



**SOMALIA UN MPTF**

**PROGRAMME SEMI-ANNUAL PROGRESS REPORT**

Period: January to June 2021

|  |  |
|--|--|
| <b>Project Name</b>                        | <b>Constitution Review Support Project (CRSP II) – UNDP Atlas Award ID 0099032, Project ID 00108659)</b>                               |
| Gateway ID                                 | 00109240 (MPTF Project ID)   |
| Start date                                 | 01 Jan 2018  |
| Planned end date<br>(as per last approval) | 30 April 2021  |
| Focal Person                               | (Name): Dragan Popovic   |
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|  | (Tel): +252614125044   |
| Participating UN entities                  | UNDP, UNSOM (PAMG)   |
| NDP Pillar                                 | Inclusive Politics: Achieve a stable and peaceful federal Somalia through inclusive political processes and effective decentralization |
| UNCF Strategic Priority                    | Deepening federalism and state-building, supporting conflict resolution and reconciliation, & preparing for universal elections.       |
| Location(s)                                | National and Regional  |
| Gender Marker                              | 2  |

|                                   |                              |
|-----------------------------------|------------------------------|
| <b>Total Budget as per ProDoc</b> | 12,735,114.68                |
| MPTF:                             | 9,183,970.77                 |
| Non-MPTF sources:                 | PBF: 0                       |
|                                   | Trac: 1,601,980.00           |
|                                   | Other: (DFID): USD 1,949,163 |

|           | <b>PUNO</b>           | <b>Report approved by:</b> | <b>Position/Title</b>                                    | <b>Signature</b> |
|-----------|-----------------------|----------------------------|--|------------------|
| <b>1.</b> | <b>PWG-1<br/>UNDP</b> | Jacqueline Olweya          | UNDP Deputy<br>Resident<br>Representative -<br>Programme |                  |



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| Total MPTF Funds Received                 |                          |                       |                     | Total non-MPTF Funds Received    |                       |                     |
|---|--------------------------|-----------------------|---------------------|----------------------------------|-----------------------|---------------------|
| PUNO                                      | Semi Annual 2021 (1)     | Cumulative            | Annual 2021         | Semi Annual 2021 (1)             | Cumulative            | Annual 2021         |
|   | 1 January - 31 June 2021 | From prog. start date | 1 Jan – 31 Dec 2021 | 1 January - 31 June 2021         | From prog. start date | 1 Jan – 31 Dec 2021 |
| <b>UNDP</b>                               | <b>0</b>                 | <b>9,183,970.77</b>   | <b>0</b>            | <b>560,651.50</b>                | <b>3,393,831.26</b>   | <b>560,651.50</b>   |
| JP Expenditure of MPTF Funds <sup>1</sup> |                          |                       |                     | JP Expenditure of non-MPTF Funds |                       |                     |
| PUNO                                      | Semi Annual 2021 (1)     | Cumulative            | Annual 2021         | Semi Annual 2021 (1)             | Cumulative            | Annual 2021         |
|   | 1 January - 31 June 2021 | From prog. start date | 1 Jan – 31 Dec 2021 | 1 January - 31 June 2021         | From prog. start date | 1 Jan – 31 Dec 2021 |
| <b>UNDP</b>                               | <b>19,966.32</b>         | <b>9,124,682.73</b>   | <b>19,966.32</b>    | <b>792,458.70</b>                | <b>3,361,920.60</b>   | <b>792,458.70</b>   |

**ANNUAL HIGHLIGHTS**

1. Ministry of Constitutional Affairs (MOCA), Parliamentary Oversight Committee (OC) and the Independent Constitution Review and Implementation Commission (ICRIC) finalized the hand over reports for the 11<sup>th</sup> Parliament and the forthcoming administration.
2. 3<sup>rd</sup> revised version of the Constitution was agreed by the FMS, Banadir Region, South West State, Galmudug and Hirshabelle.
3. Lessons learnt meeting on the CRSP was held, resulting in the identification of key issues and a set of measures for taking forward the constitution review process
4. Political Strategy for taking forward the constitutional review process was developed and agreed.

**HIGHLIGHTS OF KEY ACHIEVEMENTS**

During the reporting period, public consultations were organized in Mogadishu with Banadir Region, South West State, Galmudug, Hirshabelle and civil society to verify 3<sup>rd</sup> revised version of the Constitution. MOCA, OC and ICRIC prepared and finalized handover report to take forward the constitutional review process. The revised Constitution and the handover reports will be submitted to the 11<sup>th</sup> Parliament and the forthcoming government. Lessons learnt meeting was held in Nairobi on 9<sup>th</sup> March 2021 and was attended by the representatives of Norway, Sweden, Denmark, Switzerland, FCDO, EU, World Bank, UNSOM and UNDP. The participants discussed key CRSP issues, identified challenges in the constitutional review process and the implementation of the CRSP and recommended ways to overcome impediments. Finally, the political strategy to take forward the constitutional review process was developed and agreed by the UN.

<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>)



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**SITUATION UPDATE**

Though important milestones have been achieved in the last quarter of 2020 which culminated in drafting of the 3<sup>rd</sup> version of the reviewed Constitution, the political dynamic between the Federal Government and some Federal Member States, notably Puntland and Jubaland, has continued being complex, which directly impacted completion of the constitutional review process. Namely, Puntland and Jubaland rejected to participate in the process during the current administration, particularly complaining about the composition of ICRC and requesting quick resolution of the Gedo issue, among other matters. In addition, FGS President Faarmajo issued a decree on 24 December deferring review of the Constitution and the procedure of approving the Constitution and adoption of the Constitution to the 11<sup>th</sup> Parliament.

During the reporting period, a lessons learnt session was organized with the UN and the international partners aiming to discuss key challenges during the implementation of the Constitutional Review Support Project (CRSP) and provide recommendations on how to move forward on constitutional reform. Facing further deterioration of the political situation in Somalia in 2021, challenges that the CRSP has faced and difficulties to complete the constitutional review process, the UN and the partners decided to close the project. UNDP revised the annual work plan and informed all national counterparts that the project will be closed by 31 March, providing one month notice (until 30 April) as stipulated in the Letters of Agreement. During the reporting period the team completed all the project closure-related activities. In the meantime, MOCA, OC and ICRC have drafted their handover reports, the 3<sup>rd</sup> version of the Constitution was translated and commented upon, a political strategy to take forward the constitutional review process was developed, and the team started creating concept notes informed by the experiences of the CRSP, lessons learnt event and the political strategy and using the Parliamentary Support Project, funded by core resources (TRAC), as a vehicle for the programme development. In the meantime, against the political backdrop the National Consultative Council (NCC) meeting was organized from 22-26 May in Mogadishu and discussed at length how to find solutions for holding elections for the Federal Parliament and related contentious political issues. The Somali leaders agreed to organize the indirect election within 60 days after signing the agreement, highlighting 8-point agenda<sup>2</sup>. The leaders also agreed to implement the mid- to long-term priorities of the Roadmap for crucial state-building in Somalia based on the federal system, highlighting that the completion of the Federal Constitution is a matter of key importance.<sup>3</sup>

**SEMI-ANNUAL PROGRESS REPORT RESULTS MATRIX**

**OUTCOME STATEMENT**

Support an effective, transparent and accountable constitutional review process through strengthening inclusive political processes at all levels to develop a new social contract that meets the needs of Somali women and men, reflects political realities and is of good technical quality in order to foster equitable and sustainable development and peace.

**SUB-OUTCOME 1 STATEMENT**

<sup>2</sup> 1) Procedure for resolving the dispute on electoral management committees; 2) Resolving the dispute on the electoral management committee for Somaliland; 3) Mechanism for resolving the dispute on the conduct of elections in Gedo Region; 4) Election Security Protocol; 5) Implementation of the 30% women quota; 6) Timetable for Conducting the Election; 7) Maintaining Regular Cooperation of the National Consultative Council; 8) Roadmap for the completion of the state-building process of Somalia.

<sup>3</sup> Besides the completion of the federal Constitutions other priorities are: Completion of the process of building the army and strengthening security of the country; The Issue of Somaliland; Status of the Capital of Somalia; Reconciliation of the Somali Community; Donor funds and debt relief; Implementation of the one person one vote election.



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| N/A   |  |   |                    |
|---|--|---|--------------------|
| <b>Output 1.1:</b> Effective participation on the constitutional review process resolves key contentious issues on all levels.                |  |   |                    |
| INDICATOR   | TARGET   | PROGRESS ON OUTPUT INDICATOR <sup>4</sup> |                    |
|   |  | REPORTING PERIOD (2021)                   | CUMULATIVE         |
| # of thematic issues raised and discussed in consultative and inclusive forums  | Mechanism for national dialogue on thematic areas established  | 4 <sup>5</sup>                            | 15                 |
|   | At least 4 thematic issues raised and discussed in consultative and inclusive forums, with at least two issues resolved. | 1 <sup>6</sup>                            | 8                  |
| Legislative roles defined for federal and state level parliaments within the new parameters defined   | Legislative competencies for federal regional parliaments defined.   | No  | Partially          |
| Sources of evidence: Constitutional Review Process progress reports, meeting minutes, reports from MOCA, OC and ICRIC, photos etc.            |  |   |                    |
| <b>Output 2:</b> General population knowledge on the constitutional review process is enhanced  |  |   |                    |
| Civic Education plan is implemented at regional and federal level in partnership with civil society   | Inputs from communities including vulnerable groups submitted as contribution to the constitutional review process.      | 4 <sup>7</sup>                            | 11                 |
| #of civil society (including vulnerable groups) partners engaged in the civic education activities  | At least five CSOs participate in networks carrying out civic education activities in each region.                       | Partially (linked to 2020)                | 6 (linked to 2019) |
| Sources of evidence: Constitutional Review Process progress reports, meeting minutes, reports from MOCA, OC and ICRIC, photos etc.            |  |   |                    |
| <b>Output 3:</b> Key actors implement outreach strategy and civil society engagement in the constitutional review and implementation process. |  |   |                    |
| Strategy on public consultations with special focus on marginalized groups  | Strategy on public consultations with special  | 1 <sup>8</sup>                            | 3                  |

<sup>4</sup> Fill in only the numbers or yes/no; no explanations to be given here.

<sup>5</sup> Third round of consultations in Mogadishu and Hirshabelle, South West and Galmudug States.

<sup>6</sup> During the consultations in Mogadishu, South West, Galmudug and Hirshabelle States the participants agreed and disaggregated technical from controversial articles of the third draft of the Constitution. The consultations resulted in finalizing the 3<sup>rd</sup> revised version of the Constitution.

<sup>7</sup> MoCA, OC and ICRIC organized third round of consultations in Mogadishu, South West, Galmudug and Hirshabelle states, involving representatives of the states' institutions and all segments of society, including the vulnerable groups

<sup>8</sup> Third round of consultations in Mogadishu and Hirshabelle, South West and Galmudug States.



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|  |   |                |    |
|--|---|----------------|----|
| (women, IDPs, youth, persons with disabilities) draft  | focus on marginalized groups (women, IDPs, youth, persons with disabilities) is under implementation. |                |    |
| Key players lead # of public consultations in all regions  | At least 2 public consultation held in each region.   | 4 <sup>9</sup> | 35 |
| Sources of evidence: Constitutional Review Process progress reports, meeting minutes, reports from MOCA, OC and ICRIC, photos etc. |   |                |    |

**NARRATIVE**

**Output 1:** Effective participation on the constitutional review process resolves key contentious issues on all levels

**Finalization of the handover reports to take forward the Constitutional Review Process:** MoCA, OC and ICRIC have finalized handover reports about the constitutional review process after a consultation meeting with the civil society and three Federal Member States (South West, Hirshabelle and Galmudug) that was organized in Mogadishu on 16-18 March 2021. The meeting brought together 157 participants (Women: 18 and Men: 139). The handover reports contain information about the progress made so far, the achievements, the challenges encountered, proposed actions for the next government and the Parliament and the way forward. The reports will be submitted to the upcoming 11<sup>th</sup> Parliament and the new administration which will be able to pick up from where the previous parliament and the government left off, safeguarding the achievements made thus far, and on this way preventing the constitutional review process to start afresh, as it happened in 2016.

**Support to the FMS MOCAs:** During the reporting period, the project provided technical and operational support to the national counterparts in FMS. The ministries of constitutional affairs in South West, Galmudug and Hirshabelle organized consultative meetings on the 3<sup>rd</sup> draft of the reviewed Constitution, bringing together representatives from state ministries and civil society organizations, including women and youth, think-tanks etc. The consultations resulted in reaching consensus on this new draft version of the Constitution. A total of 326 Somalis participated in the consultations (South West- W: 29; M: 75; Hirshabelle - W: 38; M: 61; Galmudug: W: 53; M: 70). The planned consultation meetings for Jubaland and Puntland have not been organized due to the outstanding political disputes between FGS and these two FMS states, that has been elaborated in the introductory and lessons learnt and challenges sections.

In addition, representatives of Galmudug, Hirshabelle and South West MoCAs participated in dedicated discussions with ICRIC, MoCA and OC to finalize the 3<sup>rd</sup> draft of the revised Constitution, to disaggregate technical from contentious articles and to ensure compliance of the proposed amendments to the international and regional conventions.

**Output 2: General population knowledge on the constitutional review process is enhanced.**

During the reporting period FGS MOCA, OC and ICRIC actively communicated with the public, using electronic and social media, providing information about the progress on the review of the Constitution, enabling the public to closely follow up on the tri-entity activities, achievements and challenges faced in the process.

<sup>9</sup> Third round of consultations in Mogadishu and Hirshabelle, South West and Galmudug States.



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The information about the **MOCA** outreach activities can be found on the following links:

### Facebook

<https://www.facebook.com/468010099926454/posts/4062446717149423/?sfnsn=mo>  
<https://www.facebook.com/watch/?v=218194606662262>  
<https://www.facebook.com/watch/?v=285846376315617>  
<https://www.facebook.com/watch/?v=115923270451945>  
<https://www.facebook.com/HornCableTv/videos/461471005283950/>  
<https://www.moca.gov.so/kulanka-gabagabada-wadatashiyada-bulshada-rayidka-ee-qabyo-qoraalka-3aad-ee-dib-u-eegista-dastuurka-oo-muqdisho-ka-furmay/>  
<https://www.facebook.com/watch/?v=718844012126697>  
<https://www.facebook.com/KulmiyeOffical/videos/259305469069194/>  
<https://www.facebook.com/watch/?v=461965555156148>  
<https://www.youtube.com/watch?v=dvYhL8r72cw>  
<https://www.facebook.com/watch/?v=805944506666285>

### Website

<https://www.moca.gov.so/hayadaha-dastuurka-oo-maanta-ka-shiray-dhammaystirka-nuqulka-3aad-ee-dastuurk/>  
<https://www.moca.gov.so/kulanka-gabagabada-wadatashiyada-bulshada-rayidka-ee-qabyo-qoraalka-3aad-ee-dib-u-eegista-dastuurka-oo-muqdisho-ka-furmay/>  
<https://www.moca.gov.so/kualanka-gabagabada-latashiga-dowlad-goboleedyada-ee-qabyo-qoraalka-saddexaad-ee-dastuurka-oo-muqdisho-ka-furmay/>

### Twitter

<https://twitter.com/MoCASomalia/status/1369614007158595585>  
<https://twitter.com/MoCASomalia/status/1371753917055430656>  
<https://twitter.com/MoCASomalia/status/1374285396201312258>

**ICRIC:** During the reporting period, ICRIC has been actively communicating with Somalis through electronic media, websites and social media to raise citizens' awareness on the achievements completed, contributing at the same time to the Hirshabelle, Galmudug and South West States and the Banadir Region to achieve the consensus on the 3<sup>rd</sup> draft of the reviewed Constitution. The relevant links can be found below:

<https://www.youtube.com/watch?v=FB-DGkUYrHc>  
<https://www.facebook.com/Guddiga-Madaxabanaan-ee-Dastuurka-408591732902935/>  
<https://www.facebook.com/408591732902935/posts/1178525089242925/?d=n>  
<https://www.facebook.com/408591732902935/posts/1177908765971224/?d=n>  
<https://www.facebook.com/408591732902935/posts/1173372273091540/?d=n>

**Parliamentary Oversight Committee:** The OC media department prepared programs and messages that are being disseminated through social media (Facebook, Twitter, YouTube and Instagram) to enhance the awareness of the public on the constitutional review process, which assisted in reaching out the consensus between the three FMS (Hirshabelle, Galmudug and South West) and the Banadir Region on the 3<sup>rd</sup> draft of the reviewed Constitution. The relevant links can be found below:



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### OC Facebook Media Links

<https://www.facebook.com/DastuurkaSoomaaliyaBFS/photos/a.1596774880392003/3891660590903409/>  
<https://www.facebook.com/DastuurkaSoomaaliyaBFS/posts/3884388911630577>  
<https://www.facebook.com/DastuurkaSoomaaliyaBFS/posts/3881521151917353>  
<https://www.facebook.com/DastuurkaSoomaaliyaBFS/posts/3863960417006760>  
<https://www.facebook.com/DastuurkaSoomaaliyaBFS/posts/3843758829026919>

### OC Twitter Media Link

<https://twitter.com/BFSDastuurka/status/1375372501077856256>  
<https://twitter.com/BFSDastuurka/status/1374658290739728384>  
<https://twitter.com/BFSDastuurka/status/1374348768720654337>  
<https://twitter.com/BFSDastuurka/status/1372121449218113536>  
<https://twitter.com/BFSDastuurka/status/1341955060377530368>

### OC Website Media Links

<https://dastuurka-bfs.so/so/>  
<https://dastuurka-bfs.so/so/latashiga-dadweynaha-ee-qabyo-qoraalka-seddexaad-ee-dib-u-eegista-dastuurka/>

### OC YouTube Media Links

[https://www.youtube.com/channel/UCirBZExF\\_8DYHyvLiA6tk7w](https://www.youtube.com/channel/UCirBZExF_8DYHyvLiA6tk7w)

### **Output 3: Key actors implement outreach strategy and civil society engagement in the constitutional review and implementation process.**

**Final round of consultation on the Provisional Constitution:** MOCA, OC and ICRIC successfully organized final rounds of consultations in Mogadishu with 290 (W: 49; M: 241) representatives from Federal Member States (Hirshabelle Galmudug and South West), civil society organizations, women, youth, think-tanks etc. The aim of the consultations was to obtain feedback and inputs on the third revised version of the provisional constitution. As per the tri-entities the 3<sup>rd</sup> draft of the Constitution contains 157 articles, 14 articles (19%) require further political negotiation while the remaining 143 articles (81%) are of technical nature that can be relatively easily agreed by the Somali leaders. MOCA, OC and ICRIC will submit the third revised version of the Provisional Constitution together with the hand over reports to the upcoming 11<sup>th</sup> Parliament and the new administration.

### **Output 4: Project effectively managed**

During the reporting period the project team reviewed the annual work plan and completed all the programmatic, administrative and financial actions to close the project, following the agreement with the international partners. All national counterparts were informed about the closure of the project during the bilateral meetings and also in written. The final project board meeting will be organized to approve and endorse all the completed actions and provide recommendations for the future activities.



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Internally, UNDP and UNSOM have had regular weekly coordination meetings chaired by the UNDP DRRP and the Chief of PAMG, to follow up and monitor on the implementation of the activities and provide additional directions towards closure of the project.

**Lessons learnt event:** The international partners and the UN initiated a work session (i) to consolidate lessons learnt and identify challenges and gaps in the constitutional review process and the implementation of the CRSP, (ii) deliberate on the objectives and components of a political strategy to address the identified challenges and gaps and (iii) formulate any joint positions and messages. The meeting was held at Sankara Hotel, Nairobi on 9<sup>th</sup> March 2021 and was attended by the representatives of Norway, Sweden, Denmark, Switzerland, FCDO, EU, World Bank, UNSOM and UNDP.

The meeting identified key issues and lessons learnt from the past years:

- **Political issues.** while constitutional making is inherently a political process, political roles and responsibilities have not been properly factored into the project implementation. Political risks and issues should have been regularly updated and the project ought to adapt to existing realities to ensure completion of the review. As a political process, constitutional review needs a collective voice or leverage. Thus, it was highlighted that the joint collaboration between the national partners, civil society, international partners and the UN is of critical importance. It is also imperative that the Somali leadership assumes responsibility for the process.
- **Inclusivity** It was noted that while the project managed to ensure inclusivity of the review process to a limited extent, the main focus of the CRSP was, however, the provision of technical support. The tri-entity was not able to retain their relationship with the FMS. It was highlighted that some informal networks and actors might be partnered with who could support the implementation of the activities to achieve more concrete results. Therefore, it was necessary to broaden the spectrum of partners focusing primarily on FMS, community leaders and civil society to provide the additional push to unblock the political impasse and ensure completion of the review process.
- **Technical assistance versus Political intervention.** The project successfully provided technical knowledge and strengthened the coordination between MOCA, OC and ICRC. However, the partners highlighted that the constitutional review process has been quite costly and focused mainly on the technical aspects. The CRSP did not receive the necessary support from either the political leadership at the FMS or the FGS level.
- **Lack of synergies between different political processes.** The review process was not linked to other important political processes such as federalism and election. Going forward, all those important processes should be considered complementary, to reinforce one another. Also, other platforms should be used to support the completion of the constitutional review process, such as REFS. Going forward, consideration should be given to merging existing projects supporting the state building such as REFS, CRSP, PSP etc. to provide a more comprehensive approach.
- **Sequential approach.** It was highlighted that there are outstanding constitutional issues that need particular political attention, such as power and resource sharing, fiscal federalism, governance structure, the status of the capital city, etc. Political dialogue is needed to advance the constitutional review process. The dialogue should be issue-based and focused on the sequencing of constitutional issues and a clear prioritization. This approach may safeguard the achievements made thus far and by tabling articles ready for adoption.
- **Analysis of project implementation methodology and Risk analysis (Do No Harm).** It was important to constantly update the risk matrix and conduct regular risk analysis (particularly political analysis) to identify mitigation measures. The project and the implementation methodology had to be objectively evaluated, with critical analysis of the activities being conducted, following the Do No Harm approach. Requests from the





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national counterparts should have been thoroughly examined before accepting them. A coordination mechanism should be established ensuring participation of relevant national and international actors and representatives of civil society, with the purpose of (i) Identifying risks and issues in the review process and recommending mitigation measures, (ii) identifying roles and responsibilities within this mechanism and (iii) task entities based on their comparative advantage.

Special attention was given to the relationship and connection between the constitutional review process, the rule of law, and political instability. Finalization of the constitutional review process has not been recognized as a critical priority. Neither has the respect of the constitution been regarded as fundamental to enhancing the rule of law. Finally, all the donors highlighted that the revised Constitution must be compliant with International Human Rights Standards and Conventions that Somalia is party to.

The lessons learnt meeting suggested following steps for taking the constitution review process forward, which is based on two phases:

### 1. Pre-election phase:

- Prepare for a post-election mapping exercise, including the analysis of stakeholders and other partners to be brought on board and how to engage with them. Also, define the sequencing of issues/timelines.
- Ensure that the constitutional review process is on the political radar by advocating with the FGS and the FMS leaders, keeping the actors engaged and widening partnerships in the review process.
- Use the existing platforms for deepening discussions on the review process and how other political processes such as elections and federalization can complement the constitutional review.
- Define roles of the different actors and partners engaged in the constitutional review process.

### 2. Post-election Phase:

- Advocate for the adoption and implementation of the MOCA, OC and ICRIC handover notes so that the 11th Parliament picks up where the 10th Parliament left off.
- Complete the analysis of risks and issues by the UN providing recommendations for mitigation measures and partnerships.
- Address key political issues that are currently blocking the constitutional review process such the ICRIC structure and membership issues
- Prioritize important issues such as adoption of the technical amendments, formalization of the FMS, fiscal federalism, Inter-Governmental relations structure etc.
- Tabling and adoption of the agreed articles of the Constitution (consider partial adoption of the Constitution, based on consensus and sequencing approach).
- Establish and broaden the spectrum and scope of partnerships engaged in the constitutional review process.
- Establish proper coordination mechanism with clearly defined roles of the different actors such as the UN, International and National Partners and civil society.

**Development of the Political Strategy:** During the reporting period a consultant was recruited to draft the political strategy, to take forward the constitutional review process, following the lessons learnt session. The Strategy



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highlights that in order to advance the state building ambitions in Somalia, and establish the country as a constitutional democracy, it is imperative that the constitutional review process is completed, guided by the principles of participation, inclusivity, negotiations, compromise and consensus building. This requires the building of synergies with other political and governance support processes, as well as an enhanced engagement by the international community with the political class and the Somali public at the national and sub-national levels. The strategy underlines eight principal imperatives. These are:

1. Effective political demand by expanding ownership and drivers of the process;
2. Inclusivity through establishment of a comprehensive mediation framework ensuring participation of all FMS and representatives of ICRIC;
3. Ideological compromises encouraging plurality of voices to emerge and influence political processes and governance priority outcomes, into the constitutional review process;
4. Working in concert by international actors re-conceptualizing support/programme and inter-partner collaborative arrangements to influence political processes and outcomes;
5. Primacy of rule of law;
6. Safeguarding the gains achieved thus far ensuring that the 11<sup>th</sup> Parliament continues where the 10<sup>th</sup> Parliament left off;
7. Develop constitutional reform roadmap with milestones;
8. Interoperability by re-designing UN support/programming approach, highlighting the constitutional review process as super objective, ensuring synergies, sequencing of interventions and coordination

**Programme development:** Following the National Consultative Council's agreement from 27 May 2021, UNDP jointly with the OSRSG and the PAMG developed a new project to support the OPM's efforts to organize the election and prepare for the implementation of the state building road map, focusing particularly on reconciliation and constitutional reform. This new project should be funded through the UN Peace Building Fund to start with. The team started developing the concept notes that would lead to the development of the new programme and aligning them with the 27 May Agreement and the PBF proposal. Once the concept notes are finalized, UNDP will share them with partners and organize a dedicated brainstorming session with the partners to take these efforts forward.

**Other Key Achievements:** N/A

**COVID-19 response:** N/A

### **Challenges (incl: COVID-19, Delays or Deviations) and Lessons Learnt:**

As highlighted, MOCA, OC and ICRIC managed to secure engagement of the Banadir Region, Hirshabelle, Galmudug and South West States in the constitutional review process, to secure inclusivity, ownership and buy-in. This coordination resulted in drafting of the 3<sup>rd</sup> version of the Constitution. However, Puntland and Jubaland refused to participate in the review process due to outstanding political disputes with the FGS. Consequently, facing further deterioration of the political situation in Somalia in 2021, challenges that the CRSP has faced and difficulties to complete the constitutional review process due to political dynamic between the FGS and the FMS, the UN and the partners decided to close the project.

As stated, the UN and the international partners organized a lessons learnt session stating the following critical lessons for the completion of the constitutional review process:



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1. **The natural point of departure is political will.** This is a critical requirement and depends on the joint efforts between the UN and the international partners. Consideration therefore has to be given to reaching agreements incrementally.
2. **The political role of national, international actors and the UN is critical.** Though the project enjoyed better political ownership by the FGS than ever before, it needs to be noted that FGS Cabinet needs to develop a perspective on the constitutional review and prioritize it as the key rule of law, democratization, and federalization tool. The international community should support UN efforts to bring in together the FGS and FMS leaderships and play an assertive role, albeit without being interventionist, continuing with the high-profile discussions with the Somali leadership to ensure that the constitutional review process stays as the top country priority.
3. **Technical Assistance vs. political engagement:** CRSP was successful as a technical exercise, through strengthening coordination between the three entities, knowledge sharing and analyzing constitutional issues and providing recommendations on how to resolve these issues. However, constitutional making is a highly political process, therefore political dynamic should be factored properly in the project implementation and proactive political engagement should be agreed to ensure success of the Strategy for taking forward the constitutional review process, while different political processes should be seen as complementary to the constitutional review process, such as election, federalization etc.
4. **Ensure inclusion of all segments of society through outreach and consultative process** in order to secure ownership, buy-in and create critical mass to support completion of the constitutional review process.
5. **Lack of synergies between different political processes.** The constitutional review process was not linked to other important political processes such as federalism and election. Going forward, all those important processes should be considered complementary, to reinforce one another. Also, other platforms should be used to support the completion of the constitutional review process, such as REFS.
6. **Sequential approach.** It was highlighted that there are outstanding constitutional issues that need particular political attention, such as power and resource sharing, fiscal federalism, governance structure, the status of the capital city, etc. Political dialogue is needed to advance the constitutional review process.
7. **Analysis of project implementation methodology and Risk analysis (Do No Harm).** It was important to constantly update the risk matrix and conduct regular risk analysis (particularly political analysis) to identify mitigation measures. The project and the implementation methodology had to be objectively evaluated, with critical analysis of the activities being conducted, following the Do No Harm approach. As a way forward, it is of critical importance to conduct a risk analysis to guide the continuation of the review process and broaden spectrum of supporters.
8. **Safeguard the achievements of the constitutional review process:** a joint action between the FGS, the FMS, the UN and the international partners is of key importance to ensure that the 11th Parliament picks up where the 10th left off.

**Gender**

Based on the project’s guidance, the national counterparts have ensured participation of women in all implemented activities. For example, women have participated in consultations on the constitutional review process, advocating for gender equality and women empowerment, as reported by MOCA, OC and ICRIC. At the same time MOCA, OC and ICRIC on every occasion have highlighted a necessity to include women voices in all discussion on the review of the Constitution.

|  |                                       |   |
|--|---------------------------------------|---|
|  | <b>Total no. of Programme Outputs</b> | <b>Total no. of gender specific Outputs</b> |
|--|---------------------------------------|---|



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|  |                           |   |
|--|---------------------------|---|
| Proportion of gender specific outputs in Programme <sup>10</sup>   | 3                         | 1   |
| Proportion of Programme staff with responsibility for gender issues <sup>11</sup>  | <b>Total no. of Staff</b> | <b>Total no. of staff with responsibility for gender issues</b> |
|  | 3                         | 3   |
| <p><b>Human Rights</b></p> <p>Joint programme contributed to promoting human rights and protection of vulnerable groups by supporting MOCA, OC and ICRIC to organize inclusive consultation on the constitutional review process, gathering all societal groups, who were advocating for their rights and inclusion of their specific interests in the revised text of the Constitution. This is particularly linked to women, youth and persons with disabilities, but also to other groups.</p> <p>MOCA, OC and ICRIC expressed their full commitment to the requirement to ensure that the 3<sup>rd</sup> version of the constitution is compliant with human rights conventions. UN jointly analyzed human rights compliance of the 3<sup>rd</sup> revised version of the Constitution. It is important to highlight that the 3<sup>rd</sup> version of the Constitution ensures 18 years as the age of maturity. UN provided other comments on the human rights chapter (chapter 2), which will be submitted to the tri-entities.</p> |                           |   |
| Has the 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 Programme outputs specifically designed to address specific protection concerns.  | <b>Result (Number)</b>    |   |
|  | 0                         |   |
| No. of Programme outputs designed to build capacity of duty bearers to fulfil their human rights obligations towards rights holders.   | <b>Result (Number)</b>    |   |
|  | 2                         |   |
| <b>Other</b>   |                           |   |
| Does the Programmes have a national cost-sharing component (i.e. funds and/or other resources provided by the FGS and/or FMS (including in-kind contributions)? (if 'Yes', describe below).  | <b>Results (Yes/No)</b>   |   |
|  | No                        |   |
| Have FMS(s) been engaged in one or more of the following: design, planning, implementation, coordination and/or monitoring of the Joint Programme.   | <b>Results (Yes/No)</b>   |   |
|  | Yes                       |   |
| <b>Describe nature of cost sharing: N/A</b>  |                           |   |
| <p><b>Engagement with UNSOM/UNSOS</b></p> <p>UNDP and UNSOM have had regular weekly coordination meetings chaired by the UNDP DRRP and the Chief of PAMG, to follow up on and monitor the implementation of the activities and provide additional directions towards closure of the project. UNDP and UNSOM jointly made every decision, keeping the spirit of the joint programme.</p>  |                           |   |
| <b>Partnerships</b>  |                           |   |

<sup>10</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>11</sup> Staff members are those contracted to undertake 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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Civil society organizations participated in the implementation of the activities, however the project has not made any formal partnership with civil society organizations, private sector, etc. The project closely coordinated with the international partners, namely FCDO, Switzerland, Norway, Sweden and Denmark to conduct lessons learnt session. In addition, to ensure appropriate coordination, the project organized consultative sessions with the World Bank and Max Planck Foundation.

### **Role of the MPTF**

During the reporting period the project team implemented project closure related activities, however the MPTF leadership organized a couple of sessions with the CRSP partners on how MPTF should play more active role in supporting the joint programmes. This new role will be integrated while creating the new programmes.

### **Communications & Visibility**

The FGS and the FMS MOCAs, OC and ICRC have conducted an extensive communication campaign through local radio and TV channels, websites and social media, raising awareness of Somalis on the constitutional review process. The relevant links were inserted.

### **Looking ahead**

Most of the planned activities by the project have been implemented in accordance with the annual workplan. The political differences between FGS and some FMSs and lack of clear commitment from the Somali Federal Government to complete the constitutional review process caused a major setback. The lessons learnt session was conducted providing recommendations for the programme development. The project evaluation will be organized in the second part of 2021. A political strategy document to take the constitution review process forward has been developed. The recommendations from the lessons learnt session, project evaluation and the political strategy will inform the development of the new programme document, which will be also aligned to the state building road map, following the NCC's 27 May agreement.

### **Human interest story**

N/A – during the reporting period the team implemented project closure activities.



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**ANNEX 1. RISK MANAGEMENT**

| Type of Risk <sup>12</sup>            | Description of Risk   | Mitigating Measures   |
|---------------------------------------|---|---|
| Political                             | Political dynamic between the FGS and the FMS (particularly Puntland and Jubaland) that affects delay in completion of the constitutional review process. | Advocate for organization of the high-level summit between the FGS and the FMS leaders, focusing on constitutional review process and other major political issues. Create a joint platform for the international partners and the UN, to provide joint assistance to Somali leaders to reach settlements on the contentious issues.  |
| Political, operational                | The review of the Constitution was deferred to the 11 <sup>th</sup> Parliament, which may cause to commence the review process afresh.                    | Ensure that the 11 <sup>th</sup> Parliament picks from where the 10 <sup>th</sup> Parliament left off, by finalizing the hand over note and a road map for taking forward the constitutional review process and by advocating for safeguarding the gains achieved thus far. Provide technical assistance to the FGS and the FMS to prepare their constitutional position, that will contribute to reaching consensus around contentious issues and adoption of the Constitution. The UN and the international partners to agree on common messages while communicating with the Somali leaders. |
| Environmental, operational, financial | Outbreak and lasting effects of the COVID-19 pandemic may affect further postponement of completion of the constitutional review process                  | Provision of communication technology to national counterparts to ensure their continuity. Provide technical assistance to national counterparts to amend by-laws in order to be able to hold virtual sessions. Agree with the international partners to rephase some of the unspent funds for the actions aiming to mitigate consequences of the COVID-19 and ensure implementation of the original activities.  |
| Financial                             | Donors' fatigue to support CRSP, due to lack of political will to finalize the constitutional review process.   | Prepare project extension focusing on political actions, to safeguard the gains. Organize regular joint meetings with international partners, UN, MOCA, OC and ICRC to follow up on the new project's strategy and achievements.  |

<sup>12</sup> Environmental; Financial; Operational; Organizational; Political; Regulatory; Security; Strategic; Other.



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|                           |  |  |
|---------------------------|--|--|
| Financial (II)            | Donors may re-programme resources to address COVID-19 threat.  | Organize regular joint meetings with international partners, UN, MOCA, OC and ICRIC to agree on the activities and follow up on the new project's strategy and achievements.   |
| Social Risks (1)          | Duty-bearers do not have the capacity to meet their obligations in the Project or claim their rights       | The project is providing capacity development activities to all duty bearers to advocate for their rights 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.   |
| Social risks (2) – gender | The proposed Project would have adverse impacts on gender equality and/or the situation of women and girls | Project ensures that gender mainstreamed across all of its activities. CRSP coordinate activities with Women Political Participation Project and Parliamentary Support Project, focusing on inclusion of women leaders and activists and MPs in the constitutional review process. Women are involved and participate in the implementation of the project's activities. MOCA, OC and ICRIC insists on inclusion of the women as partners in the implementation of the activities. |



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**ANNEX 2. MONITORING AND OVERSIGHT ACTIVITIES**

| Monitoring Activity                            | Date         | Description & Comments   | Key Findings / Recommendations   |
|--|--------------|--|--|
| Coordination meetings with UNSOM               | Weekly       | Weekly follow up on the implementation of the project's activities   | UNDP and UNSOM agreed on the activities and responsibilities and how to approach to international partners and national counterparts. UNDP and UNSOM were jointly changing implementation strategy depending on the political dynamic. |
| Regular follow up with MOCA, OC and ICRC       | Daily        | Provision of technical and administrative support for the implementation of the Master Plan.                     | Strengthened relationship with the national counterparts ensured achievements of the project's goals despite challenging political environment and COVID-19.   |
| Coordination meeting with UN senior leadership | Monthly      | Strategic meetings with UNDP RRR and DSRSG, to mitigate political challenges and decide on strategic approaches. | Follow up meetings with UN leaders provided guidance on how to respond to donors' requirements, create joint strategies with the international partners and ensure neutrality of UN facing challenging political dynamics.             |
| Lessons learnt meeting                         | 9 March 2020 | Meeting to discuss lessons learnt from the Constitutional Review Process   | The international partners and the UN agreed on the set of recommendations that were mentioned in the body of the text   |





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### Annex 3 Activity pictures

Third round of public consultations on the third draft of the constitution in Mogadishu

