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Technical assistance and capacity-building

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Moving forward in Somalia**

International Educational Development, Inc. and the Association of Humanitarian Lawyers have worked on the situation in Somalia for a number of years.¹ Despite the current humanitarian and political crises we remain hopeful that Somalia can move forward.

In 2011, the worst drought in 60 years had a disastrous impact on Somalia, resulting in the worst annual crop production in 17 years, excess animal mortality, and very high food prices.² This caused thousands of deaths due to starvation, many more ill from malnutrition, and large-scale displacement as people searched for food. The fighting between Al-Shabaab and the Kenya Defense Forces (KDF), AMISOM troops and Transitional Federal Government (TFG) troops heightened the disastrous effects of the drought. In spite of urgent need, only when the United Nations declared famine in several regions of Somalia and the Consolidated Appeals Process (CAP) was revised from \$500 million to \$1 billion in Mid-2011, was there a significant increase in donations.³

We appreciate traditional donors who increased their 2011 contributions, including the United States, the United Kingdom, Australia, and Canada. We highlight significant contributions from new donors such as Saudi Arabia, Turkey, Brazil, China, the United Arab Emirates and Qatar.⁴ These donations helped to reduce malnutrition significantly, prompting the UN in November to downgrade the humanitarian situation in the Bay, Bakool and Lower Shabele regions from famine to emergency levels.⁵ At time of writing the UN has declared the drought over and there will be a large harvest soon. However, four million Somalis remain in crisis, with 250,000 people still at serious risk. The UN has warned that any delay in raising funds for the 2012 CAP could be disastrous for those already suffering, and we urge that it be met as soon as possible.⁶ Moreover, we encourage States to be more accommodating of Somalia in regards to anti-terrorism measures for the present time, simply because urgent aid and remittances need to be able to reach all Somalis.⁷

We also stress the importance of developing a long-term strategy for famine prevention. This long-term strategy requires, inter alia, use of climate-appropriate crops, development of improved rainwater harvesting and irrigation techniques, improved transportation, and the enhancement of microfinance programs to build an economy less dependent on agriculture.⁸ In this regard we urge that there should be a conference with both the

** The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

¹ Association of Humanitarian Lawyers researcher Diya Malani assisted in the preparation of statement.

² FSNAU/FEWS NET Press Release, available at: <http://www.fsnau.org/in-focus/famine-continues-observed-improvements-contingent-continued-response>

³ Donations totaled \$835,681,690 for 2011. The Somalia CAP ended up one of the best-funded humanitarian appeals in 2011 with 83.3% coverage.

⁴ Somalia Consolidated Appeal 2012, p. 31, available at:

<http://ochaonline.un.org/somalia/AppealsFunding/CAP2012/tabid/7602/language/en-US/Default.aspx>

⁵ <http://www.un.org/apps/news/story.asp?NewsID=40446&Cr=somalia&Cr1=>

⁶ <http://www.unocha.org/top-stories/all-stories/somalia-without-aid-thousands-lives-will-be-risk-next-year-warns-un>

⁷ See, e.g., <http://www.guardian.co.uk/global-development/2012/jan/04/aid-us-remittance-money-somalia>

⁸ Important existing ones include Safa Marwa Relief and Development Organization (SAMRADO), Humanitarian Action for Relief & Development Organization (HARDO), Agrosphere Somalia, and CARE Somalia

government and members of civil society, perhaps facilitated by OCHA, with the participation of the Special Rapporteur on the right to food focusing on obstacles to and long-term strategies with benchmarks for food security in Somalia. Special attention should be paid to looking at best practices.⁹

Attention must also be paid to the nearly 1 million refugees and 1.5 million internally displaced Somalis.¹⁰ In general terms, conditions in refugee and IDP camps are not good and there is a chronic shortage of resources. One distinct problem that has arisen is the breakout of diseases, which have spread easily because of the poor water quality in the camps and because those suffering from malnutrition are more susceptible to disease.¹¹ In response, there has been an increase in vaccination campaigns, as well as resources spent on hygiene supplies such as emergency diarrheal disease kits and household hygiene supplies. We encourage the special rapporteurs on the right to health, the right to water and sanitation, and internally displaced persons to call attention to this issue. Furthermore, a serious problem with violence and insecurity has developed in both refugee and IDP camps. For example, in December 2011 a Somali refugee leader was shot and killed and there were two bomb blasts in the Dadaab Refugee complex.¹² There has also been a vast increase in violence against refugee and internally displaced women, especially because the famine and fighting has caused women to shift and split away from the traditional protection of the clan. During her trip to Somalia, the Special Rapporteur for violence against women noted that the absence of accountability mechanisms and specialized services for victims contributed to the lack of reporting and general invisibility of such crimes.¹³ We highlight two models for improving the situation. First, the Elman Peace and Human Rights Center—led by human rights activist Fartun Adan and based in Mogadishu—has focused on giving rape victims individualized solutions informed by local context. This model's one-on-one approach is important in Somalia where a large-scale approach to sexual violence and rape would probably not succeed. Second, the essence of the Man Up campaign founded by Jimmie Briggs, which centers on engaging youth in fighting violence against women through music and sport, should be looked to because campaigns empowering the youth through inexpensive activities can help build a foundation for respect of women and prevention of violence against women.

Fighting between Al-Shabaab and the KDF-AMISOM-TFG alliance has led to even more insecurity. Importantly, the fighting has resulted in civilian casualties, caused by suicide blasts, the use of human shields, shelling and gunbattles.¹⁴ We join others in noting all sides have violated the laws of war by conducting indiscriminate attacks and other abuses. We urge all parties to be more cautious in their fighting, and recommend greater training by military and consultations with international humanitarian law experts focusing on how to limit civilian casualties in the context of this conflict. In addition to civilian casualties, it is widely reported that ethnic Somalis in Kenya (both refugees and citizens) face enhanced discrimination since the beginning of Operation Linda Nchi. Innocent Somalis are often criminalized when KDF troops are killed or injured by Al-Shabaab. We recommend that there needs to be an inquiry into all abuses, with the participation of all relevant actors. We encourage the Independent Expert on Somalia to work to ensure that it occurs.

⁹ In our view, Ethiopia's Productive Safety-Net Programme (PSNP) and Brazil's Fome Zero plan warrant attention.

¹⁰ UNHCR – Somalia, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483ad6&submit=GO>

¹¹ <http://www.un.org/apps/news/story.asp?NewsID=39286>

¹² <http://www.unhcr.org/4efda8d26.html>; <http://www.unhcr.org/4ef1ec326.html>

¹³ Violence against women: UN expert concludes visit to Somalia, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11719&LangID=E>

¹⁴ CIVIC, Civilian Harm in Somalia: Creating an Appropriate Response, available at:

<http://civicworldwide.org/healing-the-wounds/somalia/somalia-report-2011>

We note little sustainable progress has been made politically, and consider 2012 a crucial year for Somalia. The first important political goal to be accomplished in 2012 is the election of a President and a Speaker of Parliament, which were delayed by one year through the Kampala Accord.

The second important political goal to be accomplished in 2012 is the drafting and ratification of the new constitution. In order to achieve this goal, it is crucial that the parties put aside in-fighting and arguing that has so hampered progress in this regard. We recommend that both the 1960 Constitution of the Somalia Republic and the 2004 Transitional Federal Charter be consulted in the preparation of the new constitution. Secondly, UNPOS should make available experts in constitution drafting. UNPOS should also make available technical assistance to the National Constituent Assembly (NCA) during the ratification process. Prior to the nominations for the NCA, it may be useful for UNPOS to organize another Constitutional Conference re-assessing and detailing the NCA and the ratification process as there is some uncertainty and confusion in the nomination process, established by the Garowe Principles, now on the table.¹⁵ In this regard, those involved in drafting and ratifying the Constitution of South Sudan (who had a similar Assembly to ratify their Constitution) may usefully be consulted. We would like to reiterate the recommendation by the Independent Expert on Somalia that the TFG should make good use of the sophisticated communications equipment reportedly received by UNPOS from New York to raise public awareness in the constitution-making debate.¹⁶ In this regard we suggest the creation of an interactive website with updates on the progress of the constitution and space for discussion, similar to the online consultation forum created by Special Representative of the Secretary General on human rights and transnational corporations John Ruggie for his ‘Guiding Principles for the Implementation of the UN ‘Protect, Respect and Remedy’ Framework.’¹⁷

Finally, we recognize the significant effect the political crisis in Somalia has had on the human rights of the Somali people, who cannot access services or justice that would support their human rights. We recommend that the Independent Expert focus his attentions on the Somali judiciary system, which is disjointed between Somali customary law (Xeer), Sharia law, and civil law. We recommend that the Independent Expert, in conjunction with the Human Rights Unit of UNPOS, work on providing human rights training to the judiciary and in general, on projects to strengthen the judiciary.

¹⁵ On a positive note, we would like to acknowledge the advancements made by the Garowe Principles in lowering the number of parliamentarians from 550 to 225, which represents a strong move against corruption and bloated government. In this regard, we recommend more transparency in government expenses and accountability for government corruption at all levels, with oversight within the Somali government and by donor countries and UNPOS.

¹⁶ Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari (Aug 29 2011), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/155/91/PDF/G1115591.pdf?OpenElement>

¹⁷ <http://www.srsgconsultation.org/> (not available); See <http://blogs.law.harvard.edu/corpgov/2010/12/02/guiding-principles-on-business-and-human-rights/>