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PROGRAMME ANNUAL PROGRESS REPORT

Period: 2016

Project Name	Project Initiation Plan: Constitutional Review and Implementation Support- UNDP SOM10 Project ID 00093036
Gateway ID	00096485 (Gateway ID)
Start date	17 June 2015
Planned end date (as per last approval)	30 Jun 2016
Focal Person	Nahid Hussein
	nahid.hussein@undp.org
	0612863045
PSG	PSG-1-Inclusive politics: Achieve a stable and peaceful Somalia through inclusive political processes
Priority	Priority 2: Finalize and adopt a Federal Constitution
Milestone	2.1 Oversight Committee established with operational work plan and strategy and capacitated and functional 2.2. Substantial review on the key priority areas of the constitutions conducted and public consultations held in line with the work plan of the Parliament, Ministry of Constitutional Affairs, Oversight Committee (OC) and ICRIC and results analyzed 2.3. Civic education programmes designed and conducted 2.4. The Inter-Regional Consultative Forum (IRCF), or its equivalent is regularly convened to deliberate on priority areas of the constitutional review process 2.5. The OC and ICRIC through OC engage in regular dialogue with Parliament, which informs the progress on the constitutional review process per parliamentary session 2.6. Draft constitution submitted to Parliament and vote held
Location	National and Regional
Gender Marker	2

Total Budget as per ProDoc	USD 4,034,624
MPTF:	USD 4,034,624
Non MPTF sources:	PBF: Zero
	Trac: Zero
	Other: Zero

	PUNO	Report approved by:	Position/Title	Signature
1.	UNDP	David Akopyan	Country Director (a.i.)	Signed Copy on File (available upon request)



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Total MPTF Funds Received				Total non-MPTF Funds Received		
PUNO	Q4 2016	Cumulative	Annual 2016	Q4 2016	Cumulative	Annual 2016
UNDP	0	4,034,624	2,643,722	0	0	0

JP Expenditure of MPTF Funds ¹				JP Expenditure of non-MPTF Funds		
PUNO	Q4 2016	Cumulative	Annual 2016	Q4 2016	Cumulative	Annual 2016
UNDP	232,466	3,447,316	2,224,534	0	0	0

SITUATION UPDATE

A momentum of the Constitutional Review Process was built in the beginning of 2016 with tangible results being achieved by the Constitutional Stakeholders, such as the tabling in the Parliament of the comprehensive report of the Oversight Committee (OC) that revised ten chapters of the Constitution.

The Constitutional Review and Implementation Support Project Initiation Plan (PIP) supported the government in their efforts to plan and work jointly to bring together stakeholders across and at all levels of government and the community to build consensus around a range of outstanding constitutional issues. The Constitutional PIP has been crucial in providing technical and operational support to the key national stakeholders. Such a multidimensional support has enabled the creation of a Technical Expert Support Working Group (TESWG) and has been responsible for the review of constitution chapters.

The Speakers Forum hosted by the National Federal Parliament Leadership during Q1 with state assembly speakers of South West, Galmudug and Jubaland State was a milestone, where the ongoing constitutional review process was discussed. As a result, a MoU was signed between the Parliaments on cooperation among the legislative bodies for this process.

Option papers for a number of contentious issues were prepared and will be presented during the regional consultations, thus providing a platform for discussion and possible agreement to be reached during these consultations at the state level and national level

In March 2016, the public outreach and general civic education on constitutional review process was launched in Baidoa, with a regional consultation hosted by the Southwest State Administration. The consultation was organized by the Federal Ministry of Constitutional Affairs and brought together members of mandated institutions, including the Independent Constitutional Review and Implementation Commission, and funded by the project. These key achievements lay out the foundations for the remaining State Level Consultations and Civic Education, as well as National Consultation.

During the first half of year 2016, the project focused on support to the functioning of the Constitutional Stakeholders and support to the Oversight Committee awareness workshops on revision of the Constitution with women and youth representatives.

¹ **Uncertified expenditures.** Certified annual expenditures can be found in the Annual Financial Report of MPTF Office (<http://mptf.undp.org/factsheet/fund/4S000>)



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Despite multifaceted challenges, the Oversight Committee (OC) has fulfilled its mandate by carefully scrutinizing the Provisional Federal Constitution (PFC) and assigning tasks to ICRIC. Jointly with the latter, the OC reviewed all fifteen chapters of the PFC and produced a series of draft amendments and options. On 15 February 2016, OC tabled its first report to the Federal Parliament, the draft amendments of ten chapters.

The PSG 1 working group meeting on 16th June 2016 agreed that no major activities should be undertaken for constitutional review process until the completion of the electoral process. Therefore, national stakeholders decided that all the work completed on Constitutional Review Process during the mandate of the 9th parliament should be handed over to the 10th parliament. Accordingly, Constitutional Review and Implementation Support Project Initiation Plan (PIP) was operationally closed on 30 June 2016.

QUARTERLY AND ANNUAL PROGRESS REPORT RESULTS MATRIX

OUTCOME STATEMENT			
OUTCOME 1: INCLUSIVE CONSTITUTIONAL REVIEW PROCESS ACTIVELY IN PLACE AND ENGAGING KEY NATIONAL AND INTERNATIONAL STAKEHOLDERS.			
Output 1 – National stakeholders, the UN, donors and implementers agree on the Somalia Constitutional Review Master Plan			
INDICATOR	TARGET	PROGRESS ON OUTPUT INDICATOR²	
		THIS QUARTER	CUMULATIVE 2016
Framework of Constitutional Review Process agreed by end of May 2015	Master Plan prepared and agreed	0	0
Master plan of Constitutional Review Process drafted and circulated;		0	0
Sources of evidence: it was agreed by Counterparts that holding the Master Plan was no longer relevant due to a lack of agreement between national stakeholders about when and how to develop the framework and master plan of constitution review process.			
Output 2: Political dialogue, negotiations and broad-based consensus building			
Regional Conferences held	By June 2016;	1	1
Each regional conference presents recommendations for the National Conference;	By June 2016;	0	0
National Conference outlines main consensus reached	By June 2016;	0	0
Sources of evidence: PIP for Constitutional Review Process, Back to Office Reports.			
OUTPUT 3: Civic education and public consultation processes undertaken			
Civic Education Plan drafted and agreed by national stakeholders	By June 2016;	0	0

² Fill in only the numbers or yes/no; no explanations to be given here.



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Website for the Constitutional review process functioning by end of July 2015	By June 2016;	1	1
At least one media civic education activity launched, at National and Regional level;	By June 2016;	2	3
At least 1 specific civic education activity for women undertaken, in more than one region;	By June 2016;	1	2
At least one specific civic education activity for youth undertaken until September 2015, in more than one region	By June 2016;	1	1
Sources of evidence: MOCA Website: www.moca.gov.so https://youtu.be/eP2x9Njqom0 ; https://youtu.be/qQB_veGBATl ; https://youtu.be/8jk4CUDeyT4 ; https://youtu.be/b_u3QjNETsE ; https://youtu.be/Kfbm_dKeiaA http://moca.gov.so/			
OUTCOME 2: KEY NATIONAL STAKEHOLDERS WITH CAPACITY STRENGTHENED AND ABLE TO ENGAGE AND COMPLETE			
OUTPUT 4: Capacities of relevant national constitutional institutions supported			
Office space set up in first months of PIP initiation.	MoCA, ICRIC and OC staffed up and capacitated to perform their mandates.	Complete	Complete
All support staff and constitutional experts hired until end of 2015;		Complete	Complete
At least one thematic session and/or one training session conducted each month, per institution;		1	1
Sources of evidence: PIP for Constitutional Review Process, Back to Office Reports. Training reports.			
OUTPUT 5: Capacities of relevant sub-national institutions			
All staff hired and office set-up in	Puntland institutions and IRA institutions staffed up and capacitated to perform their mandates and to engage in the national constitutional review process	Partial	Partial
Sources of Evidence: PIP for Constitutional Review Process, Back to Office Reports.			



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NARRATIVE

OUTCOME 1: INCLUSIVE CONSTITUTIONAL REVIEW PROCESS ACTIVELY IN PLACE AND ENGAGING KEY NATIONAL AND INTERNATIONAL STAKEHOLDERS

In January, the Oversight Committee and ICRC, with the presence of UN experts and the support of Max Plank, completed the revision of 10 chapters of the constitution in Nairobi. This revision culminated with the tabling of a comprehensive report of the OC with the revisions agreed between OC and ICRC for the version at the parliament on 15 February 2016 in the presence of the Speakers of the Regional Parliaments, Prime-Minister and Minister of Constitutional. This was a milestone in the process of revision of the provisional constitution as, with the participation of the Regional Assemblies, an amended text was presented and to be discussed in future consultations at the state and national level.

A preliminary revision of the remaining contentious five chapters of the Constitution took place in Feb 2016 at Naivasha-Kenya. UNDP Constitutional Making Expert was amongst the panel of experts that participated and provided substantive advisory support in the revision exercise.

The cooperation between National Federal Parliament and the Regional Assemblies of South West, Galmudug and Jubaland State for the Constitutional Review Process was formalized in February with an MOU establishing the Forum of Somali Parliaments that was adopted and endorsed by the President of the Federal Republic. This MoU, which established guiding principles of cooperation and collaboration between the legislative bodies, and continuous information sharing on legal drafting, was the result of a one-week retreat held in Mogadishu with NFP and regional Assemblies. The retreat, which was funded by the project, hosted discussions on ongoing constitutional review process, modalities for regional consultations scheduled to take place on member state level, as well as information sharing and cooperation among the legislative bodies.

Option papers for a number of contentious issues, such as Police and Courts, stability measures of the Parliament, and others, have been prepared by UN Experts and submitted to executive and will be presented during the regional consultations, thus providing a platform for discussion and possible agreement to be reached during these consultations at the state level and national level.

With the support from the project, a three-day public outreach and general civic education event on constitutional review process was launched in March in Baidoa, with a regional consultation hosted by the Southwest State Administration, organized by the Federal Ministry of Constitutional Affairs, that also brought together the OC, the Independent Constitutional Review and Implementation Commission, and Members of the Federal Parliament. Over 200 people participated in the event and discussed the background of Somali Constitution review process including the consultations at regional and national level on the contentious issues, and amendments proposed to the Constitution. During this event, there were also meetings with selected Members of Parliament of Southwest led by their Speaker, women, youth, religious leaders, vulnerable groups and the business community.

The project supported the OC to hold one-day awareness workshop for women on constitutional review, which took place in Mogadishu on 4 June 2016. 55 Representatives from women's organizations (10 M, 45 W), including the Somali national women's organizations, civil society organizations (CSO) and regional administrations actively participated in the workshop, discussed the constitutional reform from the point of view of women's interests including the 30 % women's quota in the parliament. At the end of the workshop the participants came up with a set of recommendations, such as the need for political and financial support for women organizations, emphasis on need to expedite the establishment of political parties to overcome the



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negative impact the current 4.5 clan-based power-sharing formula has on women's political participation, and the need for empowerment of women to equally partake in all a government branches.

<https://youtu.be/eP2x9Njqom0>; https://youtu.be/qQB_veGBATI; <https://youtu.be/8jk4CUDeyT4>

With the support of the project, a second awareness workshop for youth on the Constitution Review Process was organized by OC and Federal Parliament Youth Caucus in Mogadishu on 12 June 2016. 80 young people (50 M, 30 W) representing different parts of Somalia participated in the workshop. A set of recommendations and aspirations with regard to the future revision of the Provisional Constitution were compiled during the workshop encouraging youth to become active in requesting the safeguarding of their political and socio-economic rights during the revision of the constitution. Youth is often excluded when decisions about their lives are made, but they aspire that a revised constitution will guarantee every right that they have as young people and ensure meaningful participation of youth at all levels of government.

https://youtu.be/b_u3QjNETsE and https://youtu.be/Kfbm_dKeiaA

OUTCOME 2: KEY NATIONAL STAKEHOLDERS WITH CAPACITY STRENGTHENED AND ABLE TO ENGAGE AND COMPLETE THE REVISION

The project provided technical and financial support to complete the Office Set-up and Technical expertise for the Ministry of Constitutional Affairs, with a renewed and equipped office and 22 advisors. These advisors support the MoCA and are working in areas such as civic education. Similar support was provided to ICRIC and OC.

The Legal Advisor of Puntland Ministry of Constitution, Federal Affairs and Democratization, funded under the project, has supported the ministry to develop a plan for public information, guidelines for the participation of women and marginalized groups in this process, as well as a comparative analysis on participation of women in Muslim and African countries in similar processes.

The information on the Constitution and its review is now enhanced, more transparent and reaches more Somali citizens with the functional website of Federal MoCA (www.moca.gov.so), which was developed and launched with the support of the project in June 2016 with features including Facebook, Twitter, YouTube, Pinterest, and LinkedIn.

Support was extended to regional Ministries of Constitutional Affairs and the reconciliation process in Galmudug, as it is important to provide the regional stakeholders with minimum conditions to be a functioning institution and in order to enable them to meaningful and actively participate on the Constitutional Review Process. Galmudug Ministry of Constitution and reconciliation was supported through office rent, furniture, stationary items, recruitment planning and organizational development. In addition, the project has assisted the Ministry of the Reconciliation and Constitutional Affairs of Southwest State through provision of office furniture and IT equipment.

Other Key Achievements

- 2,000 copies of the OC report with the revised 10 chapters of the constitution were shared;
- Capacity of 9 MoCFAD staff (5M, 4F) has been enhanced after delivered training on related to procurement, market survey, maintaining supplier's database, tracking suppliers past, amongst other topics;
- Completion of MOCA renovation of office premises;



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- 22 Technical consultants were recruited to support MoCA for smooth functioning of its mandate;
- Regular operations support provided to MOCA included internet connectivity, transport, communications, and provision of ICT equipment, and office furniture;
- Support provided to OC through recruitment of national consultants;
- Support provided to OC in organization of awareness workshops and translation of OC reports for the Constitutional Review Process;
- Regular operations support provided to ICRIC.

Challenges and Lessons Learned:

Coinciding with other political processes and events, such as the 2016 electoral process, national stakeholders have agreed that priorities need to be established. Constitutional Review Process and related revision and decisions on contentious decisions should gain momentum after new parliament and government are in place. There was a lack of political ownership of the process of constitution making. Political leaders did not give the constitution making process the support it required because they were preoccupied with political struggles over leadership. The political environment marked by power struggle and government instability contributed to delaying the process and jeopardized the use of the available resource. For example, the Ministry had changed its leadership three times within two years and later merged with another Ministry and split from it subsequently etc. As Somalia is moving toward a federal system, there is a need to harmonize constitutions from various regions, as well as the mistrust that exists between the arms of Government: Executive, Legislature and Judiciary.

There were several reasons for the delay of the constitutional review project. These are:

- Despite the enabling legislation, Government did not appoint the ICRIC until very late;
- The Parliament's OC continued working with its technical experts and produced two Reports.
- While the OC managed to complete its two reports with the support of ICRIC, there was insufficient time to table these reports in Parliament.
- Another factor resulting in the delay was the inability of Government to undertake the required civic education and public participation they had undertaken.

Peacebuilding impact

The Constitutional Review Process is part of the process for inclusive politics and thus impacts peacebuilding and the ongoing political processes in Somalia.

The recently approved amendment of the Constitution has contributed to a stable transition between mandates of the Parliaments, as it avoided power vacuum with the modification of Art. 60 of the provisional Constitution stating that the term of office of the 9th Federal Parliament is (4) years, but its term shall officially end on the day when the election results of the new 10th Parliament are announced.

In addition, amendment of Article 136, paragraph (2) of the Federal Constitution, also postpones the National Referendum to finally approve the Federal Constitution to the next term of the 10th Parliament, which extends to 2020. Thus, it allows the handover of the OC report, which includes a proposed revision of the 15 Chapters and proposed options for contentious issues. To this extent, the comprehensive national dialogue and agreement on the solution and way forward that the consultations will bring are crucial for peacebuilding process.

Catalytic effects NA

Gender

Representatives from women's organizations (W:45, including national and regional women's organizations, CSO) actively participated in workshops, discussed the constitutional reform from the perspective of women's'



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interests, including the 30 % women’s quota in the parliament. Youth recommendations and aspirations with regard to the future revision of the Provisional Constitution were compiled during the second awareness workshop from Oversight Committee on Constitution Review Process, with the participation of 80 young people (W:30) representing different parts of Somalia. Four women from Puntland MoCFAD benefited from a training on procurement, which contributed directly to promoting Gender Equality & Women’s Empowerment.

Proportion of gender specific outputs in Joint Programme ³	Total no. of Outputs	Total no. of gender specific Outputs
	0	0
Proportion of Joint Programme staff with responsibility for gender issues ⁴	Total no. of Staff	Total no. of staff with responsibility for gender issues
	5	1

Communications & Visibility

In accordance with donor guidelines, articles related to accomplished activities of the Constitution Review Support project have been regularly provided on monthly project newsletters, UNDP OC website and social media platforms (Facebook and Twitter). Since the ministry website was developed in June 2016, it is expected that the visibility with public and donors on the achievements will be improved and enhanced.

Looking ahead

The electoral process is expected to be completed by early year 2017, where a transition between the mandates of the Parliament will take place. After the new Parliament is elected and the new government is formed, the handover of the OC report on Constitutional Review Process will take place. This will be the starting point for the next phase of the constitutional review process and will gain new momentum in early 2017.

³ Gender Specific Outputs are those that are specifically designed to directly and explicitly contribute to the promotion of Gender Equality and Women’s Empowerment.

⁴ Staff members are those contracted to undertaken work for the Joint Programme including full time staff, consultants, advisors, interns, etc. Staff members with responsibility for gender issues are those who have gender related activities included in their Terms of Reference.



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ANNEX 1. RISK MANAGEMENT

Type of Risk ⁵	Description of Risk	Mitigating Measures
Political Organizational	Constitutional Oversight Committee does not take sufficient support from the leadership to progress constitutional review and implementation agenda.	Project has been developed in close partnership with the Speaker and Committee Chair and specific TA resources are dedicated to capacitate the Committee.
Political Organizational	Coincident timing with other political processes, such as the Electoral Consultative Process, affected negatively on the momentum of the constitutional review.	Project supported the national stakeholders in the revision process providing options to maintain the vitality of the process.
Environmental Political	Constitutional National Stakeholders coordination and cooperation mechanism delayed and not progressing, thus undermining the revision.	UN to provide advice on coordination mechanisms and provide support for the development and implementation of these mechanisms. Provision of technical advice of constitutional experts to provide options to the national stakeholders on possible solutions for the process and its particular issues.
Environmental Political	Delays in progressing constitutional dialogue due to breakdown in relations between Federal Government and IRAs/other stakeholders.	UNSOM to take the lead in working closely with FGS and NFP to support political dialogue and negotiation with regions, including Puntland.
Environmental Security	Outbreak of violence or serious deterioration of the security environment in Somalia.	Programme team to adjust programme activities to changes in the security situation. The project to work on increasing the participation of the civil society organizations, universities, legal aid centers and paralegals to implement project's activities.
Environmental Political	Serious deterioration in relations between UN and the NFP Or/and Government.	Maintenance of respectful, collaborative approach and transparency; vigilance in regards to developments relating to continued transition in Somalia.
Social and Environmental Risks	Risk 1: Duty-bearers do not have the capacity to meet their obligations in the Project	The project is providing capacity development activities to all duty bearers as part of the core project activities and goals. This initiative is contributing to the project's goal to enhance operational and technical capacity of the duty bearers.

⁵ Environmental; Financial; Operational; Organizational; Political; Regulatory; Security; Strategic; Other.



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Type of Risk ⁵	Description of Risk	Mitigating Measures
Social and Environmental Risks	Risk 2: Rights-holders do not have the capacity to claim their rights	The project includes capacity building activities in promoting the right holders to have the skills and knowledge to advocate for their rights and carries out activities with regard to outreach and public consultations of the constitution including Outreach/Public consultation meetings etc.
Social and Environmental Risks	Risk 3: The proposed Project would have adverse impacts on gender equality and/or the situation of women and girls	Project ensures that gender is mainstreamed across all of its activities such as recruitment of female interns for the Ministry of Constitution Affairs and capacity building trainings for the staff Special considerations are given to qualified female candidates and strongly encouraged to apply.

ANNEX 2. MONITORING AND OVERSIGHT ACTIVITIES

Monitoring Activity	Date	Description & Comments	Key Findings / Recommendations
Project Board Meeting Mogadishu	11 th May 2016	The project board meeting took place in Mogadishu with the participation of the Minister of Constitutional Affairs, Permanent Secretary (PS) of the Office of the Prime Minister, Secretary-General of the National Federal Parliament, representatives from UNSOM, UNDP and other donors. The purpose of the meeting was to discuss the extension of the project until end of June 2016 and the Garowe Conference.	Unblocked of the Constitutional PIP dependent on analysis of Concept Note of Garowe Conference and scheduling of a PBM in the near future.



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ANNEX 3. TRAINING DATA

#	Target Group		Dates	# of participants		Title of the training	Location of training	Training provider
	Ministry. District or UN staff	Others		M	F			
1.	Puntland MoCFAD			5	4	Training on Procurement		
2.	NFP Parliamentary Oversight Committee		4 June 2016	10	45	Constitutional Review Workshop for Women Organizations	Mogadishu	Maryam Arif Qasim Chairperson OC
3.	NFP Parliamentary Oversight Committee		12 June 2016	50	30	Constitutional Review Workshop for Youth Organizations	Mogadishu	Mohamed Amin NFF Youth Caucus Chair Mae
Total				65	79			