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Support to Building Inclusive Institutions of Parliament in Somalia

PROJECT:
Support to Building Inclusive
Institutions of Parliament in Somalia

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PROGRAMME:
Governance and Rule of Law

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DONORS:
UNDP BCPR
European Commission
Norway
DFID

CONTEXTUAL ANALYSIS

FEDERAL LEVEL

The fourth session of the Federal Parliament commenced in Q2 and was tasked with considering a number of crucial constitutional and other Bills (including the Judicial Services Commission Bill, ICRIC Bill, and Boundaries and Federation Commission Bill). The Council of Ministers submitted the 2014 Budget to Parliament (nearly doubling last year's budget), and Parliament passed the Budget Bills during this session. Within the context of budget management, the Speaker of the Parliament announced that any cash withdrawals from the Central Bank would only be made with Parliamentary approval in a bid to enhance transparency. Parliament also passed the ICRIC Bill and endorsed 5 new ICRIC Commissioners nominated by the Government in June. Parliament made progress despite increasing insecurity, with Parliament attacked by militants in late May and early July, Villa Somalia attacked in June and two MPs assassinated in April and July.

PUNTLAND

Following the elections in early 2014, the new Government of Puntland continued to enhance its relations with regional and international actors. However, tension between Puntland and Somaliland over the disputed Sool and Sanag regions intensified and worsened when senior Puntland officials accused Somaliland of supporting Al-Shabaab. On 7 April, two international consultants working with the United Nations Office on Drugs and Crime (UNODC) were shot dead by a security guard at the Gaalkacyo airport. Fresh reports of Al-Shabaab sightings suggest that some militants are relocating to Puntland, seeking temporary refuge from the AMISOM offensive in central and southern Somalia. This has resulted in the reduction of UN staff in the region causing low implementation from the project in Puntland.

SOMALILAND

Somaliland politics was dominated by the tensions with Puntland over the disputed Sool and Sanag regions. A visit by the President of Somaliland to the coastal town of Laasqoray in the disputed Sanaag region triggered a military build-up from both sides, sparking accusations of Al-Shabaab affiliations by Puntland, and Somaliland deploying forces to the disputed Sool region and occupying the town of Taleex for 24 hours. This resulted in accusations of Al-Shabaab affiliations by Puntland, which were strongly denied by the Somaliland Government. The ongoing rift between the executive branch and competing political parties inside Parliament continued to fester, which slowed down activities within the Parliament.

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	G
	Result	Prior to entering the recess period, the HoR tabled and discussed 3 items: The wildlife and forestry protection act (in Plenary), the Law reform commission (at Committee stage), and the Amendment of voter registration law (also at Committee stage)	
	Comment	Parliament is now in recess for the month of Ramadan and resumes in August 2014.	
SL	Indicator	1.1.1.1 Level of findings and recommendations from relevant research and data analysis that is incorporated in programming decisions is "high", "medium" or "low"	R
	Result		
	Comment		
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	R
	Result	With the Government only endorsed in mid-Q1, there has been little progress so far in terms of legislative drafting and tabling of laws for Parliament to consider, though some Bills developed under the Farole Govt are being considered.	
	Comment	It is anticipated that Q3 will see more progress made in law-making, once the Government starts tabling more Bills in Parliament in line with its own policy priorities.	
FL	Indicator	2.2.1.1 Number of public servants that participated in organized trainings	Y
	Result	Due to the security constraints in Mogadishu, only one training was conducted in Q2. The training was on management of Letters of Agreement (LoA) and was attended by various government institutions: Parliament (5members, 4M & 1F), MOJCA(3mem, 2M & 1F) MOIF(2mem, 1M&1F) Banaadir Admin(3mem, 3M)	
	Comment	More trainings are anticipated in Q3, some of which were postponed from this quarter due to the deteriorating security situations in Mogadishu. Consultants have been recruited and are on standby to deploy once the security situation improves.	
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	G
	Result	3 key Bills were passed by Parliament this session: the 2014 National Budget, Independent Constitutional Review and Implementing Committee (ICRIC) Bill and the Judicial Service Commission (JSC) Bill. One bill was rejected and one has been tabled for discussion next session.	
	Comment	In early June, the Parliament leadership in conjunction with the executive finally tabled a number of key Bills to focus on for the rest of the current session. These laws were said to be key to the country's Vision 2016 framework.	
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	"Medium" The Human rights Commission Bill was tabled but has not yet been enacted, though the UN has provided advice on its contents. After intensive review, the JSC Bill was just passed and is a step towards improving the rule of law and legal enforcement of human rights.	
	Comment	The new JSC is expected to improve judicial standards, including capacities to uphold human rights. Likewise, the new ICRIC is also expected to incorporate and support human rights provisions in the review of the Provisional Constitution.	
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" An Ad-hoc Electoral Committee (comprising MPs and Ministry officials) was established with the aim to drafting the law to establish the National Independent Election Commission. The law is expected to be tabled in the next session of Parliament.	
	Comment	Establishment of the Ad Hoc Elections Committee was a major step forward towards elections. NIEC legislation is the first step towards setting in place the necessary electoral institutions and frameworks to conduct elections in 2016.	

RESULTS

SL	Indicator	Committees in Parliament strengthened to perform their functions [LF 1.1: Number of established committees supported by UNDP]	G
	Result	The House of Representatives finalized a Committee Work Plan in Q2 as part of the overall HoR Strategy Plan prioritisation exercise.	
	Comment	The work-plan for the next 6 months includes: a consultative workshop on draft bills and oversight missions, and regular meetings with government officials.	
SL	Indicator	LF 3.2: Number of regional visits organized with UNDP support	G
	Result	The Constitution, Judiciary, Justice & Human Right Affairs Committee undertook an oversight mission in June to the main regions of Somaliland (Borama, Gabiley and Hargeisa), to carry out an assessment on all prisons, police stations and the courts.	
	Comment	It is anticipated that the report of the visit will be tabled in Q3 for discussion.	
SL	Indicator		R
	Result		
	Comment		
PL	Indicator	Puntland Strategic Plan inclusively developed, endorsed and action plan agreed	G
	Result	UNDP worked with the National Democratic Institute in April to support the Parliament to undertake an initial strategic planning exercise. UNDP will bring in a Consultant to work with Parliament and NDI to finalise the development of the Strategic Plan and an Action Plan, once security improves.	
	Comment	A Consultant was recruited to provide strategic planning support in June, but security restrictions meant that he was unable to deploy. It is anticipated that the Consultant will be deployed to work with the PL Parliament in Q3.	
PL	Indicator	LF 3.2: Number of regional visits organized with UNDP support	R
	Result	UNDP has not yet supported any regional visits by the PL Parliament because Parliament requested that major activities not be undertaken until the Strategic Plan is finalised, which is anticipated to be completed in Q3.	
	Comment	UNDP support to regional visits is envisaged to start in Q3, if security permits and assuming the Strategic Plan is endorsed and an LOA is agreed by the PL Parliament and includes such support.	
PL	Indicator	Committees in Parliament strengthened to perform their functions [LF 1.1: Number of established committees supported by UNDP]	R
	Result	UNDP has not yet provided any committee support to the PL Parliament because Parliament requested that major activities not be undertaken until the Strategic Plan is finalised, which is anticipated to be completed in Q3.	
	Comment	UNDP support is envisaged to start in Q3, if security permits and assuming the Strategic Plan is endorsed and an LOA is agreed by the PL Parliament which includes support to the Committees. A Consultant was recruited to provide committee training in June but did not deploy for security reasons.	
FL	Indicator	Committees in Parliament strengthened to perform their functions [LF 1.1: Number of established committees supported by UNDP]	Y
	Result	There are currently 15 Committees in the Federal Parliament. They are all being supported by UNDP but have recently shown the need for further administrative and technical support in order to conduct their day-to-day activities.	
	Comment	Two consultants were recruited to provide more intensive committee support in June, but security constraints prevented their deployment. It is anticipated they will provide committee support in Q3, if security improves.	

RESULTS

FL	Indicator	NFP Strategic Plans inclusively developed and implementation progressed	G
	Result	The Strategic Plan of the Federal Parliament was revised and finalised in Q1 2014. Small adjustments continue to be made gradually, and final sign-off is now in its final stage.	
	Comment	The Secretary General of the Federal Parliament is making final touch-ups on the Strategic Plan and will share it with all partners in Q3.	
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]	G
	Result	The Budget Committee of the Federal Parliament continues to be supported by UNDP and oversees Government expenditures. Intensive work was done in Q2 by the Budget Committee to reconcile the proposed government budget with Parliament's proposed amendments before the Budget was approved.	
	Comment	The 2014 Budget was endorsed by the Federal Parliament in Q2, following engaged discussions by MPs.	
FL	Indicator	Parliamentary leadership confident to manage the business of the chamber [LF 2.1: Technical assistance provided to the Parliamentary leadership]	G
	Result	UNDP continues to provide support to the leadership of the Parliament through UNDP staff and an intermittent UN Advisor to the Speaker.	
	Comment	A Consultant was recruited to provide training to the new Directors inside the Administration, but was unable to deploy due to the security situation. It is anticipated he will deploy in Q3, if security improves.	
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	45 graduates supported by UNDP continue to be the backbone of the Parliamentary Administration and the Office of the Speaker in terms of providing administrative support.	
	Comment	These graduates continue to grow professionally and some have advanced to higher positions in the Parliament. A Consultant was recruited to review the training needs of the graduates, but was unable to deploy due to the security situation. It is anticipated he will be deployed in Q3.	
FL	Indicator	Functioning website functions as key source of information for the public re Parliament	G
	Result	There has been an improvement on the quality of update to the Parliamentary website in both English and Somali. Updates are more regular and include a wider variety of information.	
	Comment	More work and improvements still need to be done.	
FL	Indicator	Media reporting on Parliament increasingly evidence based and reliable	G
	Result	The outreach section of the Federal Parliament has approached media services to discuss ways of broadcasting the work of the Parliament to the public. The improved content of the Parliamentary website has also given access to more detailed information to media services.	
	Comment	In Q3 it is anticipated that new civic education and media liaison staff will be recruited who will ramp up activities in this area.	
FL	Indicator	Civic education programme implemented [LF 4.3: Number of civic education initiatives implemented]	Y
	Result	In May, a meeting was held between key public outreach MPs and staff from Parliament and MOJCA to strategize on civic education. UNDP developed a concept note proposing a Joint Steering Committee on Civic Ed, but this awaits final agreement on the roles of the MOJCA, Parliament and ICRC.	
	Comment	A meeting of MOJCA, Parliament and ICRC was held in early July to agree on roles/responsibilities. Once a read-out is given on how they will proceed, UNDP will facilitate another meeting at working level to develop a coordinated civic education implementation plan (in collaboration with UNSOM PIO).	

RESULTS

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]	G
	Result	The ICRIC Bill was adopted in Q2 and 5 Commissioners nominated by the Executive and endorsed by Parliament. The Judicial Services Commission Bill was also passed, but the BFC Bill was deferred and the NIEC Bill is still being drafted.	
	Comment	Considerable progress was finally made in Q2, and the establishment of these key institutions, as well as endorsement of a Vision 2016 Framework by the PM, is expected to trigger growing momentum in support of constitutional review over the remainder of 2014.	
FL	Indicator	LF 4.2: Number of public consultations undertaken in support of the constitutional review process with UNDP support	Y
	Result	Due to the security constraints, the Parliament Constitutional Oversight Committee was only able to conduct public consultations through the media. Radio Mogadishu/Somali National TV in particular invited members of the Committee to sessions open to the public to discuss the Constitution.	
	Comment	It is anticipated that Parliament and the new ICRIC, along with Ministry of Justice and Constitutional Affairs, will soon commence a joint cooperative effort to undertake systematic consultations about the constitutional review process.	
FL	Indicator	LF 1.2: Legal research unit established with UNDP support	G
	Result	A small Legal Unit is now in place and providing support primarily to help MPs review and revise proposed Bills, as part of Parliament's Legislative Section.	
	Comment	In Q3, UNDP will hire an additional Legal Advisor (national) to support the Legal Unit to develop its internal Capacity Development Plan, in order to ensure it delivers quality services to MPs. This recruitment process is underway.	
FL	Indicator	LF 1.4: Number of oversight meetings held with UNDP support	G
	Result	Over 10 meetings were held in Q2 focused on Parliamentary oversight of the Government. A number of Committees called key Ministers to answer questions during the session; some of the Ministers regularly called to appear in Parliament were the Minister of Security and the Minister of Interior.	
	Comment	Parliament has been quite proactive in using its oversight powers to hold Government Ministers to account through parliamentary Question Time, especially following the numerous attacks that took place in Q2.	
FL	Indicator	LF 3.2: Number of regional visits organized with UNDP support	G
	Result	29 MPs have been able to conduct regional visits with UNDP support.	
	Comment	Findings from regional visits were shared with Parliament in a special session dedicated to public engagement.	



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ACTIVITY HIGHLIGHTS

FEDERAL LEVEL

With UNDP support, 29 MPs have been able to conduct public outreach during the Parliament's recess period and findings were shared with Parliament in a special session in Q2 dedicated to public engagement. The young graduates continued to gain experience through exposure and involvement in the Parliament's work. UNDP continued to support internet access for research, and helped the Parliament website to be more regularly updated with uploading of House minutes, resolutions, laws passed and bills at their different stages of readings now all available on the website. Following the 24 May attack on the Parliament building, UNDP supported damage repairs and Parliament is now up and running again, but the second attack on Parliament has further curtailed UNDP's activities.

PUNTLAND

In April, UNDP worked with the National Democratic Institute (NDI) to support the Puntland Parliament to undertake an initial strategic planning exercise, which is intended to set in place a framework to guide the support of all partners over the coming 5 years. Drafting of the Strategic Plan is underway, and UNDP will contribute a consultant to support finalisation and endorsement of the plan, once the security situation improves. UNDP also worked with UNSOM and NDI to support a similar strategic planning exercise for the new Ministry of Constitutional Affairs, federalism and Democratisation. Support for democratisation will complement parliamentary development. UNDP has developed a draft LOA for Parliament, which will be finalised in line with the final Strategic Plan.

SOMALILAND

The Somaliland HoR finalized the Committees' work plan for the next 6 months and set up the HoR Strategy Priority Plan with UNDP support. In May, a 2-day workshop was conducted by the House of Representatives with UNDP support on ways of prioritizing the activities in the endorsed Strategy Plan. The outcome was to split the plan into three priority areas, each with a six-month time frame. The HoR was also able to visit the University of Hargeisa in June, in a bid to inform young people of the work of the Parliament in the last eight years. A four day workshop was also held with UNDP support in June where an ad-hoc committee was created to monitor progress of parliamentary development activities.

PARTNERSHIPS

During Q2, the project's relationship with UNSOM continued to strengthen, with the Project team undertaking a joint constitutional strategic planning session with UNSOM in April. This led to an agreed set of priorities, which were communicated as a joint outcomes document to the SRSG, and continue to be progressed jointly. Notably, the UNSOM relationship has also broadened, to include the UNSOM ROL team (for example, in relation to the Judicial Services Bill) and the UNSOM Public Information Office (to explore options for joint civic education support). Institutionally, the Project also broadened its set of national partners; during Q2, the Project developed a new package of constitutional capacity support for the MOJCA.

The Project also strengthened its partnerships in Puntland in particular, following the endorsement of the new Parliament and Government. A draft AWP has been developed with the Parliament, which will be finalised in line with the Parliament's Strategic Plan (currently under development in partnership with NDI). The Project also engaged with the new Minister for Constitutional Affairs, Federalism and Democratisation, and has developed a new package of support for her Ministry which will be rolled out in Q3. Again, this was done jointly with NDI and Interpeace, and in collaboration with UNSOM. In Somaliland, partnerships broadened with the HoR conducting consultative meetings with UNDP, IRI and AWEPA on priority areas of the strategic plan for support.



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PEACE AND CONFLICT

During Q2, while there were some security gains for AMISOM in the South, security deteriorated in areas in which the Project is operating. In May, the National Parliament was attacked by militants, with a number of MPs injured and most recently in early July the Parliament was attacked again, as was Villa Somalia. These attacks have directly impacted on UNDP's ability to deliver, making it much harder to attract experts and making it operationally difficult to deploy existing contractors to the Parliament. This also limited the movement of UNDP staff themselves, both with Parliament and with the Ministry of Justice and Constitutional Affairs. At times, high threat levels have led to cancellation of meetings with senior officials. At the same time, security in Puntland substantially deteriorated due to skirmishes with Somaliland, partially resulting in the withdrawal of most UNDP internationals. Again, this severely undermined the Project's ability to deliver on programming commitments.

GENDER

In Q2, UNDP continued to work with the parliamentary leadership to encourage the participation of women MPs. In June, the leadership of a women's caucus in the Federal Parliament was established (primarily through support from AWEPA, who UNDP has recognised will lead on this activity). The caucus was created with the aim of promoting women MP's capacities to engage in parliamentary decision-making. The new leadership of the caucus will be supported by UNDP's general parliamentary capacity building, to strengthen their ability to engage in committee work as well as plenary debates. The 5 female graduates amongst the 45 being supported by UNDP continue to gain experience both at administration level and in their respective areas of expertise. They also receive mentoring from MPs in the form of involvement in outreach activities.

UPCOMING QUARTER

With Ramadan falling during Q3 (July), work will considerably slow down with counterparts, but this time will be used to focus on finalising the core complement of staff for the Project and getting various agreements and activity plans bedded down in readiness for renewed active implementation after Eid. It is envisaged that the issues around the ICRIC will have been worked through during July, such that UNDP will put particular focus on ramping up support to the new Commission. Efforts will then be made to progress a civic education programme jointly with Parliament, the ICRIC and MOJCA. In Puntland, it is hoped the security situation will improve in Q3, which will enable work to restart with Parliament and MOCFAD, which will be led by a newly recruited Organisational Dev. Advisor (national) and Parl. Development Consultant (international). In Somaliland, Parliament work will focus on strategic planning and committee support through a Parl. Development Consultant (international).



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REFLECTIONS / LESSONS

Noting the attack on the National Parliament during Q2, and the deteriorating security situation in Puntland, UNDP again notes that correction action needs to be taken by the international community to contribute to improved security to enable operations to progress at pace (namely, through establishing some form of "Green Zone" in Mogadishu). While the Project made considerable progress in staffing up and moving activities forward in Q2, once again, security impinged on the Project team's ability to source and then deploy experts in support of counterparts. In response, the Project is now also exploring options for holding training activities outside the country, but this still needs to be negotiated with counterparts. The Project is also developing partnership agreements with counterparts (ie. Letters of Agreement) which enable nationally-led implementation of activities, with a focus on technical/expert assistance from UNDP (rather than operational or procurement support).

In Q2, the Project also implemented a more regionally balanced strategy, which focused on more equal support to all three legislatures (Federal, Puntland, Somaliland). This is both a developmentally sound approach, as well as a risk management strategy, which aims to ensure UNDP can ramp up support in safe areas and recalibrate support in more insecure areas.

CUMULATIVE PROJECT FINANCIAL SUMMARY	
APPROVED BUDGET	\$ 4,648,129.00
TOTAL (DISBURSEMENTS + COMMITMENTS)	\$ 960,115.00
BALANCE OF FUNDS	\$ 3,688,014.00
% DELIVERY (AGAINST APPROVED BUDGET)	20.66%

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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
ICRIC - Independent Constitution Review and Implementation Commission
ICST – Integrated Constitutional Support Team
IRI - International Republican Institute
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
MoI - Ministry of Interior
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