



**SOMALIA UN MPTF**

**PROGRAMME QUARTERLY PROGRESS REPORT**

**Period: Q-2, 2017**

<b>Project Name</b>	<b>Support to Constitution Review</b>
Gateway ID	00096485 (Gateway ID)
Start date	17 Jun 2015
Planned end date (as per last approval)	30 Sep 2017 (UNDP Somalia Project ID 00093036 from 17 Jun 2015 to 30 Jun 2016 and Project ID 00102268 from 11 May 2017 to 30 Sep 2017)
Focal Person	(Name): Nahid Hussein
	(Email): nahid.hussein@undp.org
	(Tel): 0612863045
PSG	PSG 1: Inclusive Politics
Priority	Priority 2: Finalize and adopt a Federal Constitution
Milestone	
Location	National and Regional
Gender Marker	2

<b>Total Budget as per ProDoc</b>	USD 4,034,624 for PIP (Jun 2015-2016) USD 172,386 for PIP-II (May-Sep 2017)
MPTF:	USD 4,034,624
Non MPTF sources:	PBF:
	Trac: 172,386
	Other:

	<b>PUNO</b>	<b>Report approved by:</b>	<b>Position/Title</b>	<b>Signature</b>
<b>1.</b>	<b>UNDP</b>	David Akopyan	Deputy Country Director- Programme	

<b>Total MPTF Funds Received</b>			<b>Total non-MPTF Funds Received</b>	
<b>PUNO</b>	<b>Current quarter</b>	<b>Cumulative</b>	<b>Current quarter</b>	<b>Cumulative</b>
<b>UNDP</b>	-	<b>\$4,034,624</b>	<b>\$172,386</b>	<b>\$172,386</b>

<b>JP Expenditure of MPTF Funds<sup>1</sup></b>			<b>JP Expenditure of non-MPTF Funds</b>	
<b>PUNO</b>	<b>Current quarter</b>	<b>Cumulative</b>	<b>Current quarter</b>	<b>Cumulative</b>
<b>UNDP</b>	-	<b>\$3,441,027</b>	<b>\$110,116</b>	<b>\$110,116</b>

<sup>1</sup> **Uncertified expenditures.** Certified annual expenditures can be found in the Annual Financial Report of MPTF Office (<http://mptf.undp.org/factsheet/fund/4SO00>) **MPTF figures are under PIP (Jun 2015-Jun 2016)**



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**QUARTER HIGHLIGHTS**

1. A series of meetings held by the Ministry of Constitutional Affairs (MoCA) at federal and state level on a project Master Plan;
2. MoCA conducted consultations with key role players and stakeholder;
3. MoCA developed a draft Master Plan for the Constitution Review Process with all key stakeholders.

**SITUATION UPDATE**

The project supporting the Constitutional Review during the 9th Parliament has been concluded and a new Project Document is currently being negotiated to provide the necessary support that will lead the adoption of the final constitution. Three central stakeholders have been identified in this process, i.e. the MOCA, the NFP and the Regional Administrations. During the current phase, the MoCA is undertaking critical consultations with key role players and stakeholders that will give legitimacy to the current phase of constitutional review.

The Ministry of the Constitution Affairs developed a draft Master-Plan through a series of consultations with key stakeholders started in April and will end at the end September 2017, which will assist and kick-start the review process. The plan outlines the roles of key players, the sequences of the process and identify immediate actions to be taken to amend the current constitution prior to the review process.

A Series of meetings were held at federal and state level to receive inputs into the Master-Plan, followed by a national conference to launch and adopt the plan. Upon the endorsement of the Master Plan, the programme team will translate it into a full-fledged project document to be shared with donors.

MoCA organized consultations with National Federal Parliament, Regional Governments, regional legislatures, civil society, women’s and youth groups. MoCA facilitated engagement of all stakeholders to ensure the inclusiveness of the process as well as present a document that is owned and endorsed by Somali people.

MoCA recruited one national consultant to produce a communication and outreach strategy that will outline the consultations, civic education and media contribution to the process.

**QUARTERLY PROGRESS REPORT RESULTS MATRIX UNDP SOM Project ID 00102268**

**OUTCOME STATEMENT**

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

**Output 1: Master-plan for the Constitution Review Process developed, approved and adopted by the Ministry of the Constitution Affairs.**

INDICATOR	TARGET	PROGRESS ON OUTPUT INDICATOR <sup>2</sup>	
		THIS QUARTER	CUMULATIVE
Framework/Timeline of Constitution Review;	Master Plan agreed by end of Aug 2017	0	0
Review Process agreed by end of August 2017;			
Master plan of Constitutional Review Process drafted and circulated amongst national and international partners by end August 2017;		1	1

Sources of evidence: PIP for Constitutional Review Process, Meeting minutes, Back to Office Reports.

**Output 2: Project effectively managed**

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



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Project document (draft) is complete; reflects the inputs of all key stakeholders; and is ready for approval.	Project document developed by end of Aug 2017	0	0
Sources of evidence: PIP for Constitutional Review Process, Meeting minutes, Back to Office Reports.			

NARRATIVE

**Output 1: Master-plan for the Constitution Review Process developed, approved and adopted by the Ministry of the Constitution Affairs**

**Development of a Master Plan:** The Ministry of the Constitution Affairs developed draft Master-Plan which will assist and advance a quick start of the review process. The Plan is being designed with all key stakeholders through a series of consultations that started in April 2017. It outlines the roles of key players, the sequences of the process and identifies immediate actions to be taken to amend the current constitution prior to the review process. The objective of this plan will also help align the strategies of all role players. A process to engage with all role players and stakeholders is already underway to make sure that the Master Plan receives the best possible cooperation and collaboration in the achievement of the goals set out. The Plan is expected to be used to not only measure the progress made but also solicit the support of both government and the donors to fund the project.

**MoCA Official Visits to The Capital Cities of The FMS:** MoCA is conducting visits from 13 June 2017 to capital cities (Kismayo, Aadado, Baidoa, Jowhar and Garowe) of the Federal Member States. The purpose of the National Convention is to ensure the support and participation of all key role players and stakeholders, amongst which the Federal Member States are critical. This is intended to publicly and formally launch the process of constitutional review at a National Convention and Shura Council. The purpose of the official visit by the Minister to the States was to engage with and secure the participation and support of all the Federal Member States. The expected outputs are the attendance of the Federal Member States and support of their representatives at the proposed National Convention and Shura Council. This contributed to consult with all the role players and stakeholders which is necessary to reach out to each of the States, with the Minister visiting them individually, and to report to the Regional role players on the process thus far and to obtain their buy-in and support for the approach adopted.

**Constitution Review Strategy:** The strategy for the review of the constitution was developed and the process of consultations successfully carried out. This strategy was presented to the donor community with an invitation for feedback. it will lead to holding the National Convention and the establishment of Shura Councils in which to build consensus between key role players.

**Inaugural Meeting of the Forum for Ministers of Constitutional Affairs (FGS & FMSs):** On 14 to 16 May 2017 forum was held in Mogadishu. The purpose of the meeting was to ensure participation of all Regional States and marshal their support to the process and enhance the spirit of collaboration, consultations, inclusivity and broad based consensus. And to take into account the views and concerns of Regional States’ inputs so as to avoid miscommunication that may result in unnecessary conflict. Among the issues discussed during the meeting were goals and objectives of the MoCA and the importance of the MoCA Forum (MOCAF); Strategic Plans and Projects of the State; Identification of key issues; key emerging issues arising from the different presentations; the proposed process of constitutional review and agreement on way forward.

**Organized consultations on the Master Plan:** MoCA organized consultations with women representatives and CSOs, Youth, people with disabilities, and Ministers of Constitutional Affairs of Federal member states from 14 – 16 May 2017. The ministry engaged with all stakeholders, namely, civil society to ensure the inclusiveness of the process as well as present a document that is owned and endorsed by Somali people.

**Planning Schedule for The Review of The Constitution of Somalia:** This Planning Schedule has been developed to elaborate on the Master Plan which the MoCA presented to the donor community. The purpose of the document is to provide further details in the planning of the constitutional review. The process of review of the constitution involves a multi-disciplinary team from



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the executive and other sectors of society. The Planning Schedule will therefore address the collaboration between the MoCA and other line function ministries who also have a role in the process of constitutional review. This collaboration is made meaningful in the area of the Shura Council which is where consensus is built. In particular, technical experts from the various line function ministries are able to play a meaningful role in the review of the constitution. The purpose of this Planning Schedule is therefore to allow each of the ministers to plan their resources accordingly to make the best possible impact.

**Development of outreach and communication strategy:** MoCA developed a communication and outreach strategy that will outline the consultations, civic education and media contribution to the process. This strategy is aimed to improve public understanding and perception of the MoCA. This contributes to enhance relationships with media outlets, social networks and partnership.

**Operations support:** Regular operations support provided to MoCA including logistical support to travel to the state members

### Other Key Achievements

1. MoCA held meetings at federal and state level to receive inputs into the Master-Plan.
2. MoCA conducted consultations with key role players and stakeholders.
3. MoCA developed draft Master-plan for the Constitution Review Process supported by all key stakeholders.
4. Produced a communication and outreach strategy for MOCA.
5. Developed Planning Schedule for the Review of the Constitution of Somalia.
6. Regular operations support provided to MoCA including logistical support to travel to the state members

### Challenges (incl: Delays or Deviations) and Lessons Learnt:

- The conflict in Somalia influences against finding constitutional solutions and the development of a constitutional democracy. The experience and best practices of many countries in similar circumstances shows that the development of a constitutional democracy can only take place in conditions of peace.
- Over the past ten years of government, we have experienced the persistent and chronic destabilization of government because of the abuse of some democratic rights established by the constitution. Part of this problem lies in the lack of a clear separation of powers between the President, Executive and the Legislature. For the sake of stability and the building of institutional memory, a review of these provisions is urgently required.
- The constitutional text does not reflect the current political realities. Attention to this anomaly is a challenge that the MoCA will address to promote the rule of law and good governance.
- Some regional administrations have already started the process to developing their state constitutions. There is therefore the challenge of harmonizing these constitutions with that of the Federal Constitution.
- Lack of political ownership of the process of constitution making. Unfortunately, political leaders did not give the constitution making process the support it required because they were too preoccupied with political struggles over leadership. This was compounded by the fact that there has been the persistent lack of consultations with the key role players.

### Peacebuilding impact

The Constitutional Review Process is part of the process for inclusive politics and it will have impact on the peacebuilding and on the political processes ongoing in Somalia, some with direct impact on the upcoming years of Somalia development. To this extent, the Ministry of Constitutional Affairs has conducted a series of consultative conferences with various stakeholder groups such as civil society, youth associations, women's groups, persons with disabilities and the regional Ministries of Constitutional Affairs. The ministry is expected to finalize Master Plan until 15 September 2017 and ensure that consultations were conducted to endorse the Master Plan.

### Catalytic effects



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N/A		
<b>Gender</b>		
Women representatives from women’s organizations, Civil Society Organizations (CSO) and regional administrations actively participated in the meetings held by MoCA at federal and state level to receive inputs into the Master-Plan.		
Proportion of gender specific outputs in Joint Programme <sup>3</sup>	<b>Total no. of Joint Programme Outputs</b>	<b>Total no. of gender specific Outputs</b>
	0	0
Proportion of Joint Programme staff with responsibility for gender issues <sup>4</sup>	<b>Total no. of Staff</b>	<b>Total no. of staff with responsibility for gender issues</b>
	2	1
<b>Human Rights N/A</b>		
Has the Joint Programme included a protection risk assessment in its context analysis, including on gender issues, and taken measures to mitigate these risks to ensure they are not exacerbated or new risks created?	<b>Result (Yes/No)</b>	
	Yes	
No. of Joint Programme outputs specifically designed to address specific protection concerns.	<b>Result (No.)</b>	
	The project is not specifically designed to address specific protection concerns. But indirectly contribute to the promotion of human rights at outcome level.	
No. of Joint Programme outputs designed to build capacity of duty bearers to fulfil their human rights obligations towards rights holders.	<b>Result (No.)</b>	
	1, specifically output 1 is designed to build the capacity of the duty bearers to fulfil their human rights obligations towards right holders. The project provides capacity development initiatives to the duty bearers and support them in conducting consultations and public outreach for them to claim their rights.	
<b>Support to Drought Response N/A</b>		
<b>Communications &amp; Visibility</b>		
In accordance with donor guidelines, articles related to accomplished activities of the Constitution Review Support project have been regularly provided on UNDP CO website and social media platforms (Facebook and Twitter). Also the visibility with public and donors on the achievements of activities improved through MoCA website.		
<b>Looking ahead</b>		
Consultative Meeting on Constitutional Review Process held in Nairobi on 19 May 2017. Donors shared their comments for shared master plan but did not make any resources commitment to support the constitution process at this stage. Ministry of Constitutional Affairs has already conducted a series of consultative conferences with various stakeholder groups such as civil		

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

<sup>4</sup> 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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society, youth associations, women's groups, persons with disabilities and the regional Ministries of Constitutional Affairs. These activities were undertaken with UNDP allocated core resources to support MoCA for initial level activities for development of Master Plan and ensure that consultations are conducted to endorse the Master Plan. The duration of this support is limited from 15 May to 15 September 2017.

If the Constitutional Review process project is not funded soon enough to kick-start the key activities outlined in the Master Plan, potentially, the project will discontinue in September 2017. If donor partners did not support the constitution review process and not allocated funds then there will be a high risk of delaying the whole constitution review process as well as adoption of the legal framework required to hold one man one vote elections in 2020/2021. Given the importance the SRSB attaches to the decisive conclusion of the constitutional review process as a key priority, it is critical, in this connection, that the donor community is robustly engaged to respond positively to the appeal by MoCA to support constitution review process.



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**ANNEX 1. RISK MANAGEMENT**

Type of Risk <sup>5</sup>	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 + specific TA resources are dedicated to upskilling 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.

<sup>5</sup> Environmental; Financial; Operational; Organizational; Political; Regulatory; Security; Strategic; Other.



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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.





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**ANNEX 2. MONITORING AND OVERSIGHT ACTIVITIES** <list here the monitoring and oversight activities undertaken during reporting period. Precise and specific, the table should not exceed one page>

Monitoring Activity	Date	Description & Comments	Key Findings / Recommendations
Meetings on Parliament and Constitutional Review, Nairobi	18-19 May 2017	<p>The purpose of the meetings was to brief the donors on:</p> <ul style="list-style-type: none"> <li>• The Strategic Plan and legislative priorities of the National Federal Parliament,</li> <li>• The UNDP proposed support for the coming four years, and</li> <li>• The Master Plan of the Ministry of Constitutional Affairs (MOCA) for the upcoming constitutional review process.</li> </ul>	<p>The Ministry of Constitutional Affairs conducted a series of consultative conferences with various stakeholder groups such as civil society, youth associations, women’s groups, persons with disabilities and the regional Ministries of Constitutional Affairs.</p> <p>UNDP allocated funding utilizing its core resources to support the finalization of the Master Plan and ensure that consultations were conducted to endorse the Master Plan.</p> <p>The donors did not make any financial commitment but requested that their comments on the master plan be considered</p>



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**ANNEX 4: PHOTO FEATURE FOR 1<sup>ST</sup> APRIL TO 30<sup>TH</sup> JUNE, 2017**



*Meetings on Parliament and Constitutional Review, Nairobi*