after the shift had been made.

Similarly, the construction of offices for the use of electoral authorities improves capacity of the NIEC in the long term. When the current construction issues with the compound are resolved, the new facility will provide electoral authorities with independence and an impartial location to conduct operations.

The NCC's decision to create an *ad hoc* EDRC rather than use the constitutionally designated NIEC had a negative impact on the sustainability of the EDR support component of the Project. None of the institutional capacity built in the EDRC will carry over to the next electoral cycle. Some documentation from the EDRC, such as EDRC Procedures, Internal Regulation, the Code of Conduct, compliant forms, and other documents may be useable in a future election.

Cross cutting issues

Ensuring participation in the process for women and other disadvantaged groups had mixed results. The IESG consistently advocated for female participation in the process, which successfully resulted in the candidacy registration fee being reduced by 50%. However, IESG advocacy to reduce the complaint fee was not successful. The Project focused on women's empowerment and did not address other under-represented groups, such as youth, clan, marginalized groups, IDPs, or persons with disabilities.

Conclusions

The Project was highly relevant to UNSOM's mission to deliver "inclusive, credible and transparent 'one person, one vote' elections…" according to the agreed upon deadline, and the IESG, as an integrated UNSOM/UNDP entity, with a depth of electoral expertise across a variety of fields, was strategically well positioned to provide the support required to establish a credible and effective EDRM. The Project successfully began effective implementation of 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. 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.

The Somali government's decision to sideline 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, and made the Project's work to support the EDRM more difficult. Once the international community determined that it would support the new indirect electoral process, 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.

The EDRC's instability, with 11 new members, including two new Chairs, introduced in the EDRC's short lifetime, contributed to the EDRC's challenges.

The Project kept a focus on the inclusion of women in all aspects of the electoral process, specifically working to reduce fees for female candidates and female complainants.

Recommendations

The UN and its international partners should continue to facilitate policy dialogue and encourage the political agreements necessary to help Somalia establish the foundations for a more stable state, operating in accordance with its Provisional Constitution. Support in building a political consensus and legal framework for universal suffrage elections should begin immediately. Support in ensuring that EDRM processes are properly integrated into the legal framework should begin at the same time. Clear pathways for appeals from the EDRM, in accordance with the Provisional Constitution, should be established and understood well before the election.

Continued funding should be conditioned on the achievement of specific benchmarks in political and governmental development, including the participation of marginalized groups, the creation of a credible, universal suffrage legal framework, voter registration, et al., with funding reduced or withheld where significant progress against those benchmarks is not achieved.

In recognition of the fact that an EDRM has a quasi-judicial function, efforts to build an effective and credible EDRM should be linked with international efforts to improve access to justice and the development of judicial institutions in Somalia.

The IESG's structure is an effective use of resources which allowed the Project the flexibility needed to effectively adapt to dramatically changed circumstances and should be maintained.

Social inclusion goals for projects should expand beyond gender to include youth, IDPs, minority clans, the disabled, etc. In the specific case of EDRM, focus should be on the participation of marginalized groups in administering the EDRM as well as the access marginalized groups have to its dispute resolution process.

Monitoring and evaluation should include baseline indicators where appropriate, and where not appropriate, indicate why they are not necessary.

Introduction

Evaluation of the Peacebuilding Fund Project PRF 118635, Support NIEC Electoral Dispute Resolution Mechanisms, 2019-2022

UNDP commissioned this evaluation of the Peacebuilding Fund Project PRF 118635, Support to the NIEC Electoral Dispute Resolution Mechanisms. This Final Evaluation Report is prepared in accordance with UNDP and PBF evaluation policy and guidelines, the Terms of Reference (TOR) developed by UNDP Somalia, and the PBF. Comments from the Evaluation Reference Group (ERG) on the draft Final Evaluation Report will be included in this final report.

This project is a constituent part of UN Somalia Strategic Framework, 2017-2020, Priority 1: Deepening federalism and state-building, supporting conflict resolution and reconciliation, and preparing for universal elections, Outcome 1.3: Preparations for 2020/2021 universal elections are completed. The project document was signed on 14 November 2019 for a duration of 22 months, however, due to political conflict and delay in holding indirect elections, the project was given a no cost extension to 28 February, 2022, via an updated Project Document, signed in August, 2021.

The evaluation commenced on 24 February, 2022. Due to the exigencies of the COVID-19 pandemic, the evaluation was conducted remotely by Sean Gralton, 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 IESG is comprised of staff, volunteers, and consultants provided by UNDP, the United Nations Assistance Mission in Somalia (UNSOM), United Nations Volunteers (UNV), and the PBF and has the mandate for the UN's electoral assistance to the country. The evaluation is based upon reviews of project documents, relevant laws, regulations, and procedures, EDRC decisions, and interviews with key interlocutors.

This evaluation is intended to provide concrete findings based on evidence and actionable recommendations to the programme management, partners, and the donor. The evaluation shall also provide key lessons learned in the project and highlight the challenges and areas where the project performed less effectively than anticipated.

The primary purpose of this evaluation is to assess the extent to which the project achieved its strategic outcome, with an added focus on whether the project interventions have managed to minimize electoral disputes and to enhance peaceful dispute resolution, thereby minimizing elections-related violence during 2020/2022 federal parliamentary indirect elections in Somalia. The evaluation shall determine the Project's overall added value to the Electoral Justice in Somalia, in the areas of establishment of an effective Electoral Dispute Resolution mechanism (EDRM), development of Procedures which take into consideration the right of women's participation in the EDR process, and the establishment of EDR facilities for public outreach and meetings.

Objectives of the evaluation:

- Assess the relevance, effectiveness, efficiency, and sustainability of project strategies and activities in terms of 1) managing electoral disputes and reducing related election violence 2) achievement of national ownership for elections 3) whether the project capitalized on the IESG (UNDP and UNSOM) added value in Somalia; and 4) the degree to which the project addressed cross-cutting issues including gender sensitivity in Somalia;
- Assess to what extent the PBF project has made a concrete contribution to reducing election related violence in Somalia. With respect to PBF's contribution, the evaluator may appraise whether the project helped advance achievement of the SDGs, and in particular SDG 16;[6]
- Evaluate the project's efficiency, including its implementation strategy, institutional arrangements as well as its management and operational systems and value for money;
- Assess whether the support provided by the PBF has allowed a specific focus on women's access to electoral justice and whether the PBF support factored in gender equality;
- Assess the extent to which the implementation of the Project was affected by the challenging environment;
- Identify and document key lessons learned and best practices and to propose practical recommendations for future programming.[7]

The complete methodology for this evaluation is provided in the evaluation inception report, provided in Annex 3. The evaluator was responsible for the delivery of the Inception Report, Draft, and Final Evaluation Reports, and reported to the Evaluation Reference Group established by UNDP. His terms of reference (TOR) are provided in Annex 4. UNDP/IESG supported the evaluation by providing the project documentation, background information, and scheduling interviews.

This report's findings are organized according to the evaluator's terms of reference, in general compliance with the structure provided in the inception report, and addresses relevance, coherency, effectiveness, efficiency, and sustainably. It includes a discussion of the relevant political background, the structure and functioning of the EDRC, its legal basis, and the international standards which apply to EDRM bodies and the impact these factors had on this and any future programmes. Project management and implementation are covered in the section on efficiency. The evaluation closes with this evaluation's lessons learned, conclusions and recommendations.

[6] SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
[7] Terms of Reference, p 4,5.

Political and Electoral Context

Democratic development

Modern Somalia gained its independence from Britain and Italy in 1960, and functioned as a parliamentary democracy until 1969. The March 1969 National Assembly election would be Somalia's last democratic, universal suffrage election. This democratic period ended in a coup led by General Mohamed Siad Barre, initiating a 22-year long dictatorship. Part of Siad's policy was to eliminate the clan structure in Somali society. The policy was unsuccessful. In 1991, allied clan militias overthrew Siad. Subsequent fighting between clans over territory and resources caused a complete state collapse. Over the next two decades, various attempts were made to reconstruct state structures, primarily at the local level.

In January 2007 the African Union established the African Union in Somalia (AMISOM) peacekeeping mission, giving Somali powerbrokers the security needed to develop a new national government. In 2012, the UN Mission in Somalia (UNSOM) was established with a mandate to work with the FGS and FMS to support state-building and peacebuilding, including providing electoral support. This culminated in a Provisional Constitution in 2012, the selection of a parliament by clan elders, and promises that Somalia's first universal suffrage elections in decades would occur in 2016. The 2012 indirect electoral process had Members of Parliament chosen by a group of 135 delegates. These delegates were selected according to a clan-based power-sharing formula called the 4.5 system. This system had the four main clans each naming 30 voting delegates and a coalition of minority groups naming an additional 15.

In 2015, to fulfill the promise of universal suffrage elections, the NIEC, the entity designated by the Provisional Constitution to administer presidential and Federal Parliament elections in Somalia,[8] including the electoral dispute resolution process,[9] was established by law. However, the 2016 elections did not happen as promised. Due to ongoing insecurity, and the lack of necessary legislation and institutional preparedness, the Federal Government of Somalia (FGS) and the Federal Member States (FMS) agreed that universal suffrage elections could not be held and agreed to hold an indirect process instead, similar to that used in 2012.

As part of the 2016 agreement, the NIEC was excluded from participating in the process. The agreement instead established *ad hoc* committees to administer the process, including the *ad hoc* Independent Electoral Dispute Resolution Mechanism (IEDRM), with 25 members. The IEDRM was charged with resolving electoral disputes during the indirect electoral process, and accepted 98 complaints during its tenure.[10]

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[8] Article 111G. National Independent Electoral Commission: (1) There shall be established a National Independent Electoral Commission, established under the Constitution. The National Independent Electoral Commission shall be independent of the executive and shall manage its own budget. The National Independent Electoral Commission shall be inclusive and representative and be impartial and neutral and shall not have more than nine members. *Provisional Constitution of Somalia*, 2012.

[9] Article 111G. National Independent Electoral Commission: (2)g, *Provisional Constitution of Somalia*, 2012.

[10] IEDRM Final Report, p 25.

The 2016 process followed a modified 4.5 system, with 14,025 delegates instead of 135. These delegates selected Members for both the 275 seat House of the People and the newly established Upper House, capped at 54 seats. In turn, the President was selected by a vote of both Houses of Parliament. The President, in turn, selected the Prime Minister to head the government.

The process was supported by the international community through UNDP/UNSOM's first electoral assistance programme. While not meeting the promises of 2012, the process did produce a peaceful transfer of power to a new bicameral parliament, president, and prime minister, as well as political promises for a universal suffrage election in 2020. On the other hand, the process was mired in the perception of corruption.[11]

In February 2020, Parliament adopted a new election law establishing a universal suffrage, first past the post system, signed shortly thereafter by the President. In June 2020, the NIEC provided options for election dates based on this law. Due to the delay in the passage of the electoral law and problems with some articles in the law, the election would be delayed from December 2020, the originally agreed upon date, until at least March 2021 if the election were held without voter registration, August 2021 if voter registration was included.

In July 2020, this agreement was overturned and the political decision was made by the National Consultative Council (NCC), a council of the FMS Presidents, the Mayor of Banadir and the Prime Minister, to hold another indirect election using a version of the 4.5 process, still administered by the NIEC. This was finalized in the 17 September agreement, which then called for the replacement of the NIEC with *ad hoc* committees, as used in 2016, to run a parliamentary indirect electoral process in December 2020 and a Presidential election in February 2021. The *ad hoc* committees established were the 5 Federal State Electoral Implementation Committees (SEIT) plus the SEITs for Somaliland (Northern Region) and Banadir Region, the Federal Electoral Implementation Committee (FEIT), and the EDRC.

The 2016 indirect election was described as a "political process with electoral features,"[12] and the 17 September 2020 agreement ensured that the latest indirect electoral process would be similar. The 17 September 2020 agreement was formalized through the Law No. 30 on the Political Agreement Guiding the 2020/21 Federal Parliamentary Elections. While this law directly contradicts the current Provisional Constitution, the Somali Supreme Court has found reason to uphold it.[13]

The 2021 process for the 54 seat Upper House began on 29 July 2021, with Members chosen by FMS state assemblies. The Upper House process was complete by 13 November, 2021, with women constituting almost 26% of the assembly with 14 seats, short of the 30% target, though an increase from the 13 seats achieved in 2016. The House of the People process began on 1 November, 2021. As in the 2016 process, clan based electoral colleges of delegates chose the Members at 11 locations across Somalia. This time, each seat was selected by 101 delegates, an increase from the 51 in the previous process. Nearly all of

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[11] https://www.nytimes.com/2017/02/07/world/africa/somalia-election-corruption.html

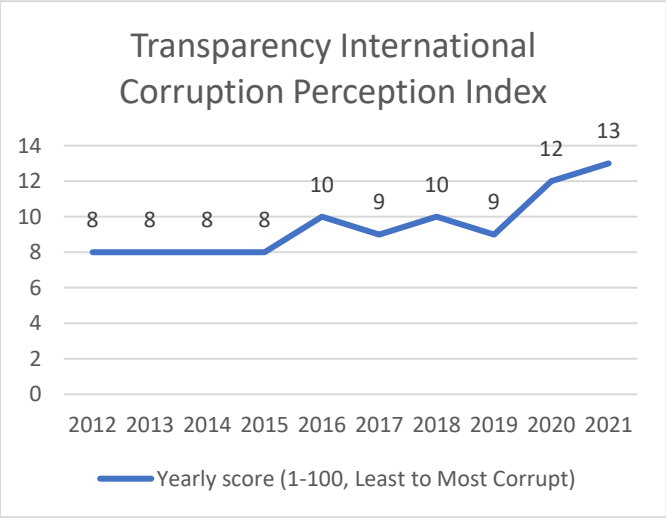
[12] https://unsom.unmissions.org/sites/default/files/160927_srsg_briefing_to_secco_0.pdf.

[13] *Fahad Dahir Ahmed v. The Federal Electoral Implementation Team* (MS/1/2/2022-BG), 20 April, 2022

the HOP seats were filled by March 31, 2022 and the FEIT began distribution of certificates of election to the selected members of both houses on April 2, 2022. The remaining twenty-four seats in the HoP were filled by 6 May, 2022. Women's representation fell to 20% in the HoP compared to 24% in 2016. Parliament was sworn in on 14 April 2022, and President Hassan Sheikh Mohamud was selected by Parliament on May 15.

Governance Challenges

Among international groups that rate countries based upon the capacities of their government, Somalia regularly ranks among the worst. Freedom House's *Freedom in the World 2022* report[14] ranked Somalia 0 out of 4, 4 being the best, in nearly every question in the categories of Electoral Process, Political Pluralism and Participation, Functioning of Government, and Rule of Law.[15] Of particular relevance to this evaluation are the zero rankings for the questions "Is there an independent judiciary?", and "Does due process prevail in civil and criminal matters?" Overall, Freedom House scored Somalia at 7 out of 100, ranking it as one of the worst global performers.



This should not be surprising as a fair and impartial judiciary, including specialized quasi-judicial mechanisms like an EDRM, is nearly impossible to achieve in a society where corruption is endemic. Transparency International's (TI) Corruption Perception Index has scored Somalia since 2012. Since 2012, Somalia's score has improved marginally from an 8 to a 13, where 100 is "least corrupt." Regardless of this improvement, Somalia is still ranked as the 178th most corrupt country out of the 180 countries ranked, beating only South Sudan and Syria.[16]

Somalia's history of conflict, environmental challenges, and food and livelihood insecurity is reflected in the poverty rate, with nearly 70% of Somalis living in poverty and the Gross National Income per capita is 1,240 USD.[17] In addition this turmoil has produced a large number of internally displaced persons (IDP), estimated by some in 2020 at nearly 3 million people.[18] Many of these IDPs are from minority groups.

[14] https://freedomhouse.org/sites/default/files/2022-02/FIW_2022_PDF_Booklet_Digital_Final_Web.pdf.
[15] https://freedomhouse.org/country/somalia/freedom-world/2021.
[16] https://images.transparencycdn.org/images/CPI2021_Report_EN-web.pdf
[17] https://databank.worldbank.org/views/reports/reportwidget.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=SOM
[18] https://www.internal-displacement.org/database/displacement-data.

About 30% of the Somali population is composed of a number of minority groups, including ethnic, caste, linguistic, and religious minorities, as well as people from minority clans.[19]

Demographically, Somalia is a youthful country, with about 46% under 15[20] and 75% under 35 years.[21] Youth unemployment is estimated at almost 35%.[22] Adolescent birth rate is high at 118 per 1000[23] and more than one third of girls under 18 are married, with 16.8% married at 14 years old or less. Based on these numbers, it is not surprising that women's literacy lags men's at 16.8%, though male literacy is only 35.5%.[24]

Young men, women and girls, minority clan members, the poor, and IDPs face serious challenges in Somali society.[25] Politics is considered a male domain and the political system is controlled primarily by male elders, though some women, through marriage, clan connections, resources, or political connections can distinguish themselves and exercise significant power. This is reflected in government, with women composing only 24% of the 2016 national legislature and 21% in 2022.

EDRC: Background, Structure, and Function

The EDRC was established by the NCC through the Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections, issued on October 1, 2020 in order to resolve electoral complaints arising from the electoral process. The SEIT and the FEIT were established at the same time through similar documents. The procedures were based upon the 17 September agreement, which was

General Principles of the 2020/21 Electoral Dispute Resolution Mechanism

1. The National Consultative Council has decided that the 2020/21 elections should have an independent mechanism for resolving electoral disputes, based on Somali culture and international human rights principles.

2. The National Consultative Council on the basis of the international principles, protection of the integrity of the electoral process, protection of the rights of voters and candidates, has deemed it necessary to stablish an effective and enforceable grievance procedure, in which the complaints of voters and candidates could be judged legally/fairly and equitably.

Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections and the Federal Level, Dispute Resolution Committee for the 2020/2021 Indirect Election, NCC, Moqadishu, 1 October 2020.

[19] https://www.pactworld.org/EAJ%20GESI, p11.
[20] https://www.unfpa.org/data/SO.
[21] https://www.usaid.gov/sites/default/files/documents/1860/USAID-Somalia-Youth-Assessment.pdf.
[22] World Bank, Youth Unemployment Rate for Somalia [SLUEM1524ZSSOM], retrieved from FRED, Federal Reserve Bank of St. Louis; https://fred.stlouisfed.org/series/SLUEM1524ZSSOM, April 20, 2022.
[23] https://www.unfpa.org/data/SO.
[24] https://data.unwomen.org/country/somalia.
[25] https://www.pactworld.org/EAJ%20GESI, .

formalized in the Law on the Political Agreement for Directing the 2020/21 Federal Parliamentary Elections, Law No. 30.[26]

The Procedures state that the EDRC would consist of 21 members, of which 9 members were nominated by the Federal Government of Somalia (FGS), which, in practice, meant the Prime Minister. Each FMS nominated 2 members for the remaining 12 seats. The document states that 30% percent of the members were to be women, however, there was no enforcement mechanism to ensure the proper proportion of women, a problem which existed in every part of the indirect electoral process. As a result, in the initial round of appointments, only 5, or less than 24% of the members appointed, were women.[27]

The EDRC's main office was in Mogadishu with offices at all polling locations across Somalia. The EDRC assigned subcommittees of three Committee members to work in each of the polling locations across Somalia to attend all the stages of the indirect electoral process.

EDRC interlocutors stated that they provided alternative dispute resolution (ADR) opportunities, specifically mediation and arbitration, at the local polling locations during the indirect electoral process No official fees were collected for these services and no records were kept of such interactions. Mediation and arbitration are tools often used in customary law, which, due to the serious challenges facing Somalia's official judicial system, often fills in the gaps:

The judicial system in Somalia is fractured, understaffed, and rife with corruption. Its authority is not widely respected, with state officials ignoring court rulings and citizens often turning to Islamic or customary law as alternatives.[28]

Regardless, when dealing with fundamental rights, such as the right to elect and be elected, there are minimum standards which have to be met. General Comment 25 to the ICCPR[29] establishes that "There should be… access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes."[30] In order to vindicate that right, Somalia established the EDRC to hear complaints regarding the electoral process in a formal tribunal. However, the ICCPR also requires that judicial review must be by a

- competent,
- independent, and
- impartial tribunal

[26] Law No. 30 seems to contradict provisions of the Provisional Constitution; however, it was upheld in subsequent Supreme Court decisions.
[27] A sixth woman was appointed in the aftermath of the removal of 7 members of the EDRC on December 18, 2020, bringing the percentage of women to 28.5%.
[28] https://freedomhouse.org/country/somalia/freedom-world/2021.
[29] Somalia is a state party to the ICCPR.
[30] ICCPR General Comment 25, Article 20.

- established by law.[31]

The EDRC as constituted appears to meet none of these requirements.

It appears that the EDRC was not properly established by a law passed by the competent legal authorities. The EDRC was created through a procedure issued by the NCC, a body with no constitutional authority, based upon the 17 September 2020 political agreement, formalized in Law No. 30.[32] Law No. 30 sidelines the Provisional Constitution, displacing the NIEC's constitutionally delegated responsibility to resolve electoral disputes.[33] The Supreme Court of Somalia has accepted this, arguing that its powers enumerated in the Court's enabling legislation[34] are, in fact, restricted by Electoral Law 30, giving the EDRC and the NCC jurisdiction over all electoral disputes.[35] The Court's decision did not address the supremacy of the Somali Constitution, which assigns such decisions to the Supreme Court and does not allow itself to be contravened by legislation.[36]

The Court's abdication of delegated constitutional authority may be politically expedient or even absolutely essential for the current indirect electoral process to continue to a conclusion without ending in violence. However, it does not convincingly confer legitimacy on the government replacing the constitutionally designated body and replacing it with an *ad hoc* committee.

The independence and impartiality of the EDRC are also in doubt. All decisions of the EDRC are subject to review by the NCC, which may make a final decision on any cases, without appeal to any other committee or legal authority. The NCC is a political body composed of the people who appointed the members of the EDRC, and EDRC members have been removed from office and replaced by members of the NCC without any process.

The summary dismissal of seven members of the EDRC by the Prime Minster in December 2021 was a concrete illustration of the EDRC's lack of independence. In the immediate aftermath of this event, Hussein Mohamed Mohamoud, the Chair at the time who was also among the 7 dismissed said, in an open letter to the international community, "Since the start of the parliamentary elections, the EDRC committee has faced significant challenges and interference from the prime minister, who has always forced us to comply with his wishes rather than implement the election procedures…"[37]

Regardless of the truth of Mr. Mohamoud's claims, the summary dismissal was contrary to the guidance in ICCPR, General Comment 32, Article 20: "Judges may be dismissed only on serious grounds of

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[31] ICCPR, Article 14, Paragraph 1. See also Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003.
[32] The Law on the Political Agreement Guiding the 2020/21 Federal Parliamentary Elections, Law No. 30.
[33] Article 111G(g).
[34] Organization of the Judiciary Law No. 3, 12 June, 1962.
[35] MS/1/2/2022-BG, 20 April, 2022, Supreme Court of Somalia, Administrative Division.
[36] Article 4, Supremacy of the Constitution: After the Shari'ah, the Constitution of the Federal Republic of Somalia is the supreme law of the country. It binds the government and guides policy initiatives and decisions in all sections of government. Constitution of Somalia.
[37] Open Letter to the International Community, Mr. Hussein Mohamed Mohamoud, December 19, 2021.

misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality set out in the constitution or the law. The dismissal of judges by the executive, e.g. before the expiry of the term for which they have been appointed, without any specific reasons given to them and without effective judicial protection being available to contest the dismissal is incompatible with the independence of the judiciary."[38] As the ICCPR requires that electors have access to "judicial review or other *equivalent process*,"[39] the protections that would apply to judges *vis a vis* tenure must also apply here.

Additionally, all the EDRC's funding and material support, including much of the support from the Project, was routed through the Office of the Prime Minister (OPM) pursuant to a letter of agreement between the Project and the OPM. This was not the case with the 2016 *ad hoc* indirect electoral commissions, which worked directly with UNDP. Unfortunately, this direct routing of finances in 2016 caused extensive problems with financial accountability, and so could not be repeated. Further, government capacity had increased since 2016, making the OPM a credible partner, from the perspective of fiscal responsibility.

While the change enhanced national ownership over the process, the fact that OPM was the national implementer, rather than, for example, the judiciary, might have hindered any attempts by the EDRC to become more independent. Sufficient budget and budgetary control are crucial to an independent judiciary that is free from external influence,[40] and while this evaluation found *no* indication that the OPMs fiscal authority was used to influence the EDRC, the appearance of independence is often as important to organizational credibility as the fact.

The difference in the level of independence may have had an impact on the outcome of cases, though the changes in the local context, including the capacity of government, the increasing experience of politicians, the establishment of the FMS, and other differences since 2016 make it difficult to say for sure. In 2016, the IEDRC nullified the elections for 11 seats.[41] While the IEDRC claimed that it faced significant pressure from the FGS and the National Leadership Forum (NLF)[42] to reverse these decisions, the IERDC did not. The NLF eventually reversed some of these decisions (though less than half), demonstrating that the IEDRC was willing to oppose the wishes of at least some Somali political leaders. In contrast, in every case where the current EDRC rendered a decision, the EDRC upheld the outcome of the election, a level of electoral perfection that would raise eyebrows in even the most efficient and experienced democracy.

The members of the EDRC should also have "appropriate training or qualifications in law."[43] Few of the EDRC's members have a background in law or elections and, as discussed in detail later, the Project was extremely limited in the EDR training it was able to provide to the EDRC.

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[38] ICCPR, General Comment 32, Article 20.
[39] ICCPR General Comment 25, Article 20.
[40] UNODC Criminal Justice Toolkit, The Courts, p. 7.
[41] IDERM Final Report, February 18, 2017.
[42] The NLF was roughly the equivalent of the current NCC.
[43] Basic Principles on the Independence of the Judiciary, 13 December 1985

The right to file complaints, legally described as "standing," was limited "to voters [delegates] and candidates directly affected by the violations of the election administration."[44] This excluded most Somalis, including those who aspired to become candidates, but who were, for some reason, denied. Though these rules defined an extremely small group of people with standing for a national electoral process, it was, nonetheless, an expansion from 2016, when only candidates had standing to file.

Filing an official complaint also required the payment of a 3,000 USD registration fee, a tripling of the 1,000 USD filing fee imposed by 2016's EDRM. General Comment 32, Article 11 states "The imposition of fees on the parties to proceedings that would *de facto* prevent their access to justice might give rise to issues under article 14, paragraph 1" of the ICCPR. No justification for the high cost of filing was presented to the evaluator aside from a desire to prevent the EDRC from receiving too many complaints, leading to the conclusion among KIIs that the intent of the filing fee was to limit access to electoral justice.

EDRC Cases and dispositions		
Seats where complaints were filed[45]	Reference Number	Disposition
HOP #239	GXKHDD/18/2021	In compliance
HOP #067 (2 complaints)	GXKHDD/20/2021	In compliance
HOP #201, #211, and #209	GXKHDD/22/22	In compliance
HOP #045 (2 complaints)	GXKHDD/25/22	In compliance
HOP #242	SUM/SL/02	Settled
HOP #255	SUM/SL/02	Failure to state legally sufficient case
HOP #166	SUM/PL/01	Invalid
HOP #150	-------	Withdrawn
HOP #238	-------	Withdrawn

In both 2016 IEDRC and the 2020-2022 EDRC, filing fees and the strictly limited rules on standing likely restricted the number of complaints significantly. The experience of the 2016 IEDRC is illuminating, with the Commission reporting that 1,219 people brought complaints to the Commission within the first ten days of its establishment, requiring the IEDRC to engage in an extensive public education campaign to clarify the restrictions on standing and the registration fee.[46] In the end, the 2016 commission received 98 formal complaints. In 2021-2022, the EDRC only received 11 complaints where the fee was paid.

As in 2016, it is likely that more complaints would have been filed in the current process had the standing and fee requirements been more lenient. This is supported by anecdotal evidence as well as statements from several KIIs. The IESG reported two and perhaps three instances where issues were brought to the attention of the international community in the hope of resolution, however, no matching case can be found in the EDRC's docket, suggesting that the cases were resolved without the EDRC's assistance or that the barriers to filing a case were too high. KIIs said that paying 3000 USD to file a complaint where the outcome was predetermined by political actors was pointless, with one saying of the EDRC: "They will just

[44] Procedures for the Implementation of the Political Agreement Guiding the 2020/2021 Elections at the Federal Level, The 2020/2021 Electoral Dispute Resolution Process: 1.
[45] No complaints were filed in the Upper House elections.
[46] *Final Report*, Independent Electoral Dispute Resolution Mechanism, January 2017.

take my money. They will use the money to legitimize the process. They are all puppets, the FEIT, the SEIT, and the EDRC."

Somalia's unique indirect electoral system makes comparing the level of complaints filed with Somalia's EDRC and the number of complaints filed with other similarly situated countries EDRM's of limited value, but an attempt should be made to understand the magnitude of the difference, at least. In Afghanistan, a country that has faced many of the same governance challenges as Somalia, including a troubled judicial system, endemic corruption, and violence, 2,842 complaints were filed in 2009, 1,573 complaints in 2010,[47] and more than 5,000 in 2014.[48] Afghanistan's population is much larger, but taking a total population of approximately 29 million people in 2010,[49] results in a ratio of one complaint to every 18,500 people in that year's election. In Somalia, if the World Bank population estimate is correct, has a population of just under 16 million people,[50] the ratio is one compliant for every 1.5 million people.

Existing Electoral Support Interventions

The PBF Project is linked to the work and mandate of the UNSOM/UNDP IESG. The IESG initially was tasked with assisting the NIEC in their preparations of the country's parliamentary universal suffrage elections, in particular by providing capacity development assistance to the NIEC as well as in operational planning, support to the development of the electoral legal framework, and voter education and public outreach. The IESG's initial support to the NIEC in establishing an EDRM and its later support to the EDRC and the construction of a stakeholder outreach and EDR centre are complementary to the IESG's long standing electoral work. The Project states that it has catalyzed 3.5 million USD in UNSOM construction funding through its work.

The PBF project also builds on other interventions from the international community to support the NIEC. Since 2016, the IESG has been assisting the NIEC with the establishment of a secure compound in an independent location, outside the government's seat. Such a location was identified, and the NIEC compound was secured in 2018, with construction beginning on the compound with financing from Japan and implemented through IESG/UNSOM and UNOPS. Inside the compound, UNDP/IESG, with the support of the multi-Partnership Trust Fund (MPTF) donors constructed a voter registration data centre. UNSOM provided the support to build a warehouse to hold sensitive materials, as well as security and other compound infrastructure, for a total of approximately 3.5 million USD. This PBF Project's construction of a stakeholder outreach and EDR centre at the NIEC compound (Output 2) complements these interventions.

Other actors in the electoral support space in Somalia include the Electoral Institute for Sustainable Democracy in Africa (EISA) and USAID's Bringing Unity, Integrity and Legitimacy to Democracy (BUILD) program. The BUILD 31.5 million USD program, which ran from March 2016 – March 2021, was designed

[47] https://www.nytimes.com/2014/04/09/world/asia/number-of-election-complaints-almost-nothing-afghanistan-says.html.
[48] https://www.osce.org/files/f/documents/e/5/129761.pdf.
[49] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=AF.
[50] https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SO.

to encourage citizen participation in political and electoral processes and, though working with the NIEC, develop government's capacity to conduct credible elections and political processes.[51] After the 2020 decision to move to indirect elections, BUILD shifted its focus away from the NIEC to work more closely with civil society.

USAID's Expanding Access to Justice (EAJ) Program has been working in the rule of law space. It is a five-year project employing targeted "research to identify and strengthen existing justice mechanisms to fill the justice gap. The program increases access and strengthens the capacity of justice mechanisms to resolve grievances peacefully, focusing on providing access to marginalized communities."[52]

The UK's 27 million pound Somalia Forward programme began in September 2018 and will run until September 2022. The aim of the program helps to advance a fairer and more stable political settlement.[53] In the aftermath of the 2020 decision to move to indirect elections, the programme moderated its ambitions to match the new political context.

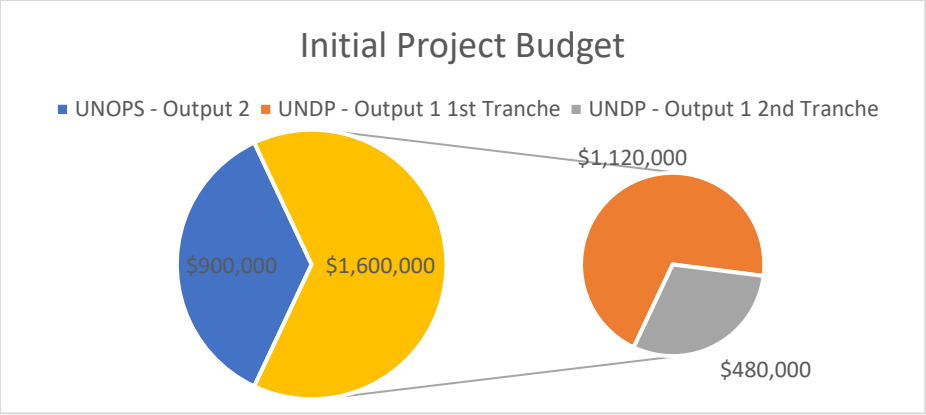
Timeline of key events	
November 2019	Project commences work with NIEC.
February 2020	New election law with first past the post system passed by Parliament and signed into law by the President of the FGS
June 2020	NIEC provided options to the House of the People for election dates in March or August 2021
July 2020	Political decision to abandon universal suffrage elections for indirect elections under NIEC management
September 17, 2020	"17 September 2020 agreement," later legalized by Law No. 30. Indirect 4.5 electoral process confirmed NIEC replaced with *ad hoc* committees Elections scheduled: Parliamentary, December 2020; Presidential, February, 2021
October 2020	Procedures for the implementation of the September political agreement issued, establishing the EDRC, the FEIT, and the SEITs.
November 2020	Project EDR specialist hired
December 2020	EDRC appointed
February 2021	Tension culminating in violence in the capitol on February 17 due to failure to meet the deadlines to hold elections according to the 17 September 2020 Agreement schedule.
April 2021	EDRC activities halted due to a dispute over the appointment of EDRC members.
April 25, 2021	In the immediate aftermath of the passage of legislation extending electoral mandates for two years, there are violent clashes amongst militia on the streets of Mogadishu.

[51] https://www.usaid.gov/somalia/fact-sheets/somalia-bringing-unity-integrity-and-legitimacy-democracy-build
[52] https://www.usaid.gov/sites/default/files/documents/1860/Fact_Sheet_-_Somalia_EAJ_February_2020.pdf
[53] https://devtracker.fcdo.gov.uk/projects/GB-GOV-1-300490/documents.

April 27, 2021	Extension of electoral mandates was annulled and the OPM tasked with organizing an indirect election.
May 27, 2021	The FGS and FMS made an agreement on moving forward in elections. Three EDRC members replaced.
July 29, 2021	Upper House indirect electoral process commences.
November 1, 2021	House of the People indirect electoral process commences.
November 13, 2021	Upper House process completed. Of the 54 seats, women won 14, 26% of the total.
December 18, 2021	Prime Minister dismissed seven members of the EDR Committee he had appointed, including the Chair, stating that they failed to act with transparency and impartiality and appointed seven new members.
January 19, 2022	Process of reconstitution of the EDRC with seven new members completed.
February 28, 2022	Project finishes.
May 6, 2022	House of the People indirect electoral process completed.
April 14, 2022	Parliament sworn in.
May 15, 2022	Parliament elects President Hassan Sheikh Mohamud

Peacebuilding Fund Project PRF 118635, Support to NIEC Electoral Dispute Resolution Mechanisms

The Support to NIEC Electoral Dispute Resolution Mechanisms project was commenced on 18 November 2019, with an anticipated length of 22 months. The initial budget was 2.5 million USD, to be allocated between UNDP, responsible for Output 1, and UNOPS, responsible for Output 2. UNDP would receive funding in two tranches, the first 1,120,000 USD due in 2019 and the second, 480,000 USD, due in 2020, for a total of 1.6 million USD. UNOPS would receive the entire funding of 900,000 USD in a single disbursement in 2019.



In order to adapt to the delayed electoral timeline, the Project was amended in August of 2021 with a no cost extension of 6 months, with a new end date of February 28, 2022. This also included reprogramming some Project funding, in accordance with an updated Project Document.

Evaluation Findings

Relevance and Coherency

This section looks at the relevance and coherency of the project to Somalia's national context, and to the UN electoral mandate, UNDP/UNSOS's role and comparative advantages in EDR, and to the SDGs, in particular SDG 16, Peace, Justice, and Strong Institutions. This includes an examination of project design issues and the project's theory of change.

> **1.6 Establishing dispute management frameworks.**
> *i) Engage with Appeal Courts to formalize coordination and communication;*
> *ii) Draft regulations on dispute resolution;*
> *iii) Engage with Appeal Courts to formalize coordination and communication;*
> *ii) Draft regulations on dispute resolution;*
> *iii) Establish a Dispute Management Committee;*
> *iv) Prepare and publish regulations for the Dispute Management Committee;*
> *v) Consult stakeholders on draft regulations;*
> *vi) Publish adopted final regulations.*
>
> *-NIEC Strategic Plan, 2017-2019, p30.*

The Project was originally designed to support Somalia's first universal suffrage elections since 1962, using the lessons learned from the 2016 elections and in alignment with the UN Strategic Framework Somalia, 2017 – 2020. The Project's support to the National Independent Electoral Commission (NIEC) was aligned with the decisions of the United Nations General Assembly and the Security Council and the mandate of the United Nations Assistance Mission in Somalia (UNSOM), to deliver "inclusive, credible and transparent 'one person, one vote' elections…"[54] and was relevant given the Somali government's commitment to implement such an election in line with the Somali-led Operational Strategic Plan for 2017-2021.

> *In its contribution to the realization of universal elections in 2021, the UN will support the establishment of legal frameworks, policies and institutions, and support the creation of an enabling and secure environment for its completion*.
>
> *-UN Strategic Framework Somalia, 2017 – 2020*

At the time the Project was designed, the expectation was that the NIEC, established in 2015, would, in accordance with the Provisional Constitution, administer the electoral process as well as handle the adjudication of electoral disputes. Resolving electoral disputes is an essential part of any electoral process, and plays a key role in diffusing potential electoral conflicts. The risk that electoral disputes would occur during the electoral process was deemed high and the likelihood that such disputes would seriously disrupt the electoral process was also deemed high.[55] Creating a credible and effective electoral dispute resolution mechanism was a direct way of addressing this risk.[56]

[54] See UNSCR 2358 (2017) and UNSCR 2408 (2018).
[55] Project Document, p19.
[56] Project Document, p19.

The overall aim of the project was to "minimize electoral disputes and to enhance peaceful dispute resolution and thereby minimizing elections related violence."[57] The initial structure of the project, providing support to the NIEC in adjudicating electoral complaints, was highly relevant to building a key part of the institution established as the overarching authority on presidential and Federal Parliament elections in Somalia.[58] This aligned with the national priorities, the UN Strategic Framework (UNSF), the PBF Focus Area 2.2, Democratic Governance, the UN Development Assistance Framework (UNDAF), and the UNDP Country Program Document (CPD). The project also aligned with SDG 16, Peace, Justice, and Strong Institutions.

> **UN Sustainable Development Goal 16:** *Promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and build effective accountable and inclusive institutions at all levels.*
>
> *–Target 6: Development of effective, accountable, and transparent institutions at all levels.*
>
> *–Target 7: Assurance of responsive, inclusive, participatory, and representative decision-making at all levels.*

The original program document lays out a clear programmatic framework emphasizing building national capacity and national ownership over the electoral process in the long term. The two outputs are targeted at the specific goal of increasing EDR capacity at the national level, providing appropriate technical, financial, operational, and institutional assistance.

The Project was built upon the already existing UNDP/UNSOM IESG, charged with providing support to the NIEC throughout the electoral cycle. The Project was intended to leverage the existing IESG structure to support the development, establishment, and capacity building of the EDRM of the NIEC.[59] As a relatively short-term project, targeted at only providing support to the EDR system immediately prior to the election itself and for a very short time after, this connection with other IESG projects was essential for the long-term capacity building of the NIEC's EDR capabilities. Absent the continuance of the IESG and its ongoing support of the NIEC, the long-term sustainability of the Project's interventions as described in the original project document would be open to question.

Both UNDP and UNSOM provided experts to the IESG and the integration was generally seamless, especially from the perspective of outside partners, who generally viewed their IESG interlocutors as "IESG" rather than UNDP or UNSOM. And, in fact, the IESG's support was essential to ensure Project operation prior to the hiring and after the departure of the Project's single dedicated staff member.

The Project's theory of change

> *If electoral dispute resolution structures and systems are developed and operationalized properly at the national, state and lower levels, then instances of electoral disputes leading to election-related violence can be minimized, because all*

[57] Project Document, p2.
[58] Article 111G, (2)(a),(b) Provisional Constitution.
[59] Project Document, p15.

> *electoral stakeholders will have a good understanding of how electoral disputes are handled in a competent and expeditious manner.*
>
> *Unresolved or mishandled electoral disputes may trigger election-related conflicts and political violence and may retard the gains made by the country in its efforts towards building a democratic and peaceful Somalia. Through EDRM, it will be possible to address measures to preempt election-related conflicts and gain the confidence of the public in the electoral process. Considering the fragility of the electoral environment in the country, an effective electoral dispute resolution system will contribute to reducing the number of electoral disputes and in turn mitigate electoral violence.*[60]

Elections and transfers of power are widely recognized as potential trigger points for violence, violence that can grow well beyond the electoral dispute at hand, potentially destabilizing a society. The Project's theory of change recognizes the importance of resolving such disputes with a competent and efficient EDRM, providing a clear path forward for building the EDRM's capacity.

The validity of the theory of change did not change after the 17 September 2020 agreement. While dramatically different from the universal suffrage election initially planned upon, the indirect process chosen would also occasion electoral complaints which could, absent an effective resolution process, result in disruption or violence.

What affected the Project most dramatically was the portion of the 17 September, 2020 agreement excluding the NIEC from electoral administration overall and the EDR process in particular, and instead create the *ad hoc* EDRC to address electoral complaints. This shift from the permanent, constitutionally designated body to an *ad hoc* body had enormous implications for long term sustainability and institutional development.

The Project and its partners refocused to work with the EDRC, maintaining the Project's relevance to the immediate process. At the same time, the IESG did not neglect its strong relationship with the NIEC, permitting the Integrated Electoral Support Group (IESG) to continue to prepare the NIEC for its central role in anticipated universal suffrage elections at some point in the future.

The flexibility of donors, the PBF, the IESG, UNDP, and UNSOM enabled the Project to adapt to the changed circumstances by aligning its programming outputs with the new institutions. As an *ad hoc* institution, concerns for sustainability became less urgent and resources originally targeted at a national, universal suffrage election were reprogrammed for the short-term support of the EDRC. Through an updated Project Document, Output 1's activities 2, 3, and 5 were changed significantly.[61] Other activities, such as providing support to the EDRC's development of regulations and procedures, could remain unchanged aside from changing the designation of the Project's beneficiary.

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[60] Project Document, p11.
[61] Updated Project Document, p21.

While the change to indirect elections had little bearing on the theory of change, at least in the short term, the change to *ad hoc* structures to manage the electoral project directly conflicted with the UN's aim of supporting the development of state institutions, at least with regards to Output 1, which was targeted at building the capacity of NIEC in EDR for the long term. The reorienting of support from the NIEC to the *ad hoc* EDRC was in direct contradiction to sustainable development objectives and long-term electoral planning and capacity building.

However, the unwillingness or inability of the FGS and the FMS to agree to respect the Provisional Constitution and their commitments to a universal suffrage election created facts on the ground that the Project had to respond to rapidly. The choice, as described in KIIs, was between not supporting the redesigned indirect electoral process at all or providing what support it could to the EDRC to help make the best of a bad situation. The danger of pulling support was deemed to be too high, with the potential for political instability and the loss of whatever progress Somalia had made toward a more peaceful society. It was clear from KIIs that nobody was pleased with the eventual process, but few thought that the response should have been removing support.

Output 2, on the other hand, was not significantly affected by the change in project orientation. The construction of an EDR outreach center remained well aligned with long term electoral institution and capacity building goals.

Effectiveness and Impact

This section identifies some of the key factors which affected project effectiveness, and continues with the findings on project performance for each of the main output areas.

The *lack of commitment* on the part of the Somali government to conduct the elections as legally obligated to hindered the success of Output 1 significantly. The Somali government's decision to sideline the NIEC, contrary to its prior commitments and its legal obligations, according to the timeline it was legally obligated to follow, created enormous obstacles for the Project. Regularly slipping deadlines and changing legal frameworks forced the project to constantly shift emphasis, rework training materials, and request extensions.

The *lack of independence* of the EDRC meant that no matter how effective IESG support, the EDRC would not and could not be a credible player in the Somali electoral process. The ability of the OPM to replace commissioners at will was merely the most obvious illustration of the EDRC's lack of independence. This lack of independence caused a crisis of confidence in the institution, resulting in 11 complaints filed, and only 5 decisions issued.

The EDRC as a whole also showed a distinct *lack of interest* in some of the work of the Project. While the EDRC was always willing to discuss the provision of additional funding and other resources from the IESG, the Project struggled to get the EDRC to agree to schedule training sessions on EDR issues, forcing the IESG to limit itself to one-on-one mentoring and background legal assistance. Some members of the EDRC expressed disappointment that they did not get further formal training from the IESG, reflecting that IESG training would have been welcomed had EDRC leadership been willing to schedule sessions.

Security concerns, combined with the exigencies of the *COVID epidemic*, prevented the IESG from embedding with the NIEC or the EDRC. COVID further hindered in-person meetings with the EDRC, but it did improve communications in other ways. Whereas before, holding video conferences was unusual and challenging, COVID forced many EDRC members to become more able and familiar with participating in virtual meetings.

Much of the Project would have been rendered irrelevant in the aftermath of the 17 September, 2020 agreement had there not been *institutional commitment* by donors, the PBF, the IESG, UNDP, and UNSOM to ensure that the agreed upon process would be brought to a peaceful conclusion. While the indirect election administered by *ad hoc* committees was not what any of the international stakeholders wanted or expected, their commitment to a peaceful transfer of power gave IESG management the space needed to transform the project to meet the new political realities.

Staff integration, expertise, and commitment to the Somali electoral process enabled the process to move forward in a chaotic environment. The nearly seamless integration of UNSOM and UNDP staff in the IESG structure enabled the project to operate smoothly, including before the dedicated EDR staff member was brought on board. Additional expertise on media and public outreach and other electoral issues were easily at hand within the IESG structure. Much of the IESG staff had extensive experience in elections and democratization in fragile states and brought that expertise and ability to adapt to the Project. While every staff member interviewed expressed disappointment with the performance of the EDRC and the indirect electoral process in general, all were dedicated to ensuring that, within the contextual limitations, they provided the EDRC and the NIEC with as much support as possible.

The IESG leveraged the Project to help *maintain relationships* with the NIEC, the permanent institution responsible for EDR processes in the future. The IESG's work with the NIEC has contributed to the long-term ability of the electoral authorities in Somalia to conduct EDR functions in the future, and, with an effective lessons-learned process, some of the outputs of EDRC support, specifically procedures and forms, may provide a useful starting point for future EDR efforts.

Outcomes and Outputs

The project had one outcome and covering two outputs, one devoted primarily to human capacity building, and the other to building up the EDRM's physical capacity.

Outcome 1[62]: *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.*

[62]There is some inconsistency in labeling outcomes. There is only one Outcome listed in the Project Documents, referred to as "Outcome 1." To avoid confusion, the same convention is followed here. Reporting to PBF, however, includes an Outcome 2: *Accessible and gender-supportive facilities constructed at the NIEC Compound for EDR, training and meeting purposes with NIEC.* This is identical to Output Indicator 2 in the Project Documents. As this

In alignment with the theory of change, the Project aimed to establish a fully functioning and capacitated EDRM unit within the NIEC, in a secure and impartial location in order, in order to reduce electoral errors and misunderstandings, with the end goal of reducing the risk of electoral violence and the overall acceptance of the electoral outcome. In order to achieve this outcome, the project was divided up into two separate Outputs. Output 1 focused on developing human capacity, and Output 2 focused on providing the requisite physical infrastructure.

The indicator for Outcome 1 was: *The percentage 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.* The evaluation found that in one sense, the outcome was completely achieved. The percentage of complaints resolved in a timely and peaceful manner through the EDRC was 100%. However, due to the problems identified with the legal structure and the knowledge of the EDRC, it is doubtful that any were resolved "correctly," at least when judged by international standards and best practices.

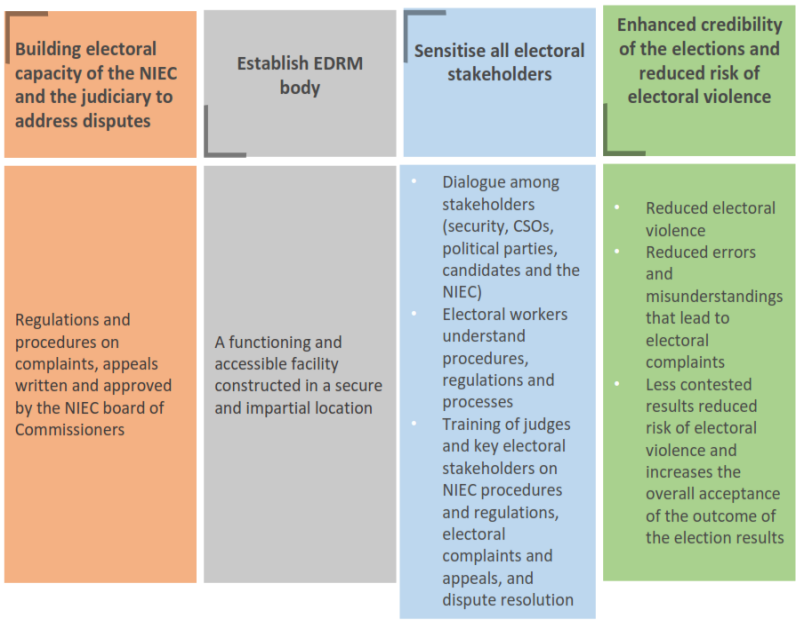

Figure 1 - Project Document, p 11.

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

In order to achieve Output 1's objectives, the Project initially planned to provide support to the NIEC in developing its own EDR capacity, and then assist the NIEC in nationwide training to ensure that the EDRM would be understood by all voters. Throughout the Project, the IESG as a whole supported the development of Somali EDR capacity by providing training and support to both the NIEC and later to the EDRC.

At the inception of this Project, the IESG already had a strong, well-developed relationship with the NIEC, based upon the IESG's already existing electoral support projects. The Project's training, mentoring, and technical support was able to build upon this relationship, in order to provide the focused support needed

appears to be an error in reporting, this second outcome is not broken out in this report, and, as constructing facilities is already identified as Output 2, appears unnecessary.

by an EDR support project. Prior to the shift to the indirect electoral model, the project was on track to complete all activities under Output 1.

The anticipated budget for these activities for this output was 1.6 million USD over the 22-month life of the project. Once the indirect electoral process was agreed to and the *ad hoc* EDRC given the mandate to adjudicate complaints related to that process, the Project, with the support of donors, reoriented and began providing assistance to the EDRC. These changes were formalized in the August 2021 amended project document which detailed changes to activities as well as added a six month no-cost extension until February 28, 2021, required due to the constant slippage in the electoral timeline. Even with the extension, however, the project ended before the long-delayed process came to a conclusion, though no complaints were filed with the EDRC after February.

The project faced many challenges in successfully implementing the activities under Output 1 with the EDRC, both with regards to scheduling and with regards to EDRC membership. Though the Project began in November 2019, the electoral legal framework was only finalized in October 2020, and the EDRC appointed in December of 2020. The IESG first met with the EDRC in January 2021. From January to April, 2021, the IESG held meetings and workshops with the EDRC to assist it in creating an EDRM structure in compliance with the October agreement, and, to the extent possible international best practices. In April 2021, EDRC activities were put on hold due to a dispute among the FMS over the appointment of the EDRC members. This was resolved on May 27, 2021, through the replacement of three EDRC members, allowing the EDRC to resume work in June. Upper House elections began on 29 July, 2021. Unfortunately, almost immediately thereafter, the EDRC's Chairman caught COVID, was admitted to the hospital, and died on August 13. In December, the next Chairman and six other members of the EDRC, were removed and replaced.

Due to the significant change in the electoral system, most of the indicators under Output 1 were changed in the updated Project Document.

Output Indicator - Original[63]	Output Indicator - Updated[64]
Output Indicator 1.1 EDRM mechanism and structure designed and established; EDR regulations and procedures drafted and adopted Output Indicator % Regulations and procedures on EDR developed and approved by NIEC. Baseline: NA	Output Indicator 1.1 EDRM mechanism and structure designed and established; EDR regulations and procedures drafted and adopted. Output Indicator % Regulations and procedures on EDR developed and approved by NIEC and EDRC. Baseline: NA

[63] Original Project Document, p 25, 26.
[64] Updated Project Document, p 24, 25.

Target: 100%	Target: 100%
Output Indicator 1.2 % of Master Trainers (10-15), field trainers (ca. 65), to ensure continued cascade trainings of thousands of electoral workers in the field. Baseline: NA Target: 100% minimum 30% women.	Output Indicator 1.2 Support to EDRC committee with equipment, office rental, meetings and trainings. Baseline: NA Target: 100%, minimum 30% women
Output Indicator 1.3 % of electoral workers (up to 3,000) in the field that received the required training on electoral dispute resolution mechanism and compliant management. Baseline: NA Target: 100%, minimum 30% women	Output Indicator 1.3 Support to EDRC committee official travel costs, allowances for staff, secretariat & experts/consultants. Baseline: NA Target: 100%, minimum 30% women
Output Indicator 1.4 % of Judges of relevant courts at Federal Level familiar with NIEC procedures and electoral dispute resolution. Baseline: NA Target: 100%	Output Indicator 1.4 % of key electoral stakeholders familiar with NIEC/EDRC procedures and electoral dispute Resolution. Baseline: NA Target: 100%
# of political actors, local leaders, elders, CSOs, youth and media group trained on electoral procedures, regulations and electoral dispute resolution. Baseline: N/A Target: TBD	Output Indicator 1.5 Media and Public Outreach activities. Allowances for staff, secretariat & experts/consultants). Baseline: NA Target: TBD

Output 1 included six activities. The updated Project Document also notes the changes to the activities due the change in the electoral system.

Activity	Initial Description of Activities[65]	Revised Description of Activities August 2021 Project Document[66]	Budget in USD
1.1	Development of NIEC training programme on electoral dispute resolution and NIEC procedures and regulations for election operations	N/C	50,000
1.2	Support to NIEC Master Trainers to roll-out cascade training for field trainers	Support to EDRC committee with equipment, office rental, meetings, and trainings	150,000

[65] PBF Financial Report, EDRM Project, Budget table.
[66] Extended Project Document.

1.3	Support to NIEC field trainers to implement cascade training to electoral workers in the field	Support to EDRC committee official travel costs, allowances for staff, secretariat & experts/consultants	348,298
1.4	Organization of workshops and consultations on electoral dispute resolution by NIEC at national level with judges and other key stakeholders	N/C	50,000
1.5	Outreach and consultations on electoral dispute resolution with judges and other electoral stakeholders in FMS.	Media and Public Outreach activities including allowances for staff, secretariat & consultants	125,000
1.6	Provision of IESG technical assistance and electoral expertise	N/C	600,000
		Total	623,298

Output Indicator 1.1 EDRM mechanism and structure designed and established; EDR regulations and procedures drafted and adopted. % Regulations and procedures on EDR developed and approved by NIEC and EDRC.

Designing and establishing an EDRM mechanism with national ownership in a fragile democracy requires extensive training, technical assistance and outside electoral expertise. Activities 1.1 and 1.6 were targeted at achieving these indicators. The budgeted cost for both components was 650,000 USD. Actual expenses were 413,128 USD.

The evaluation found that the IESG regularly provided technical assistance and electoral expertise on EDR to the NIEC and later to the EDRC. This was built upon the IESGs pre-existing relationship with the NIEC, allowing the Project to build upon those already existing relationships. The foundation of IESG support were weekly meetings with the NIEC legal department providing advice and support on legal issues, including EDR matters, complemented by less formal daily interactions between IESG and NIEC staff.

In 2019, the Project brought in Justice Johann Kriegler, a recognized EDR and human rights expert, and former Chair of South Africa's Independent Electoral Commission, to assist the NIEC in developing an EDRM model in compliance with the National Electoral Law at Federal Level (Electoral Law) and to the extent possible, with international best practices. His experience in the field of developing EDR structures in transitional and fragile states is well known.

Along with the IESG's ongoing support, this consultation resulted in a design for a two tier EDR structure, with cases heard in the field and appealed centrally. With IESG support, the NIEC planned to create a temporary EDR department and establish an EDR advisory committee composed of representative of the FMS, women, youth, and clans to support the NIEC Board of Commissioners in resolving electoral disputes.

This basic structure would appear to meet established standards for EDRMs,[67] though, as it was never established, a definitive statement on its compliance with international standards and best practices would be premature.

The IESG provided assistance to the NIEC on implementation of this model, providing advice on staffing and structure as well as assisting the drafting of documents, such as Terms of Reference, factsheets on EDR and the electoral system in general, legal briefs on issues such as the role of the Supreme Court vs the (not yet established) Constitutional Court in EDR. In order to align NIEC EDR processes with the existing judiciary, the IESG facilitated a meeting between the NIEC and the Chief Justice of the Supreme Court. With IESG support, the Chair of the NIEC presented the Commissions' operational plan for implementing the universal suffrage electoral process to the House of the People. However, the failure of the FGS to establish the EDRM as designed by the NIEC with the assistance of the Project prevented the Project from achieving its goal of establishing a credible EDRM.

Key Regulatory and Procedural Documents Drafted and Adopted by the EDRC:
• Code of Conduct • Procedures • Regulations • Complaint forms • Decision forms • Notification forms

Upon the establishment of the EDRC, the IESG's focus on EDR technical assistance and electoral expertise on EDR shifted. The IESG began regular weekly meetings with the EDRC in January 2021, immediately after its formation in December 2020. These meetings continued until April 2021, when political conflict between the FGS, FMS, and other stakeholders halted the work of the *ad hoc* committees until the end of May, after which regular meetings continued. The meetings were targeted at assisting the EDRC in developing internal regulations and procedures for the handling of electoral complaints. KIIs described these meetings as "very helpful in providing input on procedures and other technical assistance."

The tangible results of the Projects' support to the EDRC during this time include the EDRC Procedures, Internal Regulation and Code of Conduct, and other key documents, such as complaint forms and decision forms. These were used in the intake and resolution of complaints as they began to be filed in November with the start of elections for the House of the People and were completely sufficient, given the limitations of the environment, for an EDRM in the style of the EDRC to conduct operations. While much of the support to the EDRC will have little sustainability, the procedures, regulations, codes, and other documents can be used as a starting point for the NIEC in the future, if it has responsibility for the electoral process.

The decisions produced by the EDRC also reflect the Project's support. While EDRC members had very little electoral or legal expertise on the EDRC, the decisions include all the basic information required for a decision from a professional EDRM: docket number, date, parties involved, summary of arguments, decisions, and the basis for the decisions, though from a legal perspective, these baseis seem insufficient.

[67] See ICCPR, Article 14, Paragraph 1. See also Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003.

As noted earlier, it is the institutional structure and legal framework underlying these decisions which are lacking, a fault that lies within the government's implementation of the indirect electoral process, not the Project itself.

KIIs stated that the EDRC as established on paper was very formal, however, they also claimed that the EDRC's activities included the significant use of alternative dispute resolution (ADR). KIIs stated that EDRC members engaged in arbitration and mediation on an informal level when deployed to the election locations in the FMS, though they had no training in ADR. The KIIs stated that these helped avoid formal complaints being filed, though they provided no number or details on this process. KIIs asserted that this ADR contributed to reducing electoral violence.

The KIIs stated that other organizations did provide some support to the EDRC on ADR issues, complementing the Project's support on the more formal aspects of EDR, however KIIs stated that they would have liked more support from the Project itself on ADR. The use of ADR in EDR is not uncommon, and, in a state where traditional law is an important component of the legal structure, explicitly making provisions for ADR in the EDR system in the future and devoting training and support on ADR might be fruitful.

The IESG's formal training on EDR was primarily targeted at the NIEC.

Training title	Electoral Body	Date	Number of Participants	Percentage women
Electoral Cycle and Electoral Dispute Resolution	NIEC	11 March, 2021	6	33%
EDR Bodies: General classification	NIEC	15 March 2021	6	33%
Principles and Guarantees of EDR Systems	NIEC	23 March 2021	6	33%
Basic Elements of EDR Systems	NIEC	28 March 2021	6	33%
EDRC Complaints Adjudication	EDRC	14 September 2021	Classified as a "working session" with EDRC sub-Committee for Regulations and Complaints Registration, so no attendance was taken. All members of the subcommittee were male.	

The evaluation found that IESG's training of the NIEC in EDR was aligned with the NIEC's Strategic Plan, which called for the establishment of dispute management frameworks.[68] This training was a continuation

[68] NIEC Strategic Plan, p 18.

of IESG assistance under IESG's Joint Programme on Electoral Support, which had provided extensive training in other area of the electoral process and electoral administration. In 2020, the IESG's Joint Programme on Electoral Support provided no less than 40 training sessions to the NIEC.[69] The Project conducted four training sessions on EDR for the NIEC Legal Department in March 2021. The EDR trainings provided the basis for understanding how to create an effective EDRM from its most foundational level. They provided information regarding the electoral cycle and its relationship with EDR, the types of EDR bodies, the guiding principles, how EDRM's co-exist with existing legal structures, all the basic elements required to construct an effective EDRM.

By understanding the different legal and administrative frameworks that can be used in the creation of an EDRM, the NIEC will be able to create an EDRM that fits into the legal, budgetary, and political framework of Somalia. Training on these issues now suits the needs of the electoral cycle in Somalia. Creating a suitable legal framework, nesting it properly within the overall electoral and judicial structure of Somalia, funding it, and implementing it will take years, and we can expect the next elections to be held in 2026, a short time, given the task ahead.

In contrast, the September training given to the EDRC was described as more of a technical workshop, addressing the basis for the EDRC's authority, the EDRC's structure, its rules of procedure, and the available remedies. Unlike the trainings for the NIEC, there was little theoretical content.

The IESG stated that the timing of this workshop was due, in part, to the fact that the EDRC's rules of procedure had not been in place earlier, so there was nothing to provide substance to the technically based training. The technical nature of the EDRC's training may have seemed appropriate given the fact that elections for the Upper House had already begun, the short anticipated timeline for the EDRC's[70] work, and the *ad hoc* nature of the EDRC itself. However, some more general understanding of how EDRMs work in other countries, their function, and their value to an electoral system might have been helpful. One EDRC members said, "Many of the people appointed to the EDRC knew nothing about what it required. They had zero legal background, zero judicial background."

But while the IESG expressed a willingness to the EDRC to conduct further trainings, offering the EDRC training sessions many times, both before and after September 2021, and some of the IESG's EDRC interlocutors did express interest, the EDRC was unable or unwilling to schedule a time. It seems reasonable to infer, based upon the content of the NIEC training, that had there been further trainings with the EDRC, theoretical topics would have been covered. Merely repeating the March cycle of training provided to the NIEC would have provided the EDRC with a solid foundation on EDR issues in addition to the purely technical training the EDRC received, however, the unwillingness or inability of the EDRC to schedule training sessions made this impossible.

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[69] Final Report, Joint Programme for Support to Universal Suffrage Elections in the Federal Republic of Somalia, 2018 - 2021, p19.

[70] All voting was intended to be complete by December.

In addition to training on more theoretical issues, one KII suggested that management training for the EDRC would have been useful. The KII complained that at least one Chair of the EDRC, while very experienced, did not provide direction to Commissioners, did not share information, and did not see through delegated tasks, weaking the work of the EDRC. Other, more accessible members of management, were described as "overwhelmed."

The effectiveness of the training sessions at institutional strengthening and capacity building in the NIEC and the EDRC are unknown as improvements in knowledge, attitudes, and practices were not tracked. What can be measured, however, is the effectiveness of the EDRC at executing EDR functions. The EDRC received 11 complaints and dealt with them properly, at least within the extraordinary legal and political context (described earlier) in which the EDRC existed. As one KII stated, "The decisions were made according to procedures, there was no pressure. But that is because the procedures were written with the political pressure built-in." The decisions written by the EDRC had the form of reasonably well written decisions, though they did not reference the relevant laws or legal authorities.

Female participation in the NIEC trainings met the 30% goal identified in the Project Document's results framework. The single EDRC workshop had no female participation. The level of female participation in the training events, however, may say more about the structure of the institutions themselves, rather than the Project. The Chair of the NIEC is a woman and the three Chairs of the EDRC have been men. Further, members of the EDRC noted that the environment was not welcoming to female participation. No women were chairs of EDRC sub-Committees until the change in Commissioners in December 2021.

As noted under activity 1.6, the NIEC has made tremendous strides in planning to take the leading role in EDR in the next electoral process. The knowledge and technical skills provided through these trainings will help the NIEC's legal team to review and develop proposals to improve the overall electoral legal framework, and increase awareness of areas where electoral disputes may arise and where they can be avoided through effective legislative drafting, careful administration, and public education. It is not too early to begin preparation for the next electoral cycle, especially as the current electoral law is expected to be revised. A deep understanding of EDR is an essential part of updating an electoral legal framework. EDR and creating EDR mechanisms is, as was the case in the latest electoral process, often left until the last minute and addressed through *ad hoc* committees with little knowledge or training in the specific skillset of EDR.

Output Indicator 1.2: Support to EDRC committee with equipment, office rental, meetings and trainings.

Output Indicator 1.3: Support to EDRC committee official travel costs, allowances for staff, secretariat & experts/consultants.

Output Indicator 1.5: Media and Public Outreach activities. Allowances for staff, secretariat & experts/consultants).

The budget for the activity components targeted at output indicators 1.2 and 1.3 was 150,000 USD for activity 1.2 and 348,298.40 USD for activity 1.3 for a total of 498,298.40 USD. Both were two component

parts of the NIEC cascade training established under the original Project Document, and, under the amended Project Document, they continue to both be closely related functionally. Output indicators 1.5 was targeted by activity and 1.5, with a budget of 125,000 USD. Activities 1.2, 1.3, and 1.5 were administered, in large part, under an LOA with OPM and thus are combined in this part of the evaluation. Similar LOAs were signed by UNDP with the OPM on behalf of the other electoral committees.

After the 17 September 2020 agreement removed the NIEC from the electoral process and replaced the one person one vote electoral system with an indirect system, the evaluation found that Project activities 1.2 and 1.3, directed at supporting cascade training for master trainers and electoral workers in the field were no longer aligned with the needs of the Somali indirect electoral process. Further, the resources of Activity 1.5 targeted at a nationwide electoral outreach campaign would no longer be necessary with a much smaller indirect electoral process. As a result, with the consent of donors, resources devoted to activities 1.2, 1.3, and 1.5 were reprogrammed to provide financial support to the *ad hoc* EDRC.

On 13 September 2021, UNDP and OPM signed a Letter of Agreement (LOA) covering the implementation of activities 1.2, 1.3, and 1.5, effective from 1 July through 31 December, 2021. An amendment to the LOA was signed on 29 November 2021 to add additional funding for allowances for members of the EDRC and clarifying the payment modalities. Once the amendment was signed, 615,000 USD of the 623,298 USD budgeted for activities 1.2, 1.3, and 1.5 was accounted for by the LOA.

The LOA assigned the following to the OPM:

Planned Activities	Planned Budget	Q3 Payments (as amended)	Q4 Payments (as amended)	Total Payments (as amended)
Activity 2.1: Organize and ensure capacity development of the EDRC members through training and meetings with key stakeholders.	75700 – Training, Workshops and Confer.	34,000	10,000	44,000
	74200 - Audio Visual & Print Prod. Costs	3,160	2,000 (6,790)	5,160
Activity 3.1: Payment of allowances for 21 EDRC Members for 4 months (July – October).	75700 – Training, Workshops and Confer.	315,630	105,210 (210,420)	420,840 (526,050)
Activity 5.1: Payment of allowances for media and public outreach personnel.	75700 – Training, Workshops and Confer.	15,000	5,000	20,000
	74200 - Audio Visual & Print Prod. Costs	7,000	3,000 (8,000)	10,000 (15,000)
	Total	374,790	125,210 (240, 210)	500,000 (615,000)

UNDP said that the EDRC, as well as all of the other electoral committees, would have preferred their own LOAs and to have payments made into their own accounts, rather than through OPM. However, as discussed earlier, given the negative financial accountability experience UNDP had with the IEDRC in the 2016 process, and the fact that the EDRC was not recognized as a legal entity and was an ad hoc committee, direct LOAs were deemed inappropriate.

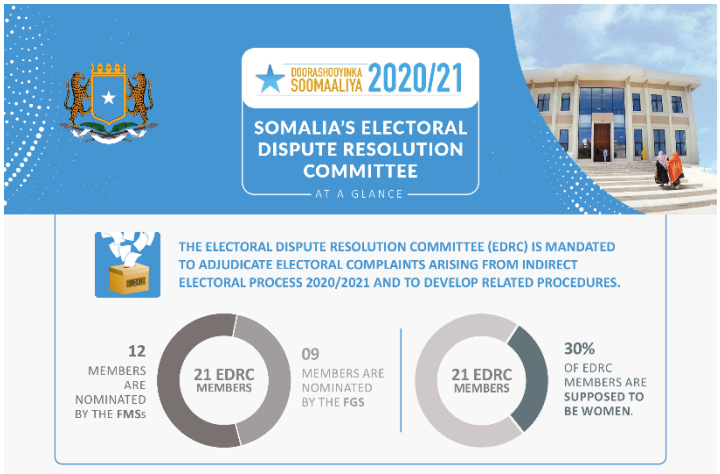
The body of the original LOA specifies a direct implementation modality, while the attached schedule of activities, facilities, and payments, describes using the UNDP direct payment modality (DPM). According to the body of the LOA, payments were to be made by UNDP to OPM into a dedicated account in two separate tranches and that the OPM was required to submit a financial reports to UNDP.[71] In actual fact, UNDP made direct payments directly to vendors against invoices provided to UNDP by OPM, as described in the attached schedule of activities, facilities, and payments. This obviated the need for financial reports from OPM or transfers of money to the OPM and allowed UNDP to ensure proper disposition of funds. UNDP stated that the language used in the LOA was "standard," but the LOA should have better reflected the payment method used and the reporting requirements of OPM.

While the choice to use the direct payment modality is suitable for the level of assessed governmental competence in Somalia, including the OPM, a political body, in the EDRC's direct payment modality may have added to the perception that the EDRC was not independent, though the evaluation did not find evidence that the OPM used this connection to unduly influence the EDRC. Similar concerns do not necessarily apply to the LOAs regarding FIET and the SIETs. This is because EDRMs are not merely an extension of the electoral administration. They are intended to be an independent check on the electoral administration and political actors in the government, and to have credibility they must have both real *and perceived* insulation from political leaders. To be sure, structuring appropriate administrative support for judicial and quasi-judicial bodies, like the EDRC, especially in states with low governmental capacity, is challenging, and alternatives may not have been available in this case. And, given how the EDRC was appointed, its temporary, *ad hoc* status, and the fact that all decisions would be appealed to the NCC, true independence for the EDRC was unlikely in any case.

While KIIs said much of the Project's promised support was provided, including staffing, allowances, accommodation, and transport, some EDRC KIIs complained that the OPM was not responsive to their requests, complaining that basic office supplies, such as paper, never arrived. UNDP noted that this problem of delayed payments was not unique to the EDRC, but affected the other electoral committees to a lesser extent, and was often due to improperly filed paperwork on the part of the committees. UNDP stated that training was provided to all of the administration and finance teams on each committee; EDRC representatives attended some but not all training sessions. UNDP also noted that EDRC representatives also missed most meetings of the committee reviewing invoices. As a result, the EDRC was less efficient than other committees, did not submit invoices in a timely manner, and often the EDRC submitted payment documentation with errors. Unfortunately, this led to a perception amongst KIIs that the OPM

[71] LOA, paragraph 11.

was not responsive, with one KII saying "Nothing went through." However, on balance, it appears that they problems with payments were primarily due to the EDRC's actions rather than a the OPM's.



Prior to the 17 September 2020 change, activity 1.5 was intended to provide judges and other electoral stakeholders in the FMS with information about the EDRM. When the change was made, the funding was retargeted at media and public outreach for the EDRC. The estimated cost for this component, was 25,000 USD, to be administered through the LOA discussed previously.

The evaluation found that the IESG provided continuing support to the EDRC's public outreach efforts. In the first half of 2021, the IESG assisted the EDRC in developing a communications and outreach plan, infographics, and key messages to ensure that Somali citizens understood the EDR process. In 2016, the IEDRC was in danger of being overwhelmed with complaints due to a lack of understanding on the part of the public of how the process worked and that fees were required to submit complaints.

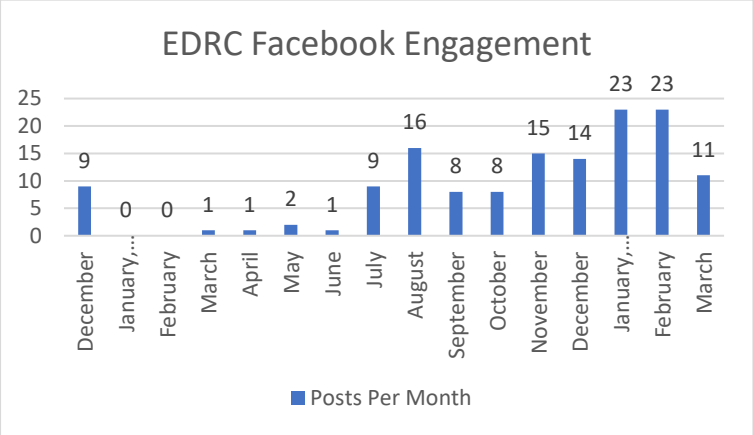
Most engagement with the public occurred on television, radio, and Facebook. While KIIs could recall a regular presence of electoral officials on television and radio, often they could not recall from which electoral agency they were from. On this basis, it seems that the EDRC did not successfully distinguish itself as an independent institution in the electoral process. This may become a greater problem in future electoral cycles if the EDRC's institutional branding is not carefully curated, potentially having an impact on the perception and the reality of the EDRC's independence and impartiality.

Figure 2- EDRC Facebook Page
https://www.facebook.com/guddigaxallintakhilaafadka.so/

The EDRC chose to make its webpages[72] a section of the FEIT's website. This structure makes it appear as though the EDRC is a subset of the FIET, undermining the EDRC's appearance of independence and impartiality.

[72] https://doorashada2021.so/xallinta-khilaafaadka/.

While problematic, the site does not seem to be in heavy use. The FEIT homepage[73] does not have recent information; the most updated news appears to be from February 6, 2022. According to an analysis by CheckPageRank.net,[74] FEIT's website has only 14 external backlinks from 8 referring domains, meaning that only 8 other websites link to the FEIT homepage, suggesting extremely low traffic. CheckPageRank.net shows that the EDRC's pages on the FIET website have 0 external backlinks (and, of course, 0 referring domains), not even a link from the EDRC's own Facebook page. The EDRC's material on the pages is not regularly updated.



The EDRC's Facebook page, however, sees much more engagement. It has more than 140 posts, dating back from the EDRC's creation in December 2020, and includes photos and text. The posts show EDRC decisions, key meetings, and updates from polling sites. Posts show a reasonable level of engagement from the public. After an initial flurry of posts at the creation of the EDRC in December 2020, the page remained dormant until July of 2021, when the indirect electoral process began, with the page showing regular use since then. Currently, the page is followed by 14,223 people and liked by 12,889.

Output 2 *Provision of offices and meeting rooms, and additional security enhancements for EDR and stakeholder outreach.*

The budgeted cost for Output 2 was 900,000 USD. Currently, UNOPS has spent 882,165 USD. In addition, UNDP entered into a UN Agency to UN Agency Agreement (Coordination Agreement) requiring UNOPS to provide technical advisory oversight and coordination for an additional 165,150 USD.

Figure 3- Electoral Compound, with EDR and Stakeholder Outreach Centre located bottom right. Note the internal retaining walls and stepped construction of the central buildings, reflecting the site's challenging grade.

As a fund recipient under UNDP leadership, UNOPS built a two-story office building with 25 offices and a meeting hall with a capacity of

[73] https://doorashada2021.so/.
[74] Analysis conducted April 22, 2022. https://checkpagerank.net/check-page-rank.php,

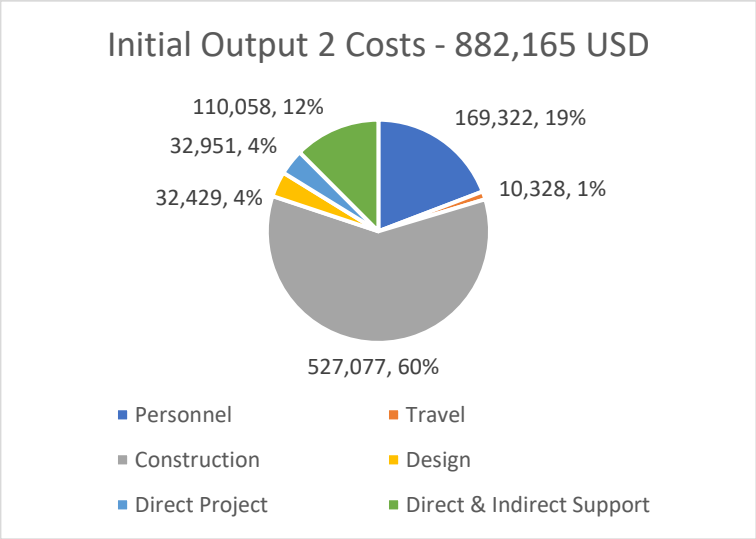
100 people. The building is located in an electoral compound on land donated by the Mayor of Mogadishu, which occurred prior to the inception of this Project.

Figure 4- Exterior, EDR and Stakeholder Outreach Centre

There are two other electoral buildings recently constructed in the compound, a warehouse and secure data center. Currently, the NIEC is located at the Villa Somalia, the seat of government, undermining the NIEC's appearance of independence, and also challenging for electoral stakeholders to access. In addition, Villa Somalia is a target for extremist groups. Access points have been attacked and NIEC offices hit in at least one mortar attack.

The building includes comms and IT equipment, including a videoconferencing system, solar power, air conditioning, fire control systems, and all fixtures, though not furniture, which will have to be provided by the NIEC. The building was completed to international standards, and includes accessibility features, including access ramps to the ground floor, handrails, and wide doorways. In order to ensure gender accessibility, there are gender separated bathrooms.

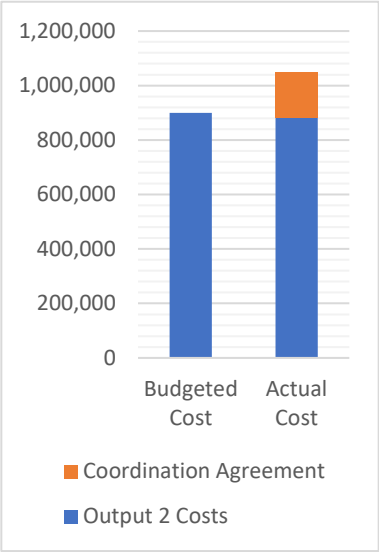
Actual construction costs were 60% the total cost of Output 2. The remainder was primarily staffing, at 19%, direct and indirect support costs, including CMDC, at 12%, with the remainder direct project costs (4%), design costs (4%), and travel (1%).



As the IESG had neither the "technical knowledge nor capacity to ensure integrated and harmonized delivery of construction," the IESG requested that UNOPS take the lead on implementation amongst the agencies working in the new election compound, assigning a project manager/senior engineer for the task.[75,76] The IESG would continue to manage weekly coordination meetings to update progress.[77] Further oversight and coordination was memorialized in a UN Agency to UN Agency contribution agreement. This agreement stated that "UNOPS shall take on a further component, namely, technical advisory oversight and coordination for the

[75] *Assignment of Project Manager for the NIEC premises construction,* Email between UN and UNOPS, undated.
[76] PBF EDRM 2020 Annual Progress Report, p 7.
[77] *Assignment of Project Manager for the NIEC premises construction*, Email between UN and UNOPS, April 6, 2020.

successful completion of the EDRM centre."[78] Costs for this additional component were 165,150 USD, divided up into personnel costs of 154,345.79 (93%) and the remainder UNOPS indirect costs of 10,804.21.



When the expenditures under Output 2 are added to the coordination agreement, the total cost for the construction of the election headquarters is 1,047,315 USD, for a 16% increase over the 900,000 USD budgeted cost. When the costs of the coordination agreement are included, the percentage of costs for actual construction falls to 50%.

Comparative costs for similar buildings in Somalia are difficult to find and were not provided. Building standards can vary, particularly with regard to high-cost items like security, and the required specification can be quite different.

To ensure value for money, construction was conducted under UNOPS' standard procurement rules. Overseeing the project was a UNOPS Project Manager, a qualified civil engineer and certified Project Management Professional, who has managed approximately 25 projects on behalf of UNOPS in Somalia. In addition to its office in the UN compound at the airport, UNOPS maintains an office in Mogadishu proper, which allowed national UNOPS engineers to be on site every day supervising construction.

The building was completed in March 2021, but the building is not occupied because the compound, the construction of which is not under the control of the Project, is incomplete. The site's steep grade has contributed to a drainage problem in front of the building and is related to a wider drainage infrastructure issue at the site, which is slowly being resolved. The building currently has no electrical connection to the main grid as this requires the FGS to support utility charges. While the building has solar panels, in accordance with the mandate to build a low carbon footprint structure, these will be unable to meet the building's complete needs once occupied. 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. A walk through was done prior to the end of the defects period, but it is expected that other issues will arise as some problems will not become apparent until the building is actually occupied.

Figure 5 - Interior EDR and Stakeholder Outreach Centre

[78] UN Agency to UN Agency Agreement, signed 9 February, 2021.

Construction costs are relatively high in Somalia, for several reasons. Aside from land acquisition, the construction value chain is composed of materials, primarily cement, steel, aggregate, and finishing, and labor, both skilled and unskilled.[79] In Somalia, nearly all construction materials must be imported. The only local available material is sand and other aggregate, essential components of concrete construction. Other materials such as steel reinforcement, windows, paint, et al., are imported, inflating construction costs. Somalia is ranked lower than average in USAID's International Logistics Performance Index, both regionally and within its income group, raising import costs.[80] In particular Somalia's trade-related infrastructure is ranked quite low, and its logistics competence and quality score is below the regional average. Somalia's border compliance cost to import, according to the World Bank, is 138% percent higher than other sub-Saharan Africa countries, and nearly 1000% higher than in OECD countries.[81] Somalia's endemic corruption and political instability and associated violence also require greater attention to security, further inflating costs.

To mitigate costs, UNOPS used only local contractors, which limited subcontracting and reduces, though does not eliminate, security concerns. UNOPS used locally hired engineering staff to oversee the work of contractors on site, lowering costs and allowing a constant UN presence at the construction site, something that would be cost prohibitive, using only internationally recruited staff.

Figure 6 - UNOPS Procurement Pathway

The UNOPS contracting process for the project followed standard UNOPS procurement rules. Prior to issuing a tender, UNOPS prepares an engineer's estimate of the cost of construction. This process begins with the completion of a bill of quantity which lists each item which goes into the building project, such as concrete, this estimate is based upon a UNOPS market search where costs of the inputs of the project is determined. In Somalia, 10 to 15 qualified contractors are then invited to bid on for the contract. Bids are evaluated first if they meet the technical qualifications. If the price of the lowest technically qualified bid is within 10-15% of UNOPS' engineer's estimate, that bid wins. However, if the lowest bid 15% or more below the engineer's estimate, justification for the low cost may be requested to prevent sub-standard work.

[79] The Construction Cost Conundrum in Africa, p 167.
[80] https://idea.usaid.gov/cd/somalia/trade-and-investment.
[81] Doing Business, Somalia, 2020. World Bank Group, p44.
https://www.doingbusiness.org/content/dam/doingBusiness/country/s/somalia/SOM.pdf

Efficiency and Project Management

This section looks at project implementation and continues with the findings on project management, reporting, and monitoring and evaluation.

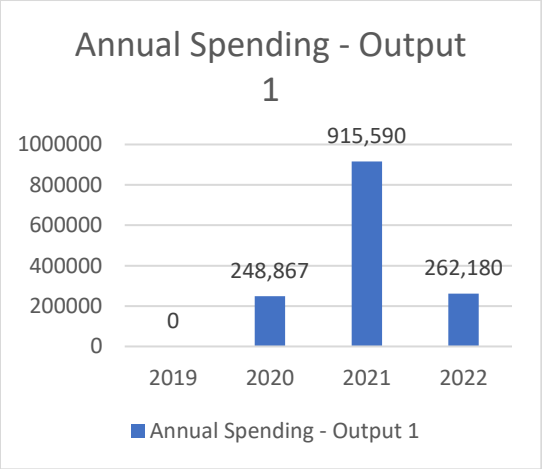
Project implementation

The Project implementation was planned for the entire project from the start. UNDP took the role as overall project coordinator, and led implementation under Output 1. UNOPS implemented the infrastructure component under Output 2.

As the Project was structured to use the existing IESG organisation as a framework within which to provide support to the EDRM, and as the initial beneficiary was the NIEC, with which the IESG already had an ongoing and positive relationship, the Project was able to start immediately upon signing the project document. Had the Project been designed as a stand-alone, the delays in hiring the project's electoral technical specialist (ETS) could have put the project far behind schedule. Instead, existing IESG staff began providing immediate support under both outputs. This Project structure, with the built-in support of the IESG as a whole, gave the Project the resilience to adapt to the complicated implementation of the electoral process, including the change from direct to indirect elections and the serious delays in the electoral timeline.

Output 2 was not dependent on the outside political context, and Project implementation began almost immediately. Design and procurement were completed in the first half of 2020 and actual construction began in June 2020. Construction was finished in March of 2021. Due to the delay in the completion of the NIEC compound, as well as the FGS' delay in arranging an electrical hookup, the building has yet to be occupied. These problems are in the process of being worked out.

Output 1 was the more complex of the two outputs, with about half of all activities dependent on the electoral cycle. Most activities under Output 1 were designed to be implemented as the electoral process unfolded. Providing support and training sessions on general EDR issues to the NIEC began immediately. However, the nationwide EDR cascade training required an electoral legal framework to be in place beforehand. Similarly, the workshops and outreach activities to external parties were best targeted after the EDRM was up and running.



As a result, when the 17 September 2020 changes to the electoral system happened, the majority of activities under Output 1 had yet to be implemented. This permitted the IESG to pivot its resources to support the newly created EDRC. Donor approved the IESG's proposed pivot at a Board meeting, 26 July 2021 and the Project Document was updated to reflect this agreement.

While the training and support activities that were directed to the NIEC were re-directed at the EDRC once it was established, the cascade training required for a nationwide election were no longer needed. These funds were redirected to the salaries, rent, transport, accommodation, and supplies for the EDRC. Funds for outreach to the judiciary were redirected to public outreach.

Unfortunately, the *ad hoc* nature of the EDRC means that these activities will not have a long-term impact on the development of government institutions in Somalia. This clearly calls into question the value for money and long-term institutional value of some of the funds expended under Output 1. There is little expectation among any of the KIIs that the support provided to the EDRC will have value beyond the current indirect process. While some of the institutional gains achieved through the support of the NIEC will undoubtedly be lost, the IESG did manage to build a core of knowledge regarding EDR, something that will serve the NIEC well in the next electoral process.

This requires, of course, that the NIEC be empowered to fulfill its constitutional responsibility to run the next electoral process. KIIs expressed little hope that the next process would be better, even though the current process should "never, ever, ever happen again." Several were disappointed, expressing the belief that insufficient pressure had been put on the government to make universal suffrage elections happen. Others stated that there was little that could be done and that while the current process was not a good one, it would (hopefully) still produce a peaceful transfer of power, something that they were skeptical would happen without the current process.

The slippage of the electoral timeline and the concomitant extension of the Project could have caused fiscal strain. However, the unplanned delays in hiring the Project's Electoral Technical Specialist (ETS) pushed costs out, and allowed the Project to keep the ETS staffing over the majority of the actual implementation of the indirect electoral process. IESG attempted to hire a Project Management Specialist, but, after a considerable search, a suitable candidate was not available, so the Project decided to distribute the work within the IESG, saving the project money. The tight integration of the IESG team enabled the Project to deploy other IESG staff to assist in project management and technical support throughout the lifetime of the Project.

The Project was implemented using a direct implementation modality (DIM), required due to the relatively low level of governmental capacity in Somalia. In electoral projects, DIM is often used to ensure that programme funds are used in a neutral manner.

As part of implementation, the Project signed an LOA with OPM. The LOA called for the OPM to administer some of the ISEG's Output 1 support to the EDRC, specifically Committee members allowances, training, and media and public outreach funds. This established the OPM as an intermediary between the EDRC and the IESG and may have eliminated some of the neutrality benefits of DIM implementation, regardless of the efficiency of OPM's intermediation. While there was no the evaluation found no evidence that the OPM used this financial leverage inappropriately, former EDRC Chair Mohamoud did allege interference by the OPM in other ways.[82] Other *ad hoc* electoral committees administered through the OPM appeared

[82] Open Letter to the International Community, Mr. Hussein Mohamed Mohamoud, December 19, 2021.

to ignore some government directives, so the EDRC's apparent unwillingness to challenge the government should not be attributed to the OPM's administration of their funds.

The LOA was written using national implementation modality, which grants recipients significantly more independence in implementation. The body of the LOA outlines a handover of funds from UNDP to OPM, with OPM using those funds to support the EDRC directly, and details reporting requirements from OPM to UNDP. However, as described in the attachment and in actual implementation, IESG used direct payments, which meant that UNDP paid invoices provided by OPM. UNDP stated that this is standard language, however, it seems that the LOA should have been better tailored to suit its purpose.

IESG directed requests for additional financial support from the EDRC to the OPM, which the EDRC felt was cumbersome and slow. However, much of the additional support the EDRC requested appeared to be outside the scope of the Project. More concerning KIIs claims that there were delays in the OPM's provision of items well within the scope of the Project, including computers, paper, and other supplies. It seems, however, that many, if not all, of these delays were self-inflicted by the EDRC, in part due to EDRC mistakes in paperwork submitted to the OPM. The IESG noted that other committees had fewer problems with procurement delays, perhaps because other committees were more willing to accept advice on procurement or share information.

While the IESG had built an effective long-term relationship with the NIEC, the establishment of the EDRC required building new relationships. The high turnover of EDRC members, with more than half replaced before January, 2022, made this difficult. The lack of electoral or legal expertise on the EDRC made working with them a challenge, and the EDRC's lack of interest in creating an effective training schedule frustrated some staff members, as well as some members of the EDRC who would have liked more training.

Security conditions in Mogadishu were always a concern, affecting both national and international staff. Streets around the NIEC offices were often blocked for security reasons, making travel difficult.

The inability of IESG staff to embed with either the NIEC or the EDRC made the organic interactions essential to continuous technical advice difficult to achieve. However, prior to COVID, IESG staff did visit the NIEC 2-3 times a week and had daily contact; there appears to be a strong working relationship between the IESG and the NIEC. The EDRC's regular travel to various FMS made connections between the IESG and the EDRC more challenging.

The arrival of COVID demanded new solutions. To fill the gap while travel was not possible, Zoom licenses were obtained to allow for remote meetings and training, mitigating both security and health challenges, though not entirely. Tragically, the EDRC lost its first Chair to COVID in August of 2021, after the upper house electoral process had begun. COVID travel restrictions were relaxed in the second half of 2021.

The 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.

Sustainability

The original project design was aimed at building the capacity of the NIEC, the permanent electoral administration body. The Project did provide strong support to the NIEC's EDRM development process prior to the shift to indirect elections. With the NIEC's place in the legal framework, the NIEC is likely to endure through the next electoral cycle, enabling it to use this capacity in support of universal suffrage elections. Unfortunately, due to the 17 September, 2020 changes, the majority of the Project's efforts were directed at the EDRC, though meetings with the NIEC about EDR continued even after the shift had been made.

Similarly, the construction of offices for the use of electoral authorities improves capacity of the NIEC in the long term. When the current construction issues with the compound are resolved, the new facility will provide electoral authorities with independence and an impartial location to conduct operations. Sustainability of this part of the project will ultimately depend on the FGS paying for utilities and maintenance for the building.

The NCC's decision to create an *ad hoc* EDRC rather than use the constitutionally designated NIEC had a negative impact on the sustainability of the EDR support component of the Project. None of the institutional capacity built in the EDRC will carry over to the next electoral cycle. Indeed, given the problems with the current implementation of the EDRM, several interlocutors made the argument that a lack of sustainability in this instance is an advantage. However, it is possible that some documentation from the EDRC, such as EDRC Procedures, Internal Regulation, the Code of Conduct, compliant forms, and other documents may be useable in a future election.

As far as near-term sustainability, EDRC members complained that the OPM had not informed them what resources were in place to support the EDRC after the end of the Project support to the EDRC, leaving some EDRC members complaining that they would be left without offices, salaries, transport, and accommodation. IESG clarified that the Project paid for member allowances through February, and payments for March will be made once assets procured with donor funds are handed over by the committee. Project money ran out for other EDRC support at the end of December, and the OPM agreed to cover those operational costs from January through March, 2022. The decision of PBF to end the project and IESG support for the EDRC before the end of the process without additional funding was an understandable and logical reaction to the constant slippage in the deadlines of the electoral process.

Cross Cutting Issues

The UN's 'Agenda 2030', UN Security Council Resolutions (UNSCR) 2282, 1325, follow up resolutions, and other international agreements affirm that advancing women's empowerment in conflict-affected settings is both a key objective in its own right and a precondition for sustainable peace and development. The UN recognizes the need to protect and promote the right of women to participate in the electoral process, particularly in post-conflict countries, something which was reaffirmed in UNSCR 2461 (March 2019) on Somalia. It is important to keep in mind, that electoral rights mean much more than simply the right to vote. It assumes freedom of expression, assembly and association, and the freedom to take part

in the conduct of public affairs, hold public office at all levels of Government, and participate in the formulation of government policy.

The Project's efforts in improving participation in the process for women and other disadvantaged groups had mixed results. The EDRC had an women's subcommittee which was praised by KIIs as doing a "fantastic job." At the same time, another KII stated that "women were excluded from the EDRC process." Women composed less than 24% of the EDRC, with five out of 21 members, two members short of the number required to achieve the goal of at least 30%. The number of women did increase to six when seven new committee members were appointed in December 2021, which might be attributable to the IESG pressure.

The IESG consistently advocated for female participation in the process, which successfully resulted in the candidacy registration fee being reduced by 50%. The IESG also advocated for reducing the 3,000 USD complaint filing fee for women by 50%, but was unsuccessful. One woman was a complainant. Those who participated in the process as candidates suggested several possible reasons, including the limited categories of people who had standing to file a complaint, the cost, and the lack of confidence that people had in a fair and impartial adjudication of their complaints.

The Project focused on women's empowerment and did not address other under-represented groups, such as youth or ethnic minorities. More attention should have been paid to marginalized groups as a whole.

Project management

The Project was based in Mogadishu. The one dedicated program staff member was the ETS, responsible for providing EDR support to the NIEC and later the EDRC. This staff member reported to the UNDP Deputy Chief Electoral Advisor (DCEA), who led the legal, public outreach, and external relations part of the IESG. Support for the ETS was provided by international legal, public outreach, and external relations advisors, seconded by respective national staff. Project administration was handled by a project manager and staff. All reported to the DCEA. As Somalia is a hardship post, staff are allowed frequent leave. The overall IESG is led by the UNSOM Chief Electoral Advisor, with a Senior Electoral Operations Advisor heading the ops section of the IESG, including field operations.

The ETS had significant experience in law and EDR issues, as well as having prior experience in democratization in fragile states, though no prior experience in Somalia. Other members of the IESG had significant electoral experience, and, importantly, several had long tenure in the country, providing the ETS with local context.

The evaluation found that members of the IESG seemed to work well together, and the overlapping skill sets worked well to provide consistency in support with people cycling in and out on leave. The IESG seemed to function seamlessly, with little distinction between projects and organizations.

Board meetings were held bi-annually, and other donor meetings were held on a bi-weekly basis. Generally, donors felt that the IESG was responsive to their concerns. Donors did not always understand

which IESG project was undertaking which tasks and conflated information sharing concerns about other projects with this Project, reflecting, in some sense, how seamless the IESG appeared from the outside.

Project Reporting

Project reporting followed the requirements outlined in the Project Document, with semi-annual reports. Reports follow a PBF template and are primarily descriptive.

Donors did not report concerns with the structure of the reports, and were generally satisfied with the information received on the Project. It should be noted that because this Project is part of the larger IESG, some donors were confused as to which project was engaged in certain activities, and addressed concerns regarding other projects, including project communication, to the evaluation for *this* project.

Project reports break out financial information only by implementer, which, given the design of the project, is identical to the funds devoted to the two Project outputs. The exception was the funds expended on the UNOPS/UNDP construction coordination agreement, which was included in the reporting.

The reports note key achievements in the two outputs and progress in the project results frameworks. Later reports include a section on the Projects' achievements in Gender Equality and Women's Empowerment. While the reports are not dated, no concerns were raised regarding their timeliness.

Indicators were not consistent throughout the reporting process and were not directly linked to Project financial reports, which list expenditures by activities. A consistent results framework, linked with financial information, would be more straightforward.

More importantly, the results framework was not updated to address the considerable changes in the project, which meant that by the 2021 Annual Report, the results framework was disconnected from the actual activities of the Project. While variances from the results framework were noted in detail, it would seem that amending the results framework, while keeping the original indicators for context, would enable a clearer understanding of Project development.

Baselines for the indicators were not included. While it is reasonable to assume that the baseline in every case was zero, stating that would have made the framework clearer. Not all indicators included milestones, but all had progress described or explained. Where indicator milestones were included, they met SMART[83] criteria.

Monitoring and Evaluation

The Project's monitoring of the implementation of the program was limited by the nature of the program itself. Providing support to an institution produces some clear indicators, such as documents, or people trained, but a large part of the program will be meetings and discussions with no clear, measurable output. That being said, clearer records could have been kept regarding workshops and discussions with members

[83] SMART is an acronym for Specific, Measurable, Achievable, Relevant, and Timely and is used to evaluate indicator milestones.

of the NIEC and the EDRC. This might have prevented some members of the EDRC who wanted training, but didn't recieve training, from falling through the cracks of the Project.

Both the 2019 and the 2021 Project Documents used the standard UNDP results framework template, listing the outcome, outputs, indicators, the means of verification, and the indicator milestones. The updated Project Document was based on the original with changes made only where necessary.

No information was provided on the EDRC or the NIEC's baseline capacity and their capacity after the training and support provided by the Project. While extensive follow up on training and mentoring would be impossible with the EDRC due to its temporary nature and reluctance to participate in training, evaluating the NIEC's knowledge, attitude, and practices on the topics where the IESG provided support.

Lessons Learned

1. The integrated nature of the IESG team was essential to the successes of the Project by leveraging already existing UNSOM and UNDP resources and skills, increasing the efficiency and effectiveness of the Project.
2. Expectations of what the electoral process in Somalia can look like need to be adjusted to the level of development in Somalia, however, there must be a clearly defined minimum level of adherence to best practices and international standards provided in exchange for international support.
3. Support to a committee responsible for providing electoral justice but which was designed, thought strict legal and financial barriers, to prevent access to justice, and was not perceived as independent or credible, may provide only marginal benefits to the electoral process.
4. Providing support to *ad hoc* committees may be necessary but it is not desirable. Such support does not contribute to long term statebuilding and institutional strengthening. To the extent possible, any such support should be conducted in a way that prioritizes whatever sustainability gains can be achieved, laying the foundation for a move to permanent institutions as soon as possible.
5. There have now been two indirect electoral processes in Somalia supported by the international community. The near universal opinion of all stakeholders and participants in the current process is that such an event should never occur again. Leverage must be used now to ensure that the legal and institutional frameworks are put in place and empowered in the next 12-24 months to conduct the next electoral process in accordance with the Somali Provisional Constitution. The consensus among KIIs was that support for a flawed process increases the likelihood that flawed processes will be used in the future.

Conclusions and Recommendations

Conclusions

1. When created, the Project was highly relevant to UNSOM's mission to deliver "inclusive, credible and transparent 'one person, one vote' elections…" according to the agreed upon deadline.

2. The IESG, as an integrated UNSOM/UNDP entity, with a depth of electoral expertise across a variety of fields, was strategically well positioned to provide the support required to establish a credible and effective EDRM.
3. The Project successfully began effective implementation of 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, while maintaining its ongoing relationship with the NIEC.
4. 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.
5. The Somali government's decision to sideline 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, and made the Project's work to support the EDRM more difficult. The EDRC did not meet international standards for an EDRM.
6. Once the international community determined that it would support the new indirect electoral process, the flexibility of the Project allowed it to adapt to the new context and deliver as well as possible given that context.
7. The EDRC's instability, with 11 new members, including two new Chairs, introduced in the EDRC's short lifetime, contributed to the EDRC's challenges.
8. The Project provided the resources needed for the EDRC to function and to support the peaceful transfer of power. The EDRC's considerable flaws were despite the Project's work, not because of it.
9. The Project kept a focus on the inclusion of women in all aspects of the electoral process, specifically including working to reduce fees for female candidates and female complainants.

Recommendations

1. The UN and its international partners should continue to facilitate policy dialogue and encourage the political agreements necessary to help Somalia establish the foundations for a more stable state, operating in accordance with its Provisional Constitution.
2. Support in building a political consensus and legal framework for universal suffrage elections should begin immediately. Support in ensuring that EDRM processes are properly integrated into the legal framework should begin at the same time. Clear pathways for appeals from the EDRM, in accordance with the Provisional Constitution, should be established and understood well before the election.
3. In recognition of the fact that an EDRM has a quasi-judicial function, efforts to build an effective and credible EDRM should be linked with international efforts to improve access to justice and the development of judicial institutions in Somalia. There must be a focus on ensuring the actual and perceived independence of the EDRM from political forces as well as from the electoral administration.

4. Constitutional implementation should be prioritized by the international community across the board. Currently key institutions, such as the Constitutional Court, are still not established, leaving gaping holes in the governance of Somalia.
5. Continued funding should be conditioned on the achievement of specific benchmarks in political and governmental development, including the participation of under-represented groups, the creation of an implementable legal framework, voter registration, *et al.*, with funding reduced or withheld where significant progress against those benchmarks is not achieved.
6. The IESG's structure is an effective use of resources which allowed the Project the flexibility needed to effectively adapt to significantly changed circumstances and should be maintained.
7. Social inclusion goals for projects should expand beyond gender to include youth, IDPs, minority and marginalized clans, the disabled, etc. In the specific case of EDRM, focus should be on the participation of under-represented groups in administering an EDRM as well as the access marginalized groups have to its dispute resolution process.
8. Project reporting should provide more detailed information on project expenditures.
9. Monitoring and evaluation should include baseline indicators where appropriate, and where not appropriate, indicate why they are not necessary. Each capacity building effort should include an assessment of how knowledge, attitudes, and practices change as a result.

Annex 1 – Documents

Election Dispute Resolution Committee

Decisions: GXKHDD/18/2021, GXKHDD/20/2021, GXKHDD/22/22, GXKHDD/25/22, SUM/SL/02, SUM/SL/02, SUM/PL/01
Press releases

European Commission
Code of Good Practice in Electoral Matters, October 2002
Compendium of International Electoral Standards, Second Edition
Methodological Guide on Electoral Assistance, October 2006

European Union Election Expert Mission to Somalia
Final Report, 2016 – 2017

Federal Government of Somalia
The Durable Solutions Strategy, 2020 – 2024

Freedom House
Freedom in the World, 2021

Integrated Electoral Support Group
Detailed Financial Report, 2020 – 2022
EDR Frequently Asked Questions, September 2021
EDR Forms, June 2021
EDRC Infographics & Factsheet
IESG EDRC Total Budget
IESG Weekly Reports, July – October 2021
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IESG Newsletters 2017 – 2022
IESG M&E Plan
Minutes: Introductory Meeting between IESG and EDRC, January 2021
PBF Project Document, November 2019
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Proposed EDR Procedures, August 2021
Training: Basic Elements of Electoral Dispute Resolution Systems, March 2021
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Training: General Classification of Electoral Dispute Resolution Systems, March 2021
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Workshop: Electoral Complaints Adjudication, September 2021

Independent Electoral Dispute Resolution Mechanism
Final Report, January 2017

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EDRC Procedures, October 2020
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Office of the Prime Minister
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Handbook for the Observation of Election Dispute Resolution, 2019

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Principles and Types of UN Electoral Assistance, March 2021.

United Nations Evaluation Group

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UNDP
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Statement by the Special Representative of the Secretary-General for Somalia to the Security Council, 12 August 2021
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Statement by the Special Representative of the Secretary-General for Somalia to the Security Council, 22 February 2021

United States Agency for International Development
Bringing Unity, Integrity and Legitimacy to Democracy (BUILD), Fact Sheet, February 2020
Electoral Security Framework Handbook, July 2010

World Bank
Economy Profile, Somalia, Doing Business 2020

Annex 2 - Persons Interviewed

Name	Role	Affiliation
Deryck Fritz	Director IESG	IESG
Mary Cummins	Deputy Director IESG	IESG
Marc Dickinson	IESG Chief of Operations	IESG
Stefan Scheer	Legal Advisor	IESG
Gahungu Remegie	Electoral Technical Specialist	IESG
Carla Salvetti	External Relations Advisor	IESG
Irfan Mahmood	Project Manager	IESG
Hassan Nur Halane	Electoral Legal Officer	IESG
Jocelyn Mason	Resident Representative	UNDP
Garikai Mabeza	M&E Specialist	UNDP
Dragan Popovic	Portfolio Manager - Inclusive Politics	UNDP
Abdihakim Farah	Programme Management Specialist	UNDP
Tim Larder	Chief UNOPS	UNOPS
Mewael Addis	Project Manager for Infrastructure	UNOPS
Hussein Mohamed Mohamud	Former EDRC Chairperson	EDRC
Mohamed Ibrahim Barre	Deputy Chairperson	EDRC
Yasmin Mohamud	Head of Women's quota sub-Committee	EDRC
Ahmed Yusuf	EDRC Member	EDRC
Ahmed Said Samatar	Head of Management, Finance, and Logistics sub-Committee	EDRC
Fadumo Mumin	Monitoring and Evaluation Specialist	PBF
Tawanda Chimhini	Country Director, EISA Somalia	International Partner working with EDRC
Ahmed Issack Hassan	AU Senior Legal/Dispute resolution expert	International Partner working with EDRC

Halima Ismail Ibrahim	Chairperson	NIEC
Abdirizak Bashir Mohamed	Secretary General	NIEC
Ismail Yasin	Director of Operations	NIEC
Mostafa Hassan Moalim	Legal Advisor	NIEC
Wacheke Michuki	Programme Manager, Human Rights and Democracy, Somali Section	Embassy of Sweden
Sascha Kienzle	Deputy Ambassador to Somalia, German Embassy	Embassy of Germany
Ali Mohamed Mohamud	Former MOIFAR DG	Former HoP candidate
Mohamed Abukar Zubair	Director General	Former HoP candidate Ministry of Constitutional Affairs of Somalia

Annex 3 – Evaluation Methodology

Evaluation approach and methodology

Approach

Due to the COVID-19 pandemic, it was determined that travel to Somalia for the evaluation would not be possible, requiring adaptation of normal evaluation methodology. Desk reviews of project materials will proceed as normal.

However, the evaluator will conduct key informant interviews (KII) and other interpersonal data gathering, such as focus groups, through remote interviews facilitated by UNDP staff. The evaluator has already begun the process of remote interviews, and has found national and international interlocutors both willing and able to participate in such meetings. Though video calls are preferred, bandwidth limitations and personal preferences have limited some meetings to audio only.

On-site inspections, which will likely be limited to the EDR facility under Output 2, will be conducted by on site staff with all Covid-19 and security protocols issued by the Government being observed. To facilitate this process, a checklist will be provided to the staff conducting the inspection.

The evaluation will employ a mix of both qualitative and quantitive evaluation methods, involving the use of commonly applied evaluation tools such as documentary review, interviews, information triangulation, analysis, and synthesis. A participatory approach will be taken for the collection of data, formulation of recommendations, and the identification of lessons learned.

Evaluation activities will be conducted by one evaluation consultant assisted by in-country IESG staff. Activities will be organized according to the following stages: i) planning, ii) data collection, and iii) data analysis and reporting.

Methodology

The methodologies for data collection may include but not necessarily be limited to:

- Desk review of key documents, including:
    - Systematic review of monitoring data and internal assessments and evaluations.
    - Systematic review of existing, relevant data at the outcome or country context level.
    - Systematic review of all the relevant project documentation including project documents, annual work-plans, project coordination meeting reports and project progress reports.
- Key informant interviews (KIIs) and focus group discussions, as appropriate, with major stakeholders including country PBF team, UNOPS, and officials from key stakeholders in electoral dispute resolution, which include the NIEC Legal department, EDRC, IESG, UNDP Somalia procurement and finance units and participants and potential participants in the electoral process.
- All stakeholders have men and women who were engaged or supported by the PBF project and the aim should be that equal numbers of both are interviewed.

- On-site observation/visit of the NIEC EDRM building.

The evaluator will rely on both primary and secondary sources to gather information for the evaluation. These are expected to include:

- Desk review and analysis of key documents, including PBF Project documents, progress reports, training materials, attendance records, electoral legislation, and procedures, and any other relevant materials.
- KII with NIEC staff, EDRM staff, participants in the electoral process, UN-IESG staff, UNDP Country Office Staff, UNOPS staff, PBF staff, EISA staff, AU staff, and others, as identified through the evaluation process.

The evaluator will use his subject matter expertise to evaluate the data collected above, and synthesize answers to the evaluation questions. Conclusions shall be based on evidence triangulated in the data collection process. Uncorroborated evidence as well as evidence of a subjective nature shall be noted where relied upon.

Results will be measured against the results framework in the project document. Not all results will be indisputably attributable to the Projects activities, however. In such cases, where correlation is found, the weakness of the causal link will be noted.

All information gathered will be treated as confidential and the Evaluation Report will not identify individual responses unless it has consent from that individual to use the information publicly. The Evaluation Report will follow UNDP standards for independent evaluation reporting.

Annex 4 – Terms of Reference

TERMS OF REFERENCE FOR THE EVALUATION OF PEACEBUILDING FUND PROJECT PRF 118635 SUPPORT TO NIEC ELECTORAL DISPUTE RESOLUTION MECHANISMS[84]

A. BACKGROUND and CONTEXT:

Somalia is emerging from decades of conflict and the organization of the country's first universal suffrage elections which were expected to be held in 2020 but are now expected to be in 2025 is a tremendous paradigm shift. UN electoral assistance to Somalia is in accordance with the decisions of the United Nations General Assembly and the Security Council and the mandate of the United Nations Assistance Mission in Somalia (UNSOM).

Initially, the constitutionally mandated National Independent Electoral Commission (NIEC) was to conduct the elections. However, a political compromise agreement by the National Consultative Council (NCC) in September 2020 to hold an indirect electoral process similar to 2016 excluded both the NIEC and political parties and instead appointed ad hoc electoral bodies:- the Federal electoral Implementation Team(FEIT) and State electoral Implementation Team (SEIT) to conduct the elections. The Electoral Dispute Resolution Committee (EDRC) was established by the NCC in October 2020 with a mandate to resolve electoral complaints from selection of delegates until confirmation of final indirect election results. The EDRC is an ad-hoc body and will be dissolved after completion of the indirect elections. The process has been 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 process eventually got started in late July of 2021, with elections for the 54-member Upper House. Voters in this election were the federal member state parliaments. These elections concluded in mid-November 2021 and resulted in 26% women being elected. The election for the House of the People is more complex, with 275 seats, each elected by 101 voters called delegates, selected by committees of clan elders and civil society members.

This project aimed to put in place a conflict prevention mechanism by establishing a lean electoral dispute resolution mechanism understood by all, so that electoral complaints are not mishandled and lead to election-related violence by aiming to achieve the following:

- Development and establishment of EDR structures and systems at all levels, including the development of regulations and procedures for dispute resolution (implemented by UNDP).

- Development and implementation of programmes for NIEC staff, relevant judges and electoral stakeholders to ensure EDR is carried out competently and efficiently during different electoral operations (from voter registration to polling, counting and tabulation) (implemented by UNDP).

[84] Hereby referred to as the PBF project.

- Development of the NIEC's offices for dispute resolution and stakeholder outreach (implemented by UNOPS).

Project Background

The overall aim of the project is to minimize electoral disputes and to enhance peaceful dispute resolution and thereby minimizing elections- related violence during the electoral process in 2020/2021. To achieve this objective, the project was developed to support the NIEC to establish the necessary electoral dispute resolution architecture at all levels so as to minimize conflict and prevent it from escalating into larger-scale violence. If disputes arose, the NIEC should have the capacity to deal with electoral complaints through the prescribed electoral dispute resolution procedures. If a complainant was still dissatisfied, he/she could ultimately resort to the judiciary. It was therefore considered important that judges would also be given specific training on electoral issues. Other key stakeholders would also need to know how electoral complaints procedures and electoral dispute resolution mechanisms work.

The project contributes to the UN Somalia Strategic Framework Priority 1: Deepening federalism and state-building, supporting conflict resolution and reconciliation, and preparing for universal elections. Outcome 1.3: Preparations for 2020/2021 universal elections are completed.

The project supports Sustainable Development Goal (SDG) 16: "promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and build effective, accountable, and inclusive institutions at all levels".

SDG 16 – target 6: "Development of effective, accountable and transparent institutions at all levels"

SDG 16 – target 7: "Assurance of responsive, inclusive, participatory and representative decision-making at all levels".

Furthermore, the project's objectives align with the FGS priorities in the Government framework and national ownership as the New Partnership for Somalia sets out how Somalia and the international community work together to meet Somalia's most pressing needs, including in the inclusive politics governance mechanism. As set out in the National Development Plan, the Somalia Mutual Accountability Framework (MAF) includes important goals on objectives on preparations for universal elections, such as the adoption of the electoral law, and the timely and sound implementation of NIEC's strategic plan. Somalia has committed itself to a number of international and regional treaties with key human rights standards, including those in reference to genuine universal suffrage elections and the citizen's right to be elected by secret ballot, guaranteeing the free expression of the will of the electors.

The Roadmap of the Federal Government of Somalia for 'Inclusive Politics' (2017-2020) clearly indicates that holding of elections at the end of the term of the Federal Parliament is a national priority for the country. The establishment of a secure, well-functioning and NIEC stakeholder outreach and EDR centre at a location considered impartial for all stakeholders underscores national ownership for the elections.

The PBF project is linked to the work and mandate of the UNSOM/UNDP Somalia Integrated Electoral Support Group (IESG). IESG supports the NIEC with preparations of the country's parliamentary one person, one vote elections at the federal level, by providing capacity development assistance to the NIEC as well as on operational planning, support to the development of the electoral legal framework, and with voter education and public outreach. Support to the NIEC in establishing an electoral dispute resolution mechanism (EDRM) and the construction of a stakeholder outreach and EDR centre are complementary to the work that IESG is implementing.

Due to the change in the electoral system and exclusion of NIEC from the electoral process, some of the planned activities could not be executed. As results, the PBF Project Document was amended, and resources reallocated to support the ad hoc 21-member EDRC in developing procedures, conducting trainings, workshops and meetings with election selection committees/elders, civil society, delegates, and candidates as well as provision of allowances for the committee members for four months.

Accessible and gender-supportive facilities were constructed at the NIEC Compound for NIEC public outreach and EDR, training and meeting purposes with NIEC. This building will help NIEC to establish effectively the EDRM while preparing for 2025 universal suffrage elections. In the same vein, the Project continued to support NIEC Legal department through training and working sessions to prepare the NIEC to implement the EDRM during preparation and organization of the universal suffrage elections expected to be held in 2025.

Project Outputs: The project has the following two Outputs:

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

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

The project was originally planned for 22 months with a start date of November 18, 2019. However, due to the political conflict and delay in holding the indirect elections, a no-cost-extension was granted ending on 28 February 2022.

PROJECT/OUTCOME INFORMATION

Project/Outcome title: Support to NIEC Electoral Dispute Resolution Mechanisms Atlas Award ID: 00123648 Output: 00118635

Corporate outcome and output: The project contributes to the UN Strategic Framework Priorities:

- SP1: Deepening federalism and state-building, supporting conflict resolution and reconciliation, and preparing for universal elections. Outcome 1.3: Preparations for 2020/2021 universal elections are completed.

Country: Somalia

Region FGS and FMSs: (Five regional member states) Puntland, Southwest, Galmudug, Hirshabelle, Jubbaland and Banadir Regional Administration Date project document signed: 14 November 2019

Project dates Start Planned end 18 Nov 2019 - 28 Feb 2022

Project budget: USD 2,500,000

Project expenditure at the time of evaluation: (TBA closer to time TORs to be advertised, noting approved no cost extension to 28 Feb 2022) Funding source: PBF

Implementing partner [1] UNDP and UNOPS

B. PURPOSE AND OBJECTIVES OF THE EVALUATION

Purpose

The primary purpose of this evaluation is to assess the extent to which the project achieved its strategic outcome with an added focus on whether the project interventions have managed to minimize electoral disputes and to enhance peaceful dispute resolution and thereby minimizing elections-related violence during 2020/2021 national indirect elections in Somalia. The evaluation shall determine the projects overall added value to the Electoral Justice in Somalia, in the areas of establishment of an effective EDRM, development of Procedures which take into consideration the right of women participation to EDR process and establishment of EDR facilities for public outreach and meetings. The evaluation must provide concrete findings based on evidence and actionable recommendations to the programme management, partners and the donor. The evaluation shall also provide key lessons learned in the project and highlight the challenges and areas where the project performed less effectively than anticipated.

Objectives of the evaluation:

- Assess the relevance, effectiveness, efficiency, and sustainability of project strategies and activities in terms of 1) managing electoral disputes and reducing related election violence 2) achievement of national ownership for elections 3) whether the project capitalized on the IESG (UNDP and UNSOM) added value in Somalia; and 4) the degree to which the project addressed cross-cutting issues including gender-sensitivity in Somalia;

- Assess to what extent the PBF project has made a concrete contribution to reducing election related violence in Somalia. With respect to PBF's

contribution, the evaluator may appraise whether the project helped advance achievement of the SDGs, and in particular SDG 16;

- Evaluate the project's efficiency, including its implementation strategy, institutional arrangements as well as its management and operational systems and value for money;

- Assess whether the support provided by the PBF has allowed a specific focus on women's access to electoral justice and whether the PBF support factored in gender equality;
- Assess the extent to which the implementation of the Project was affected by the challenging environment
- Identify and document key lessons learned and best practices and to propose practical recommendations for future programming.

C. SCOPE OF THE PROJECT EVALUATION

The evaluation team shall undertake the specific tasks listed below:

(i) Evaluate the whole results chain from project indicators, outputs, outcomes, and immediate impacts with regards to activities achieved by the project.

(ii) Verify through onsite visit the construction of a stakeholder outreach and EDR centre and establishment of an EDRM.

(iii) Evaluate the project's theory of change specifically, the conceptual, technical and policy underpinnings of the project design and compare with experiences on the ground.

(iv) Evaluate the degree to which the activities contributed to achieving the project's strategic outcomes, specifically identifying the contributing factors to achievement of outputs/outcomes and contributing factors to failure to achieve outputs/outcomes. This will serve to enhance evidence-based learning to inform future programming.

(v) Evaluate project performance against its ability to achieve minimizing election related violence through an effective and timely adjudication of electoral complaints.

A shared folder will be provided to the evaluator with all the relevant documents which will include but not be limited to key meeting minutes and notes, semi-annual and annual reports, current lessons learned reports, and key correspondence.

Evaluation Questions within specific OECD-DAC criteria

RELEVANCE:

- Was the project relevant in addressing electoral related violence through formal and informal electoral disputes resolution? If there were significant contextual shifts, did the project goals and approach remain relevant?

- Was the project appropriate and strategic to the main peacebuilding goals and challenges in the country at the time of the PBF project's

design? Did relevance continue throughout implementation?

- Was the project relevant to the UN's peacebuilding mandate and the SDGs, in particular SDG 16?

- Was the project relevant to the needs and priorities of the target groups/beneficiaries? Were they consulted during design and implementation of the project?

- Was the project well-timed to address a conflict factor or capitalize on a specific window of opportunity?

- Did the project's theory of change clearly articulate assumptions about why the project approach is expected to produce the desired change? Was the theory of change grounded in evidence?

EFFICIENCY:

- How efficient was the overall staffing, planning and coordination within the project (including between the two implementing agencies and with stakeholders)?

- Have project funds and activities been delivered in a timely manner?

- How efficient and successful was the project's implementation approach, including procurement, number of implementing partners and other activities?

- How efficiently did the project use the project board?

- Were there delays to project implementation? Did these delays create missed opportunities to address election related disputes?

- How well did the project team communicate with implementing partners, stakeholders, and project beneficiaries on its progress?

- Overall, did the PBF project provide value for money? Have resources been used efficiently? Did the actual and expected results (outputs and outcome) justify the costs incurred?

- To what extent did the PBF project ensure synergies within different programs of UN agencies and other implementing organizations and donor with the same portfolio?

EFFECTIVENESS:

- How effective were the projects implementation strategies and to what extent did the PBF project achieve its intended objectives and

contribute to the project's strategic vision?

- To what extent did the PBF project substantively mainstream a gender and support gender-responsive approach?

- Assess to what extent targets have been achieved per indicator in the results framework

- How effective and timely was the PBF project's implementation in terms of electoral disputes management and construction of NIEC EDRM building? Would it be beneficial to support the same EDR structure in the future if it is indirect elections?

- How appropriate and clear was the projects targeting strategy in terms of geographic and beneficiary targeting?

- Did the project adopt responsive monitoring and evaluation practices/systems and how effective were they in capturing data to inform results at all levels including outcome level?

SUSTAINABILITY & OWNERSHIP:

- Did the intervention design include an appropriate sustainability and exit strategy (including promoting national/local ownership, use of national capacity etc.) to support positive changes in electoral dispute resolution after the end of the project?

- How strong is the commitment of the Government and other stakeholders to sustaining the results of PBF support and continuing initiatives, especially in establishment and implementation of the agreed NIEC EDRM for universal suffrage 20225?

- How has the project enhanced and contributed to the development of national capacity in order to effectively deal with electoral complaints and minimize election related violence during national elections in Somalia?

- What are the recommendations for similar support in future interventions?

COHERENCE:

- To what extent did the PBF project complement work among different entities, especially with other UN actors?

- To what degree were the project's design, implementation, monitoring and reporting aligned with that of other projects supporting Somalia's

elections?

- How were stakeholders involved in the project's implementation?

CATALYTIC:

- Was the project financially and/or programmatically catalytic?

- Has PBF funding been used to scale-up other peacebuilding work and/or has it helped to create broader platforms for peacebuilding?

GENDER-RESPONSIVE/GENDER-SENSITIVE

- Did the project consider the different challenges, opportunities, constraints and capacities of women, men and youth in project design (including within the conflict analysis, outcome statements and results frameworks) and implementation?

- Were the commitments made in the project proposal to gender-responsive approach, particularly with respect to the budget, realized throughout implementation?

- To what extent were gender considerations mainstreamed throughout the PBF support to Somalia EDR process?

RISK-TOLERANCE AND INNOVATION:

- Were risks adequately monitored and mitigated?

- How novel or innovative was the project approach? Can lessons be drawn to inform similar approaches elsewhere?

Disability

- Were persons with disabilities consulted and meaningfully involved in programme planning and implementation?

- What proportion of the beneficiaries of a programme were persons with disabilities?

- What barriers did persons with disabilities face?

D. METHODOLOGY AND APPROACH

As of 11 March 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic as the new coronavirus rapidly spread to all regions of the world. Travel to and in the country is constrained by a combination of COVID-19 and the ongoing conflict. If it is not possible to

travel to or within the country for the evaluation then the evaluation team should develop a methodology that takes this into account the conduct of the evaluation virtually and remotely, including the use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires. This should be detailed in the Inception report and agreed with the Evaluation Manager.

If all or part of the evaluation is to be carried out virtually then consideration should be taken for stakeholder availability, ability or willingness to be interviewed remotely. In addition, their accessibility to the internet/computer may be an issue as many government and national counterparts may be working from home. These limitations must be reflected in the evaluation report while demonstrating efforts to mitigate such challenges

The evaluation will employ a combination of both qualitative and quantitative evaluation methods including:

- The evaluation will be summative and will employ a participatory approach whereby discussions with and surveys of key stakeholders provide/ verify the substance of the findings. Proposals submitted by prospective consultants should outline a strong mixed method approach to data collection and analysis, clearly noting how various forms of evidence will be employed vis-à-vis each other to triangulate gathered information.

- Proposals should be clear on the specific role each of the various methodological approaches plays in helping to address each of the evaluation questions.

- The methodologies for data collection may include but not necessarily be limited to:

o Desk review of key documents.

o Key informant interviews (KIIs) and focus group discussions, as appropriate, with major stakeholders including country PBF team, officials from key stakeholders in electoral dispute resolution which include NIEC Legal department, EDRC, IESG, UNDP Somalia procurement and finance units and UNOPS. All stakeholders have men and women who were engaged or supported by the PBF project and the aim should be that equal numbers of both are interviewed.

o Beneficiary/communities and stakeholder perception surveys to feed into outcomes.

o Systematic review of monitoring data and internal assessments and evaluations.

o Systematic review of existing, relevant data at the outcome or country context level.

o Systematic review of all the relevant project documentation including project documents, annual work-plans, project coordination meeting reports and project progress reports.

o On-site observation/visit of the NIEC EDRM building.

E. DELIVERABLES

1. Inception Report: The consultant evaluator will prepare an Inception Report to further refine the evaluation questions and detail the methodological approach, including data collection instruments, in consultation with the PBF technical team. The Inception report must be approved by both the evaluation manager and the PBF prior to commencement of data collection in the field. The inception report should include the following key elements:

Inception report content

1. Background and context, illustrating the understanding of the project/ outcome to be evaluated.

2. Evaluation objective, purpose and scope. A clear statement of the objectives of the evaluation and the main aspects or elements of the initiative to be examined.

3. Evaluation criteria and questions. The criteria the evaluation will use to assess performance and rationale. The stakeholders to be met and interview questions should be included and agreed, as well as a proposed schedule for field visits.

4. Evaluability analysis. Illustrates the evaluability analysis based on formal (clear outputs, indicators, baselines, data) and substantive (identification of problem addressed, theory of change, results framework) approaches, and the implications for the proposed methodology.

5. Cross-cutting issues. Provide details of how cross-cutting issues will be evaluated, considered and analysed throughout the evaluation. The description should specify how methods for data collection and analysis will integrate gender considerations, ensure that data collected is disaggregated by sex and other relevant categories, and employ a diverse range of data sources and processes to ensure the inclusion of diverse stakeholders, including the most vulnerable where appropriate.

6. Evaluation approach and methodology, highlighting the conceptual models to be adopted, and describing the data collection methods, sources and analytical approaches to be employed (Annex 2 in Guidelines outlines different data collection methods), including the rationale for their selection (how they will inform the evaluation) and their limitations; data-collection tools, instruments, and protocols; and discussing their reliability and validity for the evaluation and the sampling plan.

7. Evaluation matrix, identifying the key evaluation questions and how they will be answered through the selected methods.

8. A revised schedule of key milestones, deliverables and responsibilities, including the evaluation phases (data collection, data analysis and reporting).

9. Detailed resource requirements tied to evaluation activities and deliverables detailed in the workplan.

10. Outline of the draft/final report as detailed in the guidelines and ensuring quality and usability (outlined below). The agreed report outline should meet the quality standards outlined in these guidelines and the quality assessment requirements outlined in section 6 of the UNDP Evaluation Guidelines.

11. A work plan and timelines to be agreed with relevant PBF focal points.

12. Presentation/validation of preliminary findings to relevant in-country stakeholders and PBF

13. Final evaluation report: The consultant evaluator will prepare the final evaluation report based on PBF's evaluation report template. The first draft of the final report will be shared with an Evaluation Reference Group (ERG), composed of representatives of all direct fund recipients and the PBF (at a minimum), for their comments. Further editing by the evaluators may be required before final approval of the report. The final accepted version of the report will reflect ERG's comments. The Final Report must be approved by both the evaluation manager and the PBF.

Evaluation ethics

"This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation'. The consultant must safeguard the rights and confidentiality of information providers, interviewees, and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorization of UNDP and partners."

A. Institutional Arrangements/Reporting Lines MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS

Country Office Evaluation Management: UNDP CO management is ultimately responsible and accountable for the quality of the evaluation process and products under the leadership of the UNDP Deputy Resident Representative - Programmes (DRR-P). The DRR-P will assign an

Evaluation Manager (UNDP M&E Specialist) who shall be responsible for engaging and debriefing the consulting team, coordinating review of reports, and ensuring compliance with UNDP/UNEG evaluation standards, ethics, and code of conduct for evaluations. The CO Management will take responsibility for the approval of the final evaluation report.

The CO management will develop a management response to the evaluation within two weeks of report finalization.

Project Management: The Project Manager responsible for Support to NIEC Electoral Dispute Resolution Mechanisms project will support the evaluator on a daily basis with respect to providing background information and progress reports and other documentation, setting up stakeholder meetings and interviews, and coordinating with beneficiaries and key stakeholders.

Evaluation Reference Group: To ensure the independence, credibility and ownership of the evaluation, an evaluation reference group (PBF, UNDP, NIEC/EDRC) will be established to help guide the process. The nomination of members will be done before the assignment commences and the group details shared. Development partners contributing the project will be requested to nominate a member each. Other members of the group will be drawn from among key stakeholders of the project.

Evaluators: There will be an independent international consultant (Team Leader), and a national consultant (Team Member). They should not have worked for UNDP or have been involved with national partners, in the design or implementation of the project. The evaluators will have the overall responsibility for the conduct of the evaluation exercise as well as quality and timely submission of reports (inception, draft, final etc). An individual consultant procurement notice on the evaluation will include information on criteria for selecting proposals. An excerpt on the criteria is provided as an annex to the ToR.

Considering the effects of the COVID-19 pandemic, virtual focus group discussions with project beneficiaries and other stakeholders will be conducted. Interviews with relevant key informants. Observations and verifications (virtual field consultations -when/if possible- using checklist) to be conducted by local consultant with all Covid-19 and security protocols issued by the Government being observed. Furthermore, the evaluators will be expected to familiarize themselves with the United Nations Evaluation Group's standards and norms and ethics for conducting project evaluations. The evaluator will provide the Evaluation Manager with regular updates and feedback.

F. TIMEFRAME:

Deliverable	Anticipated timing	Number of days
Inception Report	20th - 28th January 2022	7 days
Field data collection and analysis	31st - 18th February 2022	15 days
Draft evaluation report	21st – 28th February 2022	6 days
Final Report	1st – 14th March 2022	10 days
Total	38 days	

Submitted by:

Mary Cummins Signature:

Deputy Chief Electoral Advisor Date:

Agreed by:

Garikai Mabeza Signature:

Digitally signed by Mary Cummins DN: cn=Mary Cummins, o=UNDP Election Project, ou=IESG, email=mary.cummins@undp.org, c=SO

Date: 2022.01.03 14:10:47 +03'00'

Monitoring & Evaluation Specialist Date:

Approved by:

Abdul Qadir Rafiq Signature:

05-Jan-2022

Deputy Resident Representative (P)-OIC Date: