

Office of the United Nations High Commissioner for Human Rights

**Preliminary Human Rights Assessment on Somalia
19 July to 2 August 2008**

Mission Report

I. Introduction

1. From 19 July to 2 August 2008, the Office of the United Nations High Commissioner for Human Rights (OHCHR) undertook a preliminary human rights assessment mission on Somalia. The mission was dispatched at the request of the Special Representative of the Secretary-General (SRSG) of the United Nations Political Office for Somalia (UNPOS) and in accordance with Human Rights Council Resolution A/HRC/RES/7/35 of 28 March 2008 (See Annex 1), requesting OHCHR to strengthen its presence in Somalia to provide technical assistance and advisory services to the relevant Somali institutions. In addition, the mission was also prompted by Security Council Resolution S/Res/1814 of 15 May 2008 (See Annex 2), requesting the Secretary-General to establish an effective capacity within UNPOS to monitor and enhance the protection of human rights in Somalia.

2. Further to these requests, in June 2008 the United Nations High Commissioner for Human Rights, in consultation with the Transitional Federal Government of Somalia (TFG) through its Permanent Representative to the United Nations Office at Geneva, approved the deployment of an OHCHR mission to Somalia and the region to analyse and conduct a preliminary assessment of the current human rights challenges in Somalia with a view to formulating recommendations for steps to be taken to advance human rights protection, promotion and advocacy in the short, medium and long term. The findings and recommendations of the mission were to form the basis for the work plan of the reinforced Human Rights Office of UNPOS.

3. More specifically, in the context of the overall security and political situation, the mission was mandated to undertake a general assessment of:

- a. The prevailing human rights situation in Somalia, including a general mapping of the nature and pattern of alleged violations, options for enhancing human rights monitoring and reporting, as well as options for the involvement of a broad range of actors in gathering information on the human rights situation.

- b. The needs of national counterparts, including the Transitional Federal Government and Institutions (TFG/TFIs) as well as civil society and other actors, in terms of support in building mechanisms for human rights protection and in strengthening national capacities. This should include an assessment of practical options for implementing capacity and institution building activities in the short and medium term, including an assessment of the feasibility of developing codes of conduct for the military and the police. The mission should assess the advisability of conducting activities in “Somaliland” and “Puntland”,¹ and could also involve formulating recommendations to other United Nations entities.
- c. The current situation with regard to transitional justice and accountability for past and present human rights violations and abuses, including international crimes, as well as the views of various relevant actors on how to proceed on these issues. This should also include conducting a basic assessment on the capacity of Somalia's judiciary in addressing transitional justice and accountability issues.
- d. Opportunities to include human rights provisions in the constitutional drafting process and mainstream human rights in the peace talks/ongoing dialogue between the TFG and the opposition.
- e. The potential for establishing a national human rights institution, including the general requirements in terms of resources and substantive support and capacity building required.

II. Composition, programme of meetings and places visited

4. The mission team, which was designated by the Chief of the Field Operations and Technical Cooperation Division, was led by a Senior Human Rights Officer. Other team members included a Human Rights Officer from the Rapid Response and Peace Mission Support Unit and a Human Rights Officer specifically recruited for the mission to carry out preliminary research prior to the mission. In Kenya and Somalia, a Human Rights Officer from the Human Rights Office of UNPOS also formed part of the team.

5. Prior to departure, the mission team met with the Permanent Representative of Somalia to the United Nations Office at Geneva, Ambassador Yusuf Mohamed Ismail Bari-Bari, and shared with him a *note verbale* informing the TFG of the dates of the mission. On 19 July, the team travelled to Nairobi, Kenya, where it subsequently held meetings with colleagues from UNPOS (the SRSG was unfortunately not in Nairobi during the mission's presence), the Resident Coordinator/Humanitarian Coordinator (RC/HC), representatives and staff of various UN agencies, the ICRC, INGOs and several experts on Somalia.

¹ Throughout the report “Somaliland” and “Puntland” are used because of common usage and readability. The use of these terms is not an indication of any position on the part of OHCHR.

6. The mission team was originally scheduled to travel to several locations in Somalia. However, due to the prevailing security situation, including the targeted assassination of a senior UNDP staff in Mogadishu on 6 July 2008, strict travel restrictions were adopted by the UN security system on 9 July which suspended all external missions to south and central Somalia and “Puntland” which were in security phase IV and V. For this reason, the mission was not in a position to travel to Mogadishu, Baidoa, Garowe and other locations in south and central Somalia. From 22 to 26 July the mission was in Hargeisa (“Somaliland”), where it held meetings with “Somaliland” authorities, including the Minister of Interior, the Minister of Defence, the Minister of Justice, the Speaker of Parliament and the Chairperson of Parliament’s Human Rights Committee, as well as local and international NGOs, UN staff and other local interlocutors. Due to insecurity in Mogadishu and Baidoa, a number of UN staff had relocated to Hargeisa and the mission had the opportunity to meet and discuss the situation in the south and central regions with them. The mission also met with a number of national NGO staff from the Mogadishu area who were in Hargeisa at the time. The mission met with some UNDP staff from Garowe as well as with a few NGO staff from “Puntland” who were transiting through Hargeisa. In this sense, the mission did have the opportunity to meet with some key interlocutors to get a better understanding about the human rights situation in “Puntland”, Mogadishu, Baidoa and other areas where it was not able to travel because of security restrictions.

7. During the second leg of its visit to Nairobi, from 26 to 30 July, the team met with the Ambassador of Somalia to Kenya, H.E. Mohamed Ali Nur, diplomatic representatives from the “International Contact Group” and other interlocutors. On 27 July, with the support of UNHCR Kenya, the team undertook a one day visit to the Dadaab refugee camp in Kenya close to the border with Somalia, which currently hosts more than 230,000 refugees. There the mission conducted interviews with individuals who had recently fled Mogadishu.

8. While the mission met with the ambassadors of Somalia in both Geneva and Nairobi, it had no other meetings with official representatives of the TFG/TFIs. The mission contacted the Embassy of Somalia in Nairobi on several occasions to request meetings with TFG/TFI officials, including the Speaker of Parliament, who was in Nairobi at the same time as the mission. Unfortunately no meetings could be arranged.

9. From 30 to 31 July, the team was in Djibouti and met with leaders of the Alliance for the Re-Liberation of Somalia (ARS), including Sharif Hassan Sheik Aden, Chairman of the Central Committee and former Speaker of the Transitional Federal Parliament, Sheikh Sharif Ahmed, Chairman of the ARS-Alliance (Islamic Court Unions), Ms. Fawzia Mohammed Sheikh, Secretary of Human Rights and War Crimes of the ARS, as well as with a member of the National Union of Somali Journalists (NUSOJ) and the Chairman of the Somali Minority Rights and Aid Forum (SOMRAF). On 1 August the team was in Addis Ababa, Ethiopia, where meetings were held with the Director, Peace and Security Department (*a.i.*) of the African Union, the Head of the African Union Mission to Somalia (AMISOM) Strategic Planning and Management Unit, and the Defence Attaché of the Embassy of the United Kingdom. While the mission had initially requested and confirmed a meeting with the Ethiopian Ministry of Foreign Affairs, the meeting was cancelled by the Ministry shortly prior to the arrival of the team in Addis Ababa. The Ministry indicated that it thought it best that the mission discuss the Somalia situation directly

with the country's authorities or the Ethiopian authorities in Somalia, and also noted that a meeting had been held on 12 July 2008 with the Independent Expert on the situation of human rights in Somalia.

III. Overview of the human rights situation in Somalia

10. Somalia is a state party to the following international human rights instruments: the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Although the previous Transitional National Government signed the Convention of the Rights of the Child in May 2002 and the current TFG the Optional Protocol on the involvement of children in armed conflict in September 2005, neither has so far been ratified. In addition, Somalia is party to the four Geneva conventions on International Humanitarian Law, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

11. The absence of an effective central government since President Siad Barre was overthrown in 1991 left Somalia lawless and exposed to inter-clan warfare in many regions, notably the Mogadishu area. Since then the country suffered internal armed conflict and a high level of violence and witnessed massive human rights abuses and violations. The critical situation of civilians has further been exacerbated by humanitarian crises due to cycles of severe droughts and widespread flooding.

12. Efforts to establish an effective national administration have so far failed. The present national institutional framework was created in February 2004 and set out in the Transitional Federal Charter (TFC). Following the conclusion of a two year IGAD-led Somalia National Reconciliation Conference, the Transitional Federal Government (TFG), based on the Charter, was formed in October-November 2004 in Nairobi, Kenya, with the creation of the Transitional Federal Institutions, including the Transitional Federal Parliament (TFP). At the same time Abdullahi Yusuf Ahmed was elected as President of Somalia and head of the TFG by the Parliament. The Charter provides for a transitional period of 5 years, after which a permanent government should be established following national elections in 2009.

13. The TFG's authority was challenged in 2006 by the Union of Islamic Courts (ICU), which briefly established control over Mogadishu and many parts of south and central Somalia. However, in late 2006 Ethiopian forces intervened at the request of President Abdullahi to support the TFG in ousting the ICU. In addition, Resolution 1744 (2007) of 21 February 2007 of the UN Security Council authorized the establishment of the African Union Mission in Somalia (AMISOM), aimed essentially at contributing to the initial stabilization phase in Somalia. Since then, ICU and other opposition militia have continued their fight against the government and Ethiopian forces, mainly in the capital Mogadishu.

14. On 9 June 2008, with the facilitation of UNPOS, a new agreement was reached in Djibouti between the TFG and the moderate faction of the opposition, the Alliance for the Re-liberation of Somalia (ARS). The agreement stipulated the cessation of armed

confrontation, the establishment of a Joint Security Committee and a High Level Committee to address challenges related to security, political cooperation, justice and national reconciliation, as well as the eventual departure of the Ethiopian forces which are to be replaced by an International Stabilisation Force or a UN Peacekeeping or Peace building force. The agreement was formally signed on 18 August in Djibouti, during the first meeting of the two Committees.

15. In north-western Somalia, the self-proclaimed “Republic of Somaliland” has managed to secure relative stability for itself over the past years. “Somaliland” declared independence on 18 May 1991. It does not recognise the authority of the TFG, nor has it been recognized by any country as an independent state.

16. In north-eastern Somalia, the leaders of “Puntland” declared it to be an autonomous state in 1998, without seeking outright independence from Somalia. “Somaliland” and “Puntland” are in conflict over the provinces of Sool and Sanaag, including the Sool provincial capital Las Anod, and armed clashes have been taking place in the area over the last years.

17. Despite the recent political progress of the Djibouti agreement, the precarious human rights and humanitarian situation in southern and central Somalia critically worsened over the past two years, particularly in the Mogadishu area. During the past months it reached alarming levels in terms of human suffering. Many of the mission’s interlocutors observed that the situation in Mogadishu was presently at its worst since 1992. Serious, widespread and systematic violations of international humanitarian and human rights law continue to be reported with alarming regularity.

18. In Mogadishu, regular indiscriminate attacks in which heavy artillery, mortars, rocket-propelled grenades, heavy machine guns and roadside bombs were and are being used, as well as targeted assassinations, have caused thousands of deaths and wounded, as well as destruction of property with whole neighbourhoods razed to the ground. Many of the accounts received by the mission team indicated that the culprits are at times TFG forces – police or military – acting with the support of Ethiopian troops. At times, following attacks against their soldiers, Ethiopian troops reportedly carry out reprisals which may involve shelling of civilian quarters, causing innumerable casualties as well as damage to property and infrastructure.

19. A new dimension to the conflict is that it is often no longer possible to clearly identify the perpetrators, as many actors cannot be differentiated by their uniform or clothing, while others blend in with civilians, and yet others may be serving financial, clan-based or even opportunistic interests rather than political ones. The TFG and others argue that insurgents often carry out attacks in police uniforms, which appear to be widely available inside Somalia, with the clear intent of implicating the TFG in those attacks. Therefore, it is arguably more difficult to attribute responsibility. However, the point was repeatedly made that the TFG forces and police are not paid regularly – except those receiving stipends from a programme sponsored by UNDP – and that they have to “pay themselves” through ransom, extortion and illegal fees collected in unauthorized checkpoints. TFG forces have also been described as being fragmented, loyal to clan leaders or to specific individuals or groups represented in the TFG.

20. Insurgents have also been accused of disregarding civilian life and property. They have often used civilian homes as shelters to carry out attacks, allegedly to foment opposition to the TFG – Ethiopian forces as they engage in retaliatory or indiscriminate attacks. Insurgents have also been accused of carrying out bomb attacks, which often result in high number of civilian casualties, in killing those accused of being “collaborators” and in intimidating the population into not cooperating with the TFG.

21. All parties to the conflict have reportedly recruited children off the streets and from schools to fight in their militias, paying them according to the activity they perform. Children are said to be recruited to commit targeted killings, terrorist attacks.

22. Women and girls continue to be victims of both conflict-related and of sexual- and gender-based violence. Female Genital Mutilation (FGM), in its most severe form of infibulation, is still very widely practiced. Women also continue to be discriminated in the context of traditional and customary laws, such as with regard to compensation. The participation of women in government and the judiciary is still lagging behind. It was reported that levels of rape have increased, now also including the phenomenon of “gang rape”, as a form of retaliation against opponents in the conflict but also as a symptom that traditional mechanisms – which were already inadequate – have also collapsed. Access to basic services is particularly difficult for women and children, which end up in situations of extreme vulnerability. In Somaliland, there have been reports of girls attempting or committing suicide because schooling is reserved for boys in the family. Furthermore, strong resistance to equality is based on practices emanating from customary law, which many believe are based on Shari’a while in reality they are not. Gender-based violence against women and girls, especially amongst IDPs, was also reported. As single female headed households constitute the majority of adults in IDP and refugee camps, these women generally lack the protection of male relatives rendering them more vulnerable. Perpetrators are almost never brought to justice. These women furthermore bear the brunt of raising their children under very difficult circumstances.

23. In addition, members of civil society, especially intellectuals, journalists and human rights activists, have continuously and deliberately been faced with harassment, arbitrary arrests and detention. Human rights defenders and journalist interviewed by the mission team elsewhere also reported having received serious death threats which had led some of them to flee Mogadishu. Since February 2007, at least ten journalists have been killed in Somalia, the majority working for radio stations. Many others have been threatened and intimidated or arbitrarily detained, allegedly for reasons directly linked to their profession; others have fled the country. Access to independent information is therefore critically hampered.

24. Discrimination against minorities and persons with disabilities was also consistently reported, by recently asylum-seekers to Dadaab and in Somaliland. Social constraints put obstacles to inter-marriage, access to work is restricted to traditional jobs – normally those enjoying the lowest social status and pay. In a context of total breakdown of law and order, lack of protection from clans detracts them even from this shelter provided by customary law. Persons with disabilities, many of which caused as a result of the protracted conflict, are also subject to

discrimination; in Somaliland this is also institutionalized through legal and administrative requirements of “physical and mental fitness” for any type of public employment.

25. Civilians in Mogadishu are regularly caught in the crossfire between TFG and/or Ethiopian troops fighting opposing armed groups. Regular indiscriminate shootings from both sides have engendered a massive displacement of the population from the capital to other parts of the country, which were already facing serious humanitarian challenges. In a desperate effort to flee the violence and poverty, many Somalis risk their lives to undertake the perilous journey across the Gulf of Aden from Somalia to Yemen. UN sources indicate that more than 22,500 people -most of them Somalis- have attempted this journey in open boats this year. At least 165 have died and another 220 are missing. Others will seek to flee to secure areas within Somalia or to neighbouring countries. UN sources indicate that 600,000 civilians have been displaced from or within Mogadishu during 2007 and according to the Population Tracking Database run by UNHCR, more than 135,000 people were displaced since 1 January 2008. UNHCR furthermore reported that the monthly figure for newly arrived refugees in the Dadaab camp had risen from an average of 1,800 per month in 2007 to 4,000 in 2008

26. The majority of individuals the team members interviewed in the Dadaab camp and who had arrived in the weeks prior to the mission stated that their main reason for fleeing was insecurity and threats by unknown actors. All these new arrivals had relatives and / or neighbours who had been killed, some following their residence was in a conflict area and bombs fell onto them. A 34-year-old qualified mid-wife spoke about her six year old son who was killed in crossfire in Mogadishu while returning home from school at midday; she fled with her seven other children as well as two orphaned children and gave birth to her latest child on her way to the camp. A 50 year old school teacher lived in constant fear whether his three oldest children aged 7, 9, and 13 would come home safely from school; he only ventured outside to travel from his house to school and back.

27. With only 2,900² of the approved 8,000 troops on the ground, AMISOM remains ill-equipped and ill-resourced to meet the real challenges. In Resolution 1831 (2008) of 19 August, the Security Council authorized the renewal of the Mission for a further six months, underlining, in particular, that the Mission could take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute to the creation of security conditions for the provision of humanitarian assistance. The Council also urged Member States to provide financial resources, personnel, equipment and services for AMISOM’s full deployment. While addressing the members of the Security Council on 23 July 2008, the African Union Commissioner for Peace and Security acknowledged that “AMISOM is unable to fulfill its mandate because its strength is obviously grossly incommensurate to the scope of real challenges on the ground.”

28. UN figures indicate that due to the degrading security and humanitarian situation approximately 2.6 million Somalis are in need of humanitarian aid, a figure that may reach the level of 3.5 million in the course of the year due to the expected drought in

² 850 Nigerian troops are expected to reinforce AMISOM in the next few weeks.

the whole Horn of Africa region, the world-wide food crisis, and crippling inflation. However, the humanitarian response is critically hampered as access to the affected civilian population is seriously shrinking given the high level of violence. Furthermore, restriction of movement imposed by the warring parties and threats to humanitarian organisations and workers undermine humanitarian assistance. 2008 has seen an unprecedented, marked increase in abductions and killings of aid workers, including Westerners, Somalis working for Western organizations and Somalis working with local groups. In the first seven months of the year, at least 20 have been killed, more than in any year in recent memory. A further 17 have been kidnapped, 13 of which are still held in captivity. As a result, the UN and INGOs have withdrawn employees from dangerous areas and have cut back operations.

29. The TFIs, which suffer from a severe lack of capacity and also often from internal political tensions, have so far failed to promote law and order. The administration of justice system is practically non-functional, and elders are presently *de facto* in charge of justice by applying traditional practices, including compensation, mostly for less serious offences, as they will have no influence on ensuring accountability for serious crimes. In this sense there is an absolute culture of impunity.

30. In “Puntland” and “Somaliland”, despite the Transitional Federal Charter and the “Somaliland” Constitution, which provide for an independent judiciary, local officials interfere with legal matters in the absence of judges. Prison conditions remain poor and life threatening and detention centres lack basic health care and water supplies. Prison officials are not sufficiently trained and abuses by guards are commonly reported. Fighting between “Somaliland” and “Puntland” around the town of Las Anod in October 2007 caused the displacement of approximately 50,000 people.

31. While “Puntland” does not suffer the same level of conflict-related insecurity as south and central Somalia, it has been assailed by abductions of aid workers and foreigners. Pirate attacks on unescorted ships have become a growing problem, also affecting the delivery of humanitarian aid as ships transporting items for WFP are not willing to travel without an armed escort and such escorts have not been available on a continuous basis. Human rights violations reported include arbitrary arrests and detentions, rape and other sexual and gender based violence. The police fail in their responsibility to investigate.

32. As Somalis have been enduring human rights violations for nearly two decades, and these violations are being committed by all armed groups with total impunity, the search for justice manifested by all interlocutors is unsurprising. There is a consensus, including among most government officials as well as with most of the opposition, that those who have committed crimes against humanities and breaches of international humanitarian law should be punished. In such context, calls for the involvement of the International Criminal Court (ICC) are continuously being raised. As Somalia is not a state party to the ICC Statute, any involvement of the ICC would have to be initiated through a referral from the Security Council. The SRSB has recently publicly, in comments to the media, urged the Security Council to undertake such a referral. While the involvement of the ICC would indeed play a significant role, additional mechanisms of accountability and transitional justice are likely to be needed to address the climate of impunity in the country.

IV. Activities of the United Nations and other actors

33. The United Nations system is actively engaged on Somalia in a variety of contexts. The United Nations Transition Plan for 2008-2009 and the Strategic Assessment Mission of January 2008 represent important steps to adopting a unified approach to recovery and reconstruction.

34. The United Nations Political Office for Somalia (UNPOS) was originally established in April 1995 in order to assist the Secretary-General's efforts to advance the cause of peace and reconciliation through contacts with Somali leaders, civic organizations, and concerned States and other organizations. In December 2007 the Secretary-General recommended the extension and expansion of UNPOS for it to implement an integrated United Nations approach for Somalia, leading to a common peace building strategy. UNPOS was requested to help strengthen the Transitional Federal Institutions (TFIs) and foster an inclusive dialogue between all Somali parties; coordinate United Nations political, security, electoral, humanitarian and development support to the TFIs in concert with the TFIs and the United Nations Country Team (UNCT).

35. Agencies, programmes and funds are active both in the humanitarian and development context. The United Nations Transition Plan builds on the extended Joint Needs Assessment conducted in previous years. It contains five overall strategic outcomes, one of which is "Improved security and protection under the law for all". The outcome covers ongoing and new activities of UNDP (the Rule of Law and Security as well as the Governance programmes) and UNICEF (Protection). Activities related to accountability were assigned to OHCHR. The UN have been at work in Somalia for many years, but protection of victims of human rights violations, as understood in the context of the IASC Cluster approach (focus on children, IDPs and Sexual- and Gender Based Violence (SGBV) survivors), only started in 2005-2006. Some modest efforts were carried out in the past, including with OHCHR and UNDP's Somali civil protection programme and work on rule of law. Actual protection work on the ground is practically non-existent in most parts of Somalia, except for children in a few places thanks to long standing mobilization of communities by UNICEF.

36. In 2007 a new task force of the Protection Cluster was set up to address the Mixed Migration of Somalis and Ethiopians crossing by boat to Yemen. A consultant deployed by the Danish Refugee Council (DRC) and the International Organization for Migration (IOM) formulated a comprehensive strategy to reduce the flow of candidates by informing them better and to protect them from abuse by smugglers and traffickers. A Human Rights and Gender Working Group reporting to the Governance pillar established during the earlier Joint Needs Assessment was also re-launched in October 2007 and served mostly for information sharing.

37. UN agencies (UNHCR and UNICEF) have worked with NGOs to establish and support networks of human rights defenders and to document cases of human rights violations and displacement patterns. Somali NGOs active in the networks have also been trained. Oxfam Novib has been reporting on human rights violations, training and mentoring Somali human rights defenders and conducting international advocacy

activities. Other INGOS such as the Norwegian Refugee Council, DRC and Oxfam UK have also been involved in protection work, albeit less systematically. Amnesty International and Human Rights Watch operate from their respective headquarters with no permanent presence in or near Somalia, while both organizations have recently stepped up their work on Somalia.

38. On a weekly basis a Protection Cluster Update, produced by IASC Somalia, is disseminated amongst international and local humanitarian and human rights actors, and the donor community. The information gathered is reported by Protection Monitoring and/or Population Movement Tracking Partners of the Protection Cluster, which includes OCHA, UNHCR, UNICEF, and local and international NGOs. Partners collect the information from a variety of sources, both directly from victims and witnesses as well as from secondary sources such as hospital and teaching staff, and the media. They also follow-up on the information, take action and advocate with clan chiefs, religious leaders and local administrations. All partners enter the relevant data into a common “Protection Monitoring Form” which is sent electronically to UNHCR in Nairobi, which inputs the information into a Database. Where possible, information is cross-checked with other sources, including UN security reports. The main challenges are the confirmed identification of the perpetrator and the verification of the alleged violations with the authorities.

39. With regard to capacity and institution building activities, there was an overall consensus amongst interlocutors that the TFIs and national authorities, also in “Puntland”, are extremely weak, while there appears to be somewhat more capacity and resources in the relatively stable “Somaliland”. Lack of a minimum educational background, of appropriate training and equipment, and non-payment of salaries leading to corruption were amongst the reasons given.

40. The UNDP Rule of Law and Security programme (ROLS) is implementing a programme involving training of judges and public officials, equipping courts, restructuring education in faculties of law, reinforcing judicial independence, training and reform of and support to the TFG police, as well as work on gender issues. In 2008, UNDP deployed National Human Rights and Gender Officers to Hargeisa and “Puntland”. UNDP indicated that it would probably adjust and reassess its strategy in the future in light of any findings of its assessments of the programme’s impact. UNDP welcomed any cooperation with OHCHR on human rights and rule of law, noting the need for substantive expertise and advice from OHCHR. UNDP indicated that it was possible that funding would be available to support additional staffing within the UNPOS Human Rights Office to work on rule of law and governance related issues.

41. While activities are undertaken on supporting the judiciary and the police, it was widely acknowledged that impunity remains a fundamental concern. In this sense, with regard to transitional justice in a broader sense, no significant activities are currently being undertaken in any context in Somalia which would serve to advance and identify a process of transitional justice for the country.

42. With regard to its Governance programme, UNDP’s work includes activities related to local area development and the constitutional drafting process in the context of the Transitional Federal Charter. In article 71, point 9 of the Charter, it is stipulated

that “The present Charter shall be the basis for the federal constitution whose draft shall be adopted within two and a half (2 ½) years and adopted by popular referendum during the final year of the transitional period”. The drafting process has, however, suffered substantial delays.

43. Although article 68 of the Charter allows for the establishment of “such independent Commissions and Committees as may be necessary”, a National Human Rights Commission is not mentioned in the listing of twelve such Commissions / Committees. So far no initiative has been taken by any competent authority to start the process of establishing a national human rights body. In “Somaliland”, however, the two chambers of Parliament, the House of Representatives and the House of Elders, have over the past many months been engaged in a process aiming at the adoption of a bill establishing a “Somaliland” National Human Rights Commission. At the time of its visit to Hargeisa, there was no translation of the bill available for review by the assessment team, and it remained unclear when the bill would be finally passed. However, despite the absence of a legal framework, steps have already been taking to establishing the Commission, *inter alia* through the appointment of one Commissioner by the President of “Somaliland”. In June 2007 UNDP suspended its support to the Commission; it plans to resume this support once the Bill is passed.

V. OHCHR and Somalia

44. From 1999 to 2003, OHCHR deployed a human rights adviser assigned to the Somalia United Nations Country Team (UNCT), who provided general human rights advice to UN and Somali partners and also undertook a general mapping of past violations. Additional support was given to the design of a variety of capacity and institution building programmes. In 2006, a human rights adviser was recruited within UNPOS to engage on Somali issues. The adviser provided human rights information and advice to the SRSG and worked to integrate human rights issues, including gender considerations, into political, peace and security, and other UN activities and programmes. The adviser also followed human rights developments in Somalia in order to recommend measures to OHCHR and the Department of Political Affairs (DPA) to contribute to the respect for human rights. During 2007, OHCHR also deployed a human rights adviser to the UNCT for a period of nine months. The two advisers monitored and reported on human rights-related developments and advised OHCHR, UNPOS and the Resident Coordinator’s Office on human rights approaches in the political process and in peace building, humanitarian and reconstruction efforts. OHCHR also provided substantive support to the Independent Expert on the situation of human rights in Somalia appointed by the Human Rights Council.

45. The UN Human Rights Council (HRC) renewed the mandate of the Independent Expert on the situation of human rights in Somalia for a period of one year on 28 March 2008 (A/HRC/Res/7/35). The HRC requested the Independent Expert to present a report to the HRC before the end of 2008. From 28 June to 12 July 2008, the newly appointed Independent Expert on the situation of human rights in Somalia, Mr. Shamsul Bari undertook his first field mission to the Horn Africa region, including Somalia, Kenya, Djibouti and Addis Ababa. The Expert met the SRSG, the UNCT, the Somalia civil society, INGOs representatives, the Somalia Prime Minister, Puntland and Somaliland Authorities, the ARS Opposition based in Djibouti, The

Djiboutian Minister of foreign affairs, the Ethiopian State Minister for foreign affairs as well as the Chairperson of the African Union Commission among others. The findings of his mission will be shared with the HRC in presentation scheduled to take place in Geneva on 19 September 2008.

46. With regard to any future United Nations human rights presence related to Somalia, it has been decided to proceed with an initial expansion of the UNPOS Human Rights Office. In line with the Secretary-General's 26 February 2008 Report to the General Assembly with regard to the programme budget for the Biennium 2008 – 2009, the UNPOS Human Rights Office will be expanded so as to comprise a Senior Human Rights Officer (P-5), a Human Rights Officer (P-4), a Field Service (FS5) staff as well as a local Human Rights Assistant. Furthermore, OHCHR has – as of 1 June 2008 - seconded a further Human Rights Officer (P-3) to the UNPOS Human Rights Office. Recruitment for the vacant posts is in progress and the full team is expected to be in place before the end of the year.

47. Any future expansion of this presence will naturally depend on a number of factors, including the development of the situation on the ground and broader political decisions with regard to the United Nations presence in Somalia, including the establishment and deployment of a multidimensional peace operation.

VI. Observations and proposed activities for the UNPOS Human Rights Office

48. In light of the findings outlined above, this section of the report provides a proposed general framework for the work of the UNPOS Human Rights Office (UNPOS HRO). It does not purport to set out a detailed work-plan, but rather suggests an overall strategic approach and entry points for various types of activities. The proposal is based on the findings of the assessment team and also builds on discussions with the mission's interlocutors, who overwhelmingly welcomed an increased human rights presence for Somalia.

49. The UNPOS HRO will need to engage a variety of interlocutors at different levels. Given the complexity of the current situation in Somalia which involves a broad variety of actors, including within the United Nations system, as well as huge geographic discrepancies in terms of security and options for access, the UNPOS HRO will have to adopt a flexible approach, adapted to each situation and to the relevant actors. It will need to manage its very limited resources in a careful manner ensuring that any activities conducted are strategically targeted for maximum impact, including by playing a catalytic role where relevant.

50. The UNPOS HRO needs to work in support of the political process facilitated by the SRSG by providing human rights advice within UNPOS as well as to the parties as needed. Ongoing dialogue with the TFG on human rights will be part of the strategy to address human rights concerns, but also to ensure that respect for human rights remains a core objective of UNPOS and the peace process.

51. It will also need to work with the UNCT and the clusters to mainstream human rights in their programmes and to ensure cohesion among agencies and UNPOS, as well as a common understanding and knowledge regarding all human rights related

activities being conducted. Furthermore, through cooperation with the UNCT, emphasis should be placed on economic, social and cultural rights, especially in the light of the possible impending famine in the Horn of Africa.

52. Engagement with international and national civil society will also be important. This includes working at the community level with civil society and community leaders, promoting strong civil society participation, crucial to ensuring a bottom-up approach, leading to a culture of human rights and ensuring reconciliation efforts from transitional justice programmes trickle down to the community level.

53. The UNPOS HRO will be faced with significant demands from various Somali stakeholders. Some of the expectations might be unrealistic and should be managed carefully, especially if the capacity of the UNPOS HRO remains limited.

54. Geographically, activities will have to be adapted to the situation in south and central Somalia, which is in a very critical situation, and also to “Somaliland” which is more stable and developed, even if there are some significant human rights concerns. There is an obvious need for engagement with “Somaliland”, despite and beyond the issue of recognition of its sovereignty. “Somaliland” is in dire need of attention with regard to capacity building, awareness-raising, and technical advice on several human rights issues. This programme can be designed in cooperation with the local authorities, active civil society organizations and other UN agencies and international organizations. Strengthening operations in “Somaliland” can help gather information regarding the situation in the south and central regions of the country, as well as regarding “Puntland”, by directly interviewing IDPs seeking refuge in “Somaliland”, but also by engaging the local NGO community, which demonstrated a keen interest in contributing to foster accountability and an end to impunity also in the rest of Somalia. Engaging the government of “Somaliland” can eventually assist in building bridges with the other parts of Somalia, through joint activities and even through creating capacity in “Somaliland” which may be put to use later on when the peace process is more advanced.

55. In terms of the areas of activities proposed for the UNPOS HRO, they can roughly be divided into three main areas of work: a. Human rights monitoring and reporting, b. Human rights advisory and capacity building functions, and c. Human rights advocacy and awareness-raising.

56. All of these areas of work will need to be addresses in the immediate, short and medium term, regardless of how the situation on the ground develops. At the time of writing this report, the Djibouti Agreement was on track and there was overall cautious optimism as to its success, albeit with the *proviso* that a number of challenges / obstacles still need to be overcome. The full implementation of the Djibouti Agreement would be the “best case scenario” allowing the HRO to undertake a broad range of activities. On the other hand, if the violence and insecurity continue, this could undermine human rights work in the same way humanitarian activities are currently hampered. Should a United Nations peace operation be established it will be essential to ensure an adequately staffed and resourced human rights presence within the mission which will be faced with very similar demands and needs in terms of human rights activities.

a. Human rights monitoring and reporting

57. Given the limited staffing initially foreseen for the UNPOS HRO and the practical impossibility of accurately verifying allegations about human rights violations, it is clear that the monitoring work will have to be conducted differently from what is the norm in other operations. While the strength of UN human rights reporting usually lies in making use of its own information as verified on the ground by Human Rights Officers, in the current setting the UNPOS HRO will have to rely on existing joint efforts of information gathering by the monitoring networks established by UN agencies and NGOs as described above. The UNPOS HRO can provide additional expertise and advice on issues such as human rights analysis, categorization of violations, monitoring methodology, etc. The UNPOS HRO should therefore build on existing monitoring networks and, where necessary, contribute to refining the methodology of gathering and verifying information, including the use of the “Protection Monitoring Form” and to analyzing trends and patterns of violations. It could also assess if the networks could be further extended to involve additional partners. A critical point of concern is the protection of local partners and other human rights defenders interested in providing information and who are at risk of being targeted and threatened, especially in south and central Somalia. Any development of the monitoring framework needs to take these issues into serious consideration and appropriate steps to counter the risk as best as possible need to be devised.

58. The monitoring activities will have to cover all of Somalia (including “Somaliland” and “Puntland”). In addition, useful information from witnesses and victims can also be gathered outside Somalia, including in refugee camps (notably Dadaab in Kenya) and other locations. The available resources will naturally have an impact on the capacity of the UNPOS HRO to conduct monitoring activities. While it is feasible to conduct monitoring and reporting with limited staff (as presently proposed for UNPOS) in partnership with other UN and NGO actors, it goes without saying that an increase in the human and financial resources would be a significant asset. The recruitment of national staff inside Somalia should be encouraged, with due consideration of security concerns.

59. A key output of the monitoring work will be the regular drafting of public human rights reports on the situation of human rights in Somalia. Issuance of these reports will be in conformity with adopted internal UN policies.³ These reports will serve to raise awareness in the international community and hopefully have a positive impact on the human rights situation in Somalia, including by increasing awareness at the international level of the patterns of violations, their alleged perpetrators, and to encourage addressing the culture of impunity and also to advocate with the TFG for

³ The Secretary-General’s Policy Committee Decision on Human Rights in Integrated Missions affirmed that regular and separate public reporting on the situation of human rights is one of the routine tasks of the human rights component of a United Nations operation. Further to this decision, a Policy Directive on “Public Reporting by Human Rights Components of United Peace Operations” was approved by the High Commissioner of OHCHR, the Under Secretary–General of the Department of Peace Keeping Operations (DPKO) and the Under Secretary–General of the Department of Political Affairs (DPA). The directive, which came into effect on 1 July 2008, applies to periodic public reports on the human rights situation, thematic public human rights reports and ad hoc public human rights reports

increased protection of civilians. In addition, internal reports will have to be prepared for OHCHR, the SRSG and other relevant actors within the UN system.

b. Human rights advisory and capacity building functions

60. The advisory and capacity building functions of the UNPOS HRO will be conducted at various levels, including in the political context of the implementation of the Djibouti Agreement as well as the overall transition process. Geographically there will also be variations given the different levels of stability and security in the country. This will translate into different approaches for each of those situations whereby advisory services will be the only meaningful activity in one context while closer engagement with capacity and institution building activities may be more meaningful in other contexts.

61. Within the political context, the Senior Human Rights Officer will act as the Human Rights Advisor to the SRSG and the Mission on all human rights issues, with a specific focus on integration of human rights into the peace process, within all peace building activities, as well as in future integrated mission planning in cooperation with OHCHR. The Djibouti Agreement, *inter alia*, calls for the establishment of a High Level Committee, which will follow-up on issues relating to the political cooperation between the parties and on justice and reconciliation. The UNPOS HRO will be in the forefront of these discussions on transitional justice and national reconciliation by providing advice within the mission and also support the parties in addressing these issues. The Africa Unit and the Rule of Law Unit at OHCHR Headquarters (with the appropriate links to the Independent Expert) as well as the Regional Office for East Africa in Addis Ababa (to ensure support from the African Union and its mechanisms and from AMISOM) will need to be involved as appropriate. Liaising with the Mediation Support Unit of DPA New York may also be necessary, either through UNPOS or the OHCHR New York Office. In addition, the UNPOS HRO will need to ensure liaison with the humanitarian community and UNPOS, aiming to facilitate inclusion of human rights and humanitarian concerns within the ongoing peace process

62. Transitional justice and national reconciliation will be dominant subjects in the upcoming months, as they will also be part of the discussions within the High Level Committee. The pace and timing of any transitional justice related activities need to be carefully woven into the peace process and must take place in the context of any considerations regarding the role of the International Criminal Court and other mechanisms ensuring accountability. The initial focus should include identification of expectations, assessing the understanding of all relevant stakeholders regarding the transitional justice issues and on determining what options might work best for Somalia.

63. As the lead UN entity on transitional justice, OHCHR has developed a number of useful operational tools for post conflict states. They are intended to help develop sustainable institutional capacity within UN missions, as well as to assist transitional administrations and civil society to better respond to transitional justice needs. Grounded in international human rights standards, the tools provide practical information required to target interventions. Emphasis on traditional methods of

“reconciliation” as well as a focus on social justice should be considered as having the potential of delivering results in a context such as the Somali one, characterized by mass violations of human rights over a protracted period of time.

64. A crucial point, underscored by UNPOS, the UNCT and all other interlocutors during the mission, is the need to advocate for and work towards accountability and an end to impunity. One of the team’s interlocutors clearly indicated that the donor community may want to consider some form of conditionality to the assistance provided to the TFG in order to promote further accountability. Allegations of breaches of international humanitarian law by all sides, including Ethiopian forces, cannot be disregarded. Eventually, the issue of accountability for any international crimes which may have taken place will have to be addressed also in the context of transitional justice. The UNPOS HRO may in this context have to provide advice on the best way of achieving this accountability, including through national or international judicial processes.

65. Although some would argue that in the present context it is not possible to build the human rights capacity of the TFIs and local actors, this issue needs to be part of the UNPOS HRO activities. The UNPOS HRO should, where appropriate, join efforts already underway by other actors, including UNDP (training of judges, police and army as well as working on accountability). It will also be important to work with the TFG, including with the members of the Human Rights Committees of Parliament. Engagement with other actors on activities aimed at supporting the protection of women’s human rights should play a significant role in this effort. In the context of the year-long campaign to celebrate the 60th anniversary of the Universal Declaration of Human Rights (UDHR) and its theme “dignity and justice for all of us”, OHCHR has chosen to pay special attention to the situation of persons deprived of their liberty in prisons and other places of detention. The UNPOS HRO might consider joining this initiative. Capacity building of NGOs should also be considered where appropriate.

66. More broadly, the issue of security sector reform will have to be addressed early on by the UNPOS HRO, including issues related to the establishment of codes of conduct for the military and the police. While implementation of programmes in south and central Somalia might not be feasible at this stage, it will be important to already start identifying priority areas for security sector reform, including through a possible engagement with the Joint Security and High Level Committees recently established pursuant to the Djibouti Agreement.

67. The UNPOS HRO should also provide support for the ongoing drafting process of the constitution as initiated with the assistance of the UNDP Governance Unit. It should work to ensure inclusion of human rights provisions in the constitution, such as a strong bill of rights, independence of the judiciary, special provisions for women, children, the disabled, and minorities.

68. With regard to the establishment of a national human rights institution, the constitutional drafting process may be the right entry point at this stage. It will be important to ensure that this process gives due consideration to including provisions for the establishment of such an institution and the UNPOS HRO should work to make this happen. “Somaliland” is already developing its own version of a National

Human Rights Institution, although serious problems have hampered its establishment through parliamentary procedures.

c. Human Rights advocacy and awareness-raising

69. Human rights promotion and education must be a central part of a future strategy for Somalia. Points of departure should take into consideration existing normative references to customary law, Sharia and positive law and aim at awareness raising and advocacy, while treading carefully to avoid backlashes. There will be a need to translate documents into Somali, reach out to militias, members of the TFG and others who may be receptive and work with them in the hope of creating a critical mass that positively values human rights. Full use should be made of modern communication technology, internet based databases, promotional activities, advocacy through internet and the mass media operating in Somalia or reaching its population from abroad.

70. A particular sector is that of media workers, who have constantly been targeted and already are quite engaged in support of the peace process. A National Media Conference planned for later this year in Nairobi, which will discuss the role of the media in the peace process, could be one of the entry points. There will be a need to engage with some of the existing organizations both within Somalia and abroad to raise awareness on human rights, not only in relation to issues related to freedom of expression, but also in promoting a “human rights based approach” to reporting. The existing media can be crucial allies in advocating for human rights. This activity area should also include the engagement of community leaders and traditional mechanisms, as well as raise issue related to transitional justice in order to foster a national debate on the issue. Furthermore, an expanded UNPOS could consider establishing its own media production and even broadcasting facilities.

71. The UNPOS HRO should also consider convening a human rights support group among the diplomatic community (International Contact Group) to ensure ongoing awareness on human rights issues, to promote support in terms of advocacy within the international community and, if needed, to advocate with the TFG as well as regional governments and organizations.

72. Giving the limited human resources the HRO will have at its disposal, partnerships with other UN agencies and organizations will be particularly important. It will also be crucial for OHCHR Headquarters in Geneva, the OHCHR New York Office and the Regional Office for East Africa to join forces to provide substantive support and coordinate with the Human Rights Council, the Independent Expert on the human rights situation in Somalia, and other UN mandate holders.

*****ENDALL****

Annex 1

Resolution 7/ 35 of the Human Rights Council contained in A/HRC/7/L.11/Add.1

7/35. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the relevant human rights instruments,

Recalling all the previous resolutions of the Commission on Human Rights, the last of which was resolution 2005/83 of 21 April 2005,

Welcoming the commitment and efforts undertaken by the African Union to support Somali-led efforts towards reconciliation and stability and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory,

Welcoming also the Declaration on the situation in Somalia, adopted by the Heads of State and Government of the African Union during the tenth ordinary session of the Assembly of the African Union, held in Addis Ababa from 31 January to 2 February 2008,

Emphasizing that the above-mentioned declaration, adopted by the Assembly of the African Union, stressed the need for the deployment of a United Nations peacekeeping operation in Somalia that would take over from the African Union Mission to Somalia and support the long-term stabilization and post-conflict reconstruction of the country,

Reiterating that humanitarian, human rights and development assistance is of paramount importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

Welcoming the steps taken within Somalia, including the convening of the National Reconciliation Congress, in July and August 2007, the recent appointment of a new Prime Minister, Nur Hassan Hussein, and the subsequent formation of a new Government, as well as the efforts made by the African Union, notably through the deployment of the African Union Mission in Somalia,

Reiterating that, despite the daunting challenges confronting the peace and reconciliation process, the opportunity that arose in December 2006, when the

Transitional Federal Government regained control of Mogadishu and other parts of the country in order to find a lasting solution to the crisis in Somalia, still exists,

Stressing the need for both the Somali stakeholders and the international community as a whole to seize this opportunity to address decisively the conflict in Somalia and to take all steps required to this end,

Seriously concerned about the human rights and humanitarian situation in Somalia,

Noting with concern that the security situation remains fragile throughout the country,

Emphasizing that efforts to combat terrorism in Somalia must respect international law, including human rights and fundamental freedoms, which are inseparable from the establishment of peace in Somalia,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia, and calls for an immediate end to all ongoing violations;
2. *Demands* that all parties in Somalia reject and stop all acts of violence, abstain from engaging in hostilities, prevent any act likely to increase tension and security and fully respect their obligations under international human rights law and international humanitarian law;
3. *Urges* all parties in Somalia to uphold the principles and spirit enshrined in the Transitional Federal Charter and to work towards genuine national reconciliation within that framework, including by holding fair, national multiparty elections in 2009, as envisaged by the Charter;
4. *Calls upon* the international community to stand by the legitimate Somali institutions and to provide adequate and concrete support in order to enhance their capacity, including that of the Transitional Federal Government, as part of an

integrated approach that encompasses political, security and programmatic dimensions;

5. *Appeals* to the partners of the African Union to provide increased logistical and financial support for the African Union Mission in Somalia, especially in view of the fact that the African Union, in deploying an operation in Somalia, is also acting on behalf of the international community at large;

6. *Urges* the international community to provide, as a matter of urgency, development assistance to Somalia, so as to effectively contribute to the reconstruction of Somalia, the rebuilding of its institutions and technical assistance in the field of human rights;

7. *Also urges* the international community to provide humanitarian assistance to the needy population and to ensure that all necessary steps are taken to create conditions conducive to the provision of humanitarian assistance, including unhindered access to the needy population and security for humanitarian workers and organizations;

8. *Acknowledges* the work undertaken by the independent expert on the situation of human rights in Somalia, including his report to the current session;⁴

9. *Decides* to renew the mandate of the independent expert for a period of one year, with a view to maximizing the provision and the flow of technical assistance to Somalia in the field of human rights, and requests him/her to submit a report to the Council at its sessions in September 2008 and March 2009;

10. *Requests* the Secretary-General to provide the independent expert with all necessary human, technical and financial assistance in carrying out his/her mandate;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to strengthen its presence in Somalia with a view to providing technical assistance and advisory services to the relevant Somali institutions;

12. *Invites* relevant United Nations bodies and agencies to provide support and technical assistance to Somalia in the field of human rights.

*42nd meeting
28 March 2008*

⁴ A/HRC/7/26.

Annex 2

Resolution 1814 (2008)

Adopted by the Security Council at its 5893rd meeting, on 15 May 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992), resolution 1356 (2001), resolution 1425 (2002), resolution 1725 (2006), resolution 1744 (2007), resolution 1772 (2007), resolution 1801 (2008) and resolution 1811 (2008), and the statements of its President, in particular those of 13 July 2006 (S/PRST/2006/31), 22 December 2006 (S/PRST/2006/59), 30 April 2007 (S/PRST/2007/13), 14 June 2007 (S/PRST/2007/19) and 19 December 2007 (S/PRST/2007/49),

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia through the Transitional Federal Charter (TFC), *stressing* the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all, as envisaged in the TFC, and *reiterating* its support for Somalia's Transitional Federal Institutions (TFIs) to take this forward,

Reiterating the need for agreement on a comprehensive and lasting cessation of hostilities and a roadmap for the remainder of the transitional process, including free and democratic elections in 2009 as set out in the TFC,

Welcoming the continued efforts by Prime Minister Nur "Adde" Hassan Hussein and his Cabinet, under the leadership of President Abdullahi Yusuf Ahmed and supported by the Transitional Federal Parliament, to advance the political process and implement the transitional period, as required by the TFC, in particular the agreement to prepare a timetable for the Constitutional Process leading to a referendum in 2009, the presentation of the Reconciliation Strategy of the Transitional Federal Government (TFG), engagement with clan and local leaders across the country, and efforts to implement the National Security and Stabilisation Plan and to improve public finance management including budgetary and fiscal processes, and *supporting* efforts to make further progress in all these areas,

Welcoming the commitment of all Somali parties that have agreed to engage in dialogue with each other with a view to establishing peace and security in Somalia, *urging* all Somali parties to honour these commitments and to resort to peaceful means only to resolve their disputes, *further welcoming* the supporting role of the United Nations, in particular the practical support of the Special Representative of the Secretary-General (SRSG) and the United Nations Political Office for Somalia (UNPOS) to help progress this dialogue, and *supporting* in this regard the start on 12 May 2008 of discussions between the parties in Djibouti,

Welcoming the Secretary-General's report on Somalia of 14 March 2008 (S/2008/178), in particular its assessment that the political situation in Somalia currently provides a renewed opportunity for the international community to give practical support to domestic initiatives, including an increased presence of United Nations personnel and, subject to broad-based political and security agreements and conditions on the ground, the deployment of a United Nations peacekeeping operation to succeed the African Union Mission to Somalia (AMISOM),

Welcoming the Secretary-General's support for a comprehensive United Nations strategic approach for peace and stability in Somalia, aligning and integrating political, security and programmatic efforts in a sequenced and mutually reinforcing way, and *endorsing* ongoing work by the United Nations to support the political process in Somalia and to determine options for re-locating United Nations staff to Somalia,

Commending the work of the SRSG, Mr. Ahmedou Ould-Abdallah, and of UNPOS, *reaffirming* its strong support for his work, in particular his leading role in coordinating international efforts, and *requesting* that all parties, as well as international organizations, the United Nations country team and Member States support and work in close coordination with him at all times,

Reaffirming its condemnation of all acts of, and incitement to, violence inside Somalia, *expressing* its concern at all acts intended to prevent or block a peaceful political process, and *expressing* its further concern at such acts and incitement continuing,

Underlining the importance of providing and maintaining stability and security throughout Somalia, and *underscoring* the importance of disarmament, demobilization and reintegration of militia and ex-combatants in Somalia,

Emphasizing the contribution that AMISOM is making to lasting peace and stability in Somalia, *welcoming* in particular the continuing commitment of the Governments of Uganda and Burundi, *regretting* the recent loss of a Burundian soldier, *condemning* any hostility towards AMISOM, and *urging* all parties in Somalia and the region to support and cooperate with AMISOM,

Underlining that the full deployment of AMISOM will help facilitate the full withdrawal of other foreign forces from Somalia and help create the conditions for lasting peace and stability there,

Taking note of the letter dated 20 February 2008 from the Chairperson of the African Union (AU) Commission to the Secretary-General, which was annexed to the Secretary-General's report of 14 March 2008, and of the reply from the Secretary-General of 23 April 2008 (S/2008/309),

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and *reiterating* its demand that all Member States, in particular those in the region, comply fully with it,

Expressing deep concern at the human rights situation in Somalia, and *taking note* of the Resolution on Somalia adopted at the 7th Session of the Human Rights Council, and of the renewal by the Human Rights Council of the mandate for the Independent Expert on Somalia,

Expressing its serious concern at the worsening humanitarian situation in Somalia and the continuing difficulties for humanitarian organizations operating in Somalia, including humanitarian access and security for humanitarian personnel, and *reaffirming* the humanitarian principles of humanity, neutrality, impartiality and independence,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Requests* the Secretary-General to continue and intensify his efforts, working together with the international community, to promote an ongoing political process which is ultimately inclusive of all, including by assisting the TFIs in this regard and in delivering services to the Somali people;

2. *Strongly supports* the approach proposed by the Secretary-General's report of 14 March 2008, *welcomes* his intention to provide an updated comprehensive, integrated United Nations Strategy for peace and stability in Somalia, aligning and integrating political, security and programmatic efforts in a sequenced and mutually reinforcing way, and to include an assessment of the capacity of UNPOS to implement the Strategy, and requests that he submit the updated version to the Security Council within 60 days from the adoption of this resolution;

3. *Approves* the Secretary-General's proposal in his report of 14 March 2008 to establish a joint planning unit in the office of the SRSG to facilitate effective and efficient implementation of the integrated strategy;

4. *Welcomes* the Secretary-General's recommendation, as set out in his report of 14 March 2008, to relocate UNPOS and the country team headquarters from Nairobi to Mogadishu or an interim location in Somalia in order to help deliver the comprehensive, integrated United Nations strategy in Somalia, and *requests* the Secretary-General to establish the necessary security arrangements for such a relocation, and to update the Security Council when he submits the Strategy referred to in paragraph 2 above;

5. *Decides* that UNPOS and the United Nations country team shall, in promoting a comprehensive and lasting settlement in Somalia and through the promotion of the ongoing political process, enhance their support to the TFIs with the aim of developing a constitution and holding a constitutional referendum and free and democratic elections in 2009, as required by the TFC, and facilitating coordination of the international community's support to these efforts, and *requests* the Secretary-General within 60 days from the adoption of this resolution to report on progress with this work;

6. *Recalls* its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the TFIs or AMISOM by force, or take action that undermines stability in Somalia or the region, and *therefore requests* the Committee established pursuant to resolution 751 (1992) (herein after "the Committee") to provide, within 60 days from the adoption of this resolution, recommendations on specific targeted measures to be imposed against such individuals or entities;

7. *Recalls* its intention to strengthen the effectiveness of the United Nations arms embargo on Somalia, *states* its intention to take measures against those who breach the arms embargo, and those who support them in doing so, and *therefore requests* the Committee to provide, within 60 days from the adoption of this resolution, recommendations on specific targeted measures to be imposed against such individuals or entities;

8. *Requests* the Secretary-General to continue his contingency planning for the possible deployment of a United Nations peacekeeping operation in Somalia to succeed AMISOM, including of possible additional scenarios, in close contact with UNPOS, the United Nations country team and other United Nations stakeholders, taking account of all relevant conditions on the ground, and considering additional options for the size, configuration, responsibility and proposed area of operation of the mission depending on different conditions on the ground, *requests* the Secretary-General to update on progress in his planning in the report referred to in paragraph 5 above, and *expresses* its willingness to consider, at *an* appropriate time, a peacekeeping operation to take over *from* AMISOM, subject to progress in the political process and improvement in the security situation on the ground;

9. *Welcomes* the Secretary-General's undertaking, as set out in his letter of 23 April 2008 to the Chairperson of the AU Commission, to provide additional United Nations technical advisers to the AU's Strategic Plans and Management Unit in Addis Ababa, and *encourages* the Secretary-General to continue to explore with the AU Commission Chairperson, in coordination with donors, ways and means to strengthen United Nations logistical, political and technical support for the AU, to build the AU's institutional capacity to carry out its commitments in addressing the challenges it faces in supporting AMISOM, and to assist AMISOM's full deployment, to the extent possible and as appropriate, with the goal of achieving United Nations standards, and to update the Council in the report referred to in paragraph 5 above;

10. *Reiterates* its call upon Member States to provide financial resources, personnel, equipment and services for the full deployment of AMISOM and upon Member States of the African Union to contribute to AMISOM in order to facilitate the withdrawal of other foreign forces from Somalia and help create the conditions for lasting peace and stability there, *urges* those Member States which have offered to contribute to AMISOM to fulfil such commitments, *recognizes* that more needs to be done to harness increased support for AMISOM, and *takes note* of the Secretary-General's proposals for harnessing such support, as set out in his letter of 23 April 2008;

11. *Reiterates* its support for the contribution made by some States to protect the World Food Programme maritime convoys, *calls upon* States and regional organizations, in close coordination with each other and as notified in advance to the Secretary-General, and at the request of the TFG, to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia and United Nations-authorized activities, *calls upon* AMISOM troop-contributing countries, as appropriate, to provide support to this end, and *requests* the Secretary-General to provide his support to this effect;

12. *Strongly supports and encourages* the ongoing humanitarian relief efforts in Somalia, *recalls* its resolution 1502 (2003) on the protection of humanitarian and United Nations personnel, *calls on* all parties and armed groups in Somalia to take appropriate steps to ensure the safety and security of AMISOM, United Nations and humanitarian personnel, *demands* that all parties ensure timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need, wherever they may be, and *urges* the countries in the region to facilitate the provision of humanitarian assistance, including the timely, safe and unhindered passage of essential relief goods into Somalia by land or via air and sea ports;

13. *Requests* the Secretary-General to strengthen ongoing efforts for establishing a United Nations-led mechanism for bringing together and facilitating consultations between humanitarian organizations operating in Somalia, the TFG, donors and other relevant parties in order to help resolve issues of access, security and provision of humanitarian relief throughout Somalia, and *further requests* him to report on progress in the report referred to in paragraph 5 above;

14. *Requests* the Secretary-General to establish an effective capacity within UNPOS to monitor and enhance the protection of human rights in Somalia, and to ensure coordination, as appropriate, between UNPOS, the Office of the High Commissioner for Human Rights and the Human Rights Council Independent Expert, and *further requests* the Secretary-General to report on progress in achieving this in the report referred to in paragraph 5 above;

15. *Supports* the ongoing efforts of the United Nations, the African Union and interested Member States, in close cooperation with the TFG, to develop security sector institutions in Somalia, and *requests* the SRSG to enhance his coordination role in this area, aligning relevant United Nations programmes and Member States' activities;

16. *Condemns* all and any violations of human rights and international humanitarian law, *calls upon* all parties in Somalia to respect fully their obligations in this regard, and *calls* for those responsible for such violations in Somalia to be brought to justice;

17. *Reaffirms* its previous resolutions 1325 (2000) on women, peace and security, and 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, and *stresses* the responsibility of all parties and armed groups in Somalia to take appropriate steps to protect the civilian population in the country, consistent with international humanitarian, human rights and refugee law, in particular by avoiding any indiscriminate attacks on populated areas;

18. *Reaffirms* its previous resolution 1612 (2005) on children and armed conflict and *recalls* the subsequent conclusions of the Security Council Working Group on Children in Armed Conflict pertaining to parties to the armed conflict in Somalia (S/AC.51/2007/14);

19. *Recalls* that, pursuant to Article 65 of the United Nations Charter, the Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request;

20. *Decides* to remain actively seized of the matter.