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Support to Building Inclusive Institutions of Parliament in Somalia

PROJECT:
Support to Building Inclusive
Institutions of Parliament in Somalia

PREPARED BY:
Joel Gateretse
Charmaine Rodrigues
Moe Hussein
Marcin Buzanski

PROGRAMME:
Governance and Rule of Law

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DONORS:
UNDP BCPR
European Commission
UK AID
Norway

CONTEXTUAL ANALYSIS

FEDERAL LEVEL

Following Prime Minister Abdi Farah Shirdon's loss of a no confidence motion in December 2013, President Hassan Sheikh Mohamud nominated Abdiweli Sheikh Ahmed as the new Prime Minister who was then endorsed by Parliament. On 17 January 2014, PM Ahmed announced the expanded cabinet composed of 25 members, including 2 women. A new Minister of Justice and Constitutional Affairs and a new Minister of Interior and Federalism have been added to Cabinet. The Cabinet Ministers spent much of Q1 reviewing and reworking their Ministerial Plans to align with the new FGS vision. However, their efforts were largely overshadowed by the criminal attack on Villa Somalia on 21 February, which saw 14 people dead. Parliament commenced sitting again in early March, but debates over key Bills have repeatedly stalled due to lack of quorum. In March, Vision 2016 Framework of Action (FOA), was presented setting out priorities of relevance to New Deal PSG-1, The Project will ensure to align its efforts to PSG1

PUNTLAND

In Puntland, the delayed parliamentary (s)election process was finally undertaken, with 66 Members of Parliament sworn in on 1 January 2014, having been selected by traditional leaders and vetted by a Conflict Resolution and Reconciliation Committee. However, only 2 out of the 66 members of Parliament are women, which is a backslide on the previous parliament. On 8 January 2014, the Members of Parliament then elected Abdiweli Mohamed Ali Gaas as the new President of Puntland for a 5-year term. Incumbent President Abdirahman Mohamed Farole, who lost by one vote, gracefully conceded defeat, characterizing the election as "clean and democratic" and expressing his support to Mr. Gaas, who later became the fifth President of Puntland. The President has now selected his Cabinet who have commenced work. Of note, A new Minister for Constitutions has now been appointed. With a new Government and Parliament in place, UNDP's political governance support has now been able to restart.

SOMALILAND

In Somaliland, relations between the Government and the opposition deteriorated. The Justice and Welfare Party claimed it had been denied freedom of movement and permission to hold peaceful demonstrations against the Government. Meanwhile, Mr. Abdirahman Mohamed Abdillahi "Iro", Speaker of the Somaliland House of Representatives and Chair of Wadani (opposition party), announced his support for the holding of a national dialogue conference as called for by the opposition parties, causing an environment of uneasiness within the Parliament and slowing down activities in this quarter. However, work has picked up towards the end of the quarter with the establishment of 5 regional offices and the beginning of oversight missions by committees such as the social affairs committee.

RESULTS

SL	Indicator	2.1.1.1 Number of required laws, disaggregated by draft by the legislative or executive branch, enacted by Parliament, and implemented by the executive	Y
	Result	UNDP engaged with the Parliament to identify initial legislation for support. Parliament identified natural resource management, the government institutions reform bill and prison reform as key legislative priorities.	
	Comment	UNDP has now agreed with the parliamentary leadership to provide a legal consultant and budget consultant to provide ongoing technical advice and support for legislative drafting and review to MPs and committees.	
PL	Indicator	2.1.1.1 Number of required laws, disaggregated by draft by the legislative or executive branch, enacted by Parliament, and implemented by the executive	Y
	Result	Agreement reached with new Puntland Parliament leadership to develop legislative agenda in Q2, with priorities currently under review.	
	Comment	Progress slow due to Q1 focus on endorsing new Cabinet and re-starting Parliament. AWP now agreed with Parliament, which will guide increased support to law-making.	
FL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	G
	Result	45 Parliament graduates continue to receive training and mentoring. MPs met to update the existing Parliament Strategic Plan. MPs also met to start developing a public outreach and civic education plan. A conference with Somali Youth Caucus and Leaders took place with 251 participants.	
	Comment	The security incident at Villa Somalia affected UNDP's capacity to undertake training in situ, but national officers are supporting capacity development, and MPs have been engaged through workshops in Nairobi and at the MIA compound.	
FL	Indicator	2.1.1.1 Number of required laws, disaggregated by draft by the legislative or executive branch, enacted by Parliament, and implemented by the executive	Y
	Result	Parliament reconvened in March for their first session, but lack of quorum repeatedly stalled discussions, incl stalling the PM's presentation of his Government's 2014 Plan. Nevertheless, the Boundaries and Federation Commission Bill was reviewed and returned to the Executive for revision.	
	Comment	Following the endorsement of a new PM, the PM put a deliberate hold on all legislation while the new Government reviewed its priorities. At the time of writing, the PM has just lifted this restriction, which will likely see greater progress on tabling and debating of Bills.	
FL	Indicator	2.1.1.2 Level that human rights are enumerated and explicitly provided for in Constitution and / or national laws is "high", "medium", or "low"	Y
	Result	Low. Bills setting up a human rights commission (HRC) and a judicial services commission are still being drafted. The UNSOM HR Group provided inputs on the HRC Bill and the UNSOM/UNDP ROLSI Group provided inputs on the JSC Bill.	
	Comment	These HRC bill is currently being revised following public consultations throughout the country being undertaken by Internews. The JSC Bill is in its 2nd reading	
FL	Indicator	2.1.2.1 Level of progress in drafting and reviewing policy/law on electoral system laws that increasingly conform to international standards is "high", "medium", or "low"	Y
	Result	Medium: UNSOM & UNDP provided technical advice to the MoI who is responsible for the EMB, as well as the MOJCA and Speaker. They agreed to set up an Electoral Law Committee representing all three bodies, to work on drafting EMB legislation. Technical papers have been provided as guidance.	
	Comment	Work on the EMB legislation slowed due to the endorsement of a new PM and Cabinet, who spent time determining their key priorities. To assist in this respect, UNDP mobilised an elections consultant to provide them with initial inputs and guidance.	
SL	Indicator	Committees in Parliament strengthened to perform their functions [LF 1.1: Number of established committees supported by UNDP]	G
	Result	Three additional committees (Justice, Environmental and Interior Committees) have been consulted on workplaces and thematic assistance requests. Members of the HOR Social Affairs Committee visited the Sahil region to evaluate the quality of social services with UNDP support.	
	Comment	In Q2, UNDP will deliver technical assistance and support to the three priority Committee through a consultant and national legal advisor. A manual to support oversight functions will be produced in the coming quarters. Further mission are planned for at least 3 committees.	

RESULTS

SL	Indicator	LF 3.2: Number of regional visits organized with UNDP support	G
	Result	MPs continue to undertake constituency visits during recess with UNDP funding support. Parliament established 5 regional constituency offices, in Borama, Berbera, Buroa, Laascaanod and Erigavo to facilitate regional engagement.	
	Comment	A manual for conducting visits needs to be developed. Offices need ToRs developed and manuals for collaboration and information sharing with MP's and Parliament administration .	
SL	Indicator	Somaliland Strategic Plans inclusively developed, endorsed and action plan agreed	G
	Result	Strategic Plan for House of Representatives has been endorsed by the Parliament. Implementation workshops planned and agreed for Q2.	
	Comment	The strategic plan and implementaion plan will also serve as the base for coordination for all Partners in support of HoR. A Straregic Plan for the Upper House will also be developed in 2014.	
PL	Indicator	Puntland Strategic Plan inclusively developed, endorsed and action plan agreed	G
	Result	With the new Parliament installed, UNDP has agreed to work with NDI on the participatory development of a new Strategic Plan to guide support.	
	Comment	A Parliament Strategic Planning session with be held in May 2014.	
PL	Indicator	LF 3.2: Number of regional visits organized with UNDP support	G
	Result	The new AWP agreed with the Puntland parliament prioritises establishment of 5 regional constituency offices, as well outreach by MPs and committees.	
	Comment	Work will commence in earnest from Q2.	
PL	Indicator	Committees in Parliament strengthened to perform their functions [LF 1.1: Number of established committees supported by UNDP]	Y
	Result	New Committee Chairs were engaged in initial workplanning with UNDP to identify priorities for support.	
	Comment	Now that Committee Chairs are confirmed, UNDP has started engaging in earnest. With a new AWP agreed, work will progress in Q2.	
FL	Indicator	Committees in Parliament strengthened to perform their functions [LF 1.1: Number of established committees supported by UNDP]	Y
	Result	UNDP is supporting staff and outreach for 15 parliamentary committees. 10 out of 15 committees now have revised work plans for 2014. A new Director of Committees was recruited and initially trained with UNDP support.	
	Comment	Committee training to MPs was stalled because of to increasing insecurity + delays due to voting in the new Government + stalled parliamentary sittings due to repeated lack of quorum. UNDP will now ramp up support, incl. follow up with the remaining 5 Committees without AWP's	
FL	Indicator	NFP Strategic Plans inclusively developed and implementation progressed	G
	Result	NFP Strategic Plan produced after consultative process in 2013. NFP Strategic Plan updated in Q1 2014 to reflect ongoing political realities.	
	Comment	Review of priorities was conducted to be the base of coordination for partners supporting the Federal Parliament	

RESULTS

FL	Indicator	Parliament effectively engaged in budget cycle, incl. undertaking oversight of key ministries expenditures [LF 1.3: Provision of technical assistance to NFP budget committee to play a role in the budget cycle]	Y
	Result	The Speaker has emphasized the need to have oversight of expenditure, but support has been limited so far due to difficulties in placing high level experts inside Parliament due to insecurity.	
	Comment	Some capacity development and administrative support continues to be provided to the NFP under the current LoA, but in Q2 UNDP will look to ramp up budget committee support and training, in partnership with the World Bank and MOF if possible.	
FL	Indicator	Parliamentary leadership confident to manage the business of the chamber [LF 2.1: Technical assistance provided to the Parliamentary leadership]	G
	Result	Through UNSOM, UNDP supported the Speaker with a high level advisor during part of the parliamentary session. UNDP also supported the leadership to review the NFP Strategic Plan and develop their legislative agenda.	
	Comment	Capacity development and administrative support also continues to be provided to the NFP under the current LoA and through direct advice to the leadership in collaboration with UNSOM.	
FL	Indicator	Staff capacity increased to provide support services to Office of the Speaker [LF 2.2: Parliamentary administration strengthened with UNDP support]	G
	Result	10 senior directors were recruited into the parliamentary administration and the new management team . Furniture, equipment and internet services have been provided to the Speakers Office and Secretariat.	
	Comment	Capacity development and administrative support also continues to be provided to the NFP under the current LoA.	
FL	Indicator	Functioning website functions as key source of information for the public re Parliament	Y
	Result	Parliamentary website functions but a more regular update procedure still needs to be put in place.	
	Comment	A professional translator is needed to translate the data to English before it is inserted.	
FL	Indicator	Media reporting on Parliament increasingly evidence based and reliable	R
	Result	Work has not started, and baselines on media reporting have not been established. UNDP will work closely with the UNSOM Public Information Office in coming months to address this gap.	
	Comment	The recruitment of a media advisor is currently in process	
FL	Indicator	Civic education programme implemented [LF 4.3: Number of civic education initiatives implemented]	Y
	Result	A civic education plan was developed between UNSOM and UNDP and shared with Parliament and MOJCA. A meeting was held with key officials to discuss, but the details of a specific programme are still to be finalised and agreed.	
	Comment	Both Parliament and the new MOJCA intend to undertake civic education. UNDP has proposed to both that a Joint Civic Education Steering Committee be established to ensure a unified and coordinated approach. This proposal is still under discussion.	
FL	Indicator	Key legislation required by the Provisional Constitution drafted, debated in Parliament and enacted [LF 4.1: Provision of technical assistance to the Constitutional Review Committee to draft, debate and review legislation]	Y
	Result	Key Bills continue to be drafted, debated and enacted in Parliament with over 10 bills awaiting 2nd/3rd readings.	
	Comment	A senior consultant is anticipated to support the process in the next quarter.	

RESULTS

FL	Indicator	[LF 4.2: Number of public consultations undertaken in support of the constitutional review process with UNDP support]	Y
	Result	Two townhall sessions with women and youth were supported with a more systematic consultation process now being discussed with Parliament and the new Ministry for Justice & Constitutional Affairs.	
	Comment	A proposal by MOJCA has now been sent to UNDP on the way forward, and a complementary LoA to the NFP's will be produced. UNSOM has supported some consultations on the HRC Bill and organised an initial roundtable with "opinion leaders" to discuss key constitutional issues and laws.	
FL	Indicator	LF 1.2: Legal research unit established with UNDP support	R
	Result	This work slowed while UNDP worked to first coordinating with NDI and MPI re legal support, and to understand the interaction between Parliament and MOJCA re legislative drafting. It is clearer now MOJCA is progressing its own legislative drafting unit. NFP will now also build itself capacities.	
	Comment	A national legal advisor is in the process of being recruited who will work with existing NDI and MPI experts to develop an organised Legal Research Unit. These nationals will be supported through the existing twinning programme.	
FL	Indicator	LF 1.4: Number of oversight meetings held with UNDP support	Y
	Result	FL: Parliament attempted to call in Ministers for oversight sessions but lack of quorum undermined their efforts. .	
	Comment	With the new AWP's committee oversight activities have been prioritized	
FL	Indicator	LF 3.2: Number of regional visits organized with UNDP support	G
	Result	Over 20 visits constituency visits undertaken by MPs undertake during recess with UNDP funding support.	
	Comment	Constituency outreach detailed plans are being developed and this will be progressed in coming months. Training for MPs on effective outreach will be also organized	



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ACTIVITY HIGHLIGHTS

FEDERAL LEVEL

A process of recruitment supported by UNDP was finalized in Q1, with the HoP recruiting 10 senior directors. A UNDP-supported meeting to review the NFP Strategic Plan and develop the 2014 legislative agenda was held in February, resulting in reviewed priorities for the Parliament and a priority legislative agenda for 2014. A consultation with the Youth MPs Caucus was held in March and UNDP, and a timeline developed. UNDP and UNSOM have also convened a planning meeting of key MPs and Ministries to start planning public information and outreach activities. With support of UNDP, several MP's traveled during recess resulting in strengthened relations with regions. With support from UNSOM and UNDP, a process of establishing the NIEC was commenced. UNDP provided also IT, refurbishment support.

PUNTLAND

In January, the new Parliament was selected, the President of Puntland sworn in and the new cabinet (including a new Minister for Constitutional Affairs) appointed. Since the establishment of the new Parliament, UNDP has re-engaged with the parliamentary leadership and a workplan has now been agreed. Work is now anticipated to accelerate in the coming months.

SOMALILAND

With the continued support of UNDP in this quarter, the Somaliland Parliament has been able to establish 5 regional constituency offices, in Borama, Berbera, Buroa, Laascaanod and Erigavo. There has been one oversight mission to Berbera District by the Social Affairs Committee, resulting in a detailed report of the current social situation in the area as well as a clear way forward to tackle the issues at hand. The Speaker of the HoR appointed an ad-hoc committee consisting of 8 MPs to assess, review and identify gaps in the rules of procedure and prepare recommendations for improving them and to prioritize the activities of the Strategic Plan. UNDP also continued to financially support the HoR through the salary of a legal advisor as well as covering for internet access.

PARTNERSHIPS

UNDP has continued to proactively promote One UN partnership. In Q1, UNDP undertook major strategic planning exercise with UNSOM to align work in support of the constitutional review and broader PSG1. Coordinated support is provided to Parliament and MOJCA, through the UN Integrated Constitutional Support team. This included collaborating with the different groups within UNSOM, with whom UNDP will work closely with to provide expert advice to the Parliament (eg. HR Group on human rights, ROLSI Group on the JSC and Public Information Office on civic education and outreach).

UNDP also proactively tapped headquarters assistance in partnership with UNSOM. In particular, UNDP partnered with the UN Electoral Assistance Department (EAD) to deploy a senior electoral advisor to engage and advise the Speaker of Parliament (as well as MOJCA and Ministry of Interior and Federalism) on electoral law issues.

UNDP also worked with UNSOM to organize well received and attended constitutional donor meeting to share information on the UN's support to the constitution and parliament, with many and to promote stronger partnerships and improved coordination amongst donors. UNDP is now supporting UNSOM to develop a new Constitutional Consortium to systematize info-sharing and coordination. UNDP has been also working with AWEPA on organization change and trainings for the Parliament, with MPI on priority legislation and constitution review process and with NDI on support to Puntland Parliament.



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PEACE AND CONFLICT

At a national level, insecurity and conflict markedly increased during the reporting period, due to the ramping up of the offensive against Al-Shebab. The attack on Villa Somalia in February also directly impacted UNDP's engagement with the National Parliament, severely impacting on the ability to deploy technical advisors into Parliament and to provide capacity development support. UNDP is now exploring alternative delivery approaches, including bringing MPs to the MIA Compound for training and more actively utilising twinning arrangements with the Uganda Parliament. At a strategic level, noting the potential for UNDP support to Parliament to exacerbate tension/conflict between the Executive and legislative branches, UNDP has been proactive in engaging with all stakeholders equally and encouraging joint approaches to law-making and constitutional review, including by promoting a Joint Electoral Law Committee and Joint Steering Committee on Civic Education.

GENDER

UNDP has proactively engaged with the parliamentary leadership at the national level, as well as in Puntland and Somaliland, to encourage the participation of women MPs and staff in parliamentary workshops. The UNDP Gender team has initiated activities in support of Women MPs' understanding of the legislative process and work continued to produce a handbook on gender and the constitution. The project has also continued to support the training of 5 young female graduates. Unfortunately, the selection of only 2 female MPs in Puntland has somewhat limited UNDP's entry-points, but efforts will still be made to work with all MPs on issues around gender equality, and to work with women's NGOs to raise awareness. These will include trainings for the Women Caucus on Federal level, and ensuring consultations on legislation and policy for with Women's organizations in SL and PL.

UPCOMING QUARTER

UNDP (in collaboration with UNSOM) will focus on providing support for key constitutional bills, including the HRC Bill, National Electoral Commissions and Boundaries and Federation Commission Bill. UNDP will also focus on training MPs, through seminars offered at the MIA Compound, in particular for the Youth Caucus, Justice Committee and the team undertaking constitutional public awareness and education. As work on constitutional review intensifies, UNDP will also promote joint approaches by Parliament and the new Ministry of Justice and Constitutional Affairs, including providing support to MOJCA through a new LOA, which will prioritise developing a joint strategy for a public awareness campaign and rolling out initial activities. UNDP will also expand its support to the Somaliland and Puntland parliaments, supporting key legislative priorities and representation functions in line with the workplans agreed in Q1.



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REFLECTIONS / LESSONS

The ongoing security situation in Mogadishu is a key challenge facing UNDP's capacity development support to the Parliament, with the attack on Villa Somalia and subsequent direct threats on the UN compound severely disrupting activities, in particular by making it even more difficult to recruit qualified international parliamentary development consultants. In response, UNDP is increasing its recruitment of and reliance on National Project Officers, while also working to develop new delivery approaches, including training for MPs at the UN MIA compound and under twinning arrangements with Parliaments in the region. UNDP is also using in house expertise to fill the gaps.

UNDP is also continuing to strengthen its One UN approaches to ensure that UNDP leverages the scarce expertise on ground for the maximum benefit of the Parliament. In particular, UNDP is working closely with the UNSOM Public Information Office to develop approaches to delivering constitutional public awareness information, and is improving its collaboration with with the UNSOM Human Rights Group and ROLSI Group to draw on their technical expertise to inform key Bills being considered by Parliament. Using on-ground UN experts will hopefully address challenges around recruiting experts into the currently volatile security situation.

An important observation is that political issues within Parliament are regularly delaying implementation of previously prioritized activities. In Q1, work slowed with the election of a new Government, followed by problems with parliamentary quorum. UNDP has little influence over these issues, and although the team have continued to progress programmed activities, the security and political situation remains an ongoing challenge. UNDP will engage more intensely in parliamentary support for constitutional awareness raising and education, as this is more likely to be able to proceed and be of benefit to the country, regardless of the fluid politics within Parliament and the executive branch.

CUMULATIVE PROJECT FINANCIAL SUMMARY	
APPROVED BUDGET	\$1,382,550.00
TOTAL (DISBURSEMENTS + COMMITMENTS)	\$430,650.00
BALANCE OF FUNDS	\$951,900.00
% DELIVERY (AGAINST APPROVED BUDGET)	31%

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LIST OF ACRONYMS USED

AWEPA – Association of European Parliamentarians for Africa
AWP - Annual Workplan
BCPR – Bureau for Crisis Prevention and Recovery
CSO – Civil Society Organization
EAD - Electoral Assistance Department
FGS - Federal Government of Somalia
HoP – House of the People (Somalia Federal Parliament)
HoR – House of Representatives (Somaliland)
HRC - Human Rights Commission
ICST – Integrated Constitutional Support Team
JPLG – Joint Programme on Local Governance (Part of UNDP)
JSC - Judicial Service Commission
LoA - Letter of Agreement
MOJCA - Ministry of Justice and Constitutional Affairs
MoF - Ministry of Finance
MP – Member of Parliament
MPI - Max Planck Institute
NDI – National Democratic Institute
NFP – National Federal Parliament
NIEC - National Independent Election Committee
ROLSI - Rule of Law and Security
SG - Secretary General
UN – United Nations
UNCC – United Nations Common Compound
UNDP – United Nations Development Programme
UNSOM – United Nations Assistance Mission in Somalia
UK – United Kingdom