



# Review of the Norwegian Support to Somalia through UNDP



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# Review of the Norwegian Support to Somalia through UNDP

Final Report



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This Report is the responsibility of the consultants and does not necessarily reflect the views of Norad or the Norwegian Ministry of Foreign or their staff, or any other organization or informant referred to. Any remaining errors of fact or interpretation are the responsibility of Scanteam.

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## Acronyms and Abbreviations

AMISOM	African Union Mission in Somalia
APD	Academy for Peace and Development
AVR	Armed Violence Reduction
AWEPA	Association of European Parliamentarians for Africa
CD	Capacity Development
CoE	Committee of Experts
CPD	Country Programme Document
CPP	Civilian Police Project
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
DAC	Development Assistance Committee (of OECD)
DAD	Development Assistance Database
DDR	Disarmament, Demobilization and Rehabilitation
DFID	Department for International Development (UK official agency)
DPA	Department of Political Affairs (UN)
DPKO	Department of Peacekeeping Operations (UN)
EC	European Commission
FSP	Fragile State Principles (of OECD-DAC)
GROL	Governance and Rule of Law
IFCC	Independent Federal Constitutional Commission
ILO	International Labour Organization
INGO	International Non-Governmental Organization.
IMF	International Monetary Fund
JPLG	Joint Program on Local Governance and Decentralized Delivery
LOA	Letter of Agreement
MDTF	Multi-Donor Trust Fund
MoU	Memorandum of Understanding
NATO	North Atlantic Treaty Organization
NDI	National Democratic Institute
NGO	Non-governmental Organisation
NIS	Nordic International Support Foundation
NMFA	Norway's Ministry of Foreign Affairs
NOK	Norwegian <i>Kroner</i>
Norad	Norwegian Agency for Development Cooperation
OBP	Oceans Beyond Piracy
OCVP	Observatory of Conflict and Violence Prevention
OECD	Organization of Economic Cooperation and Development
OfD	Oil for Development (Norad programme)

OHCHR	Office of the High Commissioner for Human Rights (UN)
PDRC	Puntland Development Research Center
PFM	Public Finance Management
PL	Puntland
PREP	Program Poverty-reduction and environmental protection
RBM	Results Based Management
RC	Resident Coordinator (of UN System)
RCO	Resident Coordinator's Office
RF	Results Framework
ROL	Rule of Law
ROLS	Rule of Law and Security
SC	South Central (Somalia)
SFF	Special Financing Facility
SIDA	Swedish Development Cooperation Agency
SIDP	Somalia Institutional Development Project
SNM	Somali National Movement
SOYDEN	Somali Youth Development Network
SPF	Somali Police Force
SL	Somaliland
SRSG	Special Representative of the Secretary General (UN)
SWDC	Somali Women's Development Centre
TA	Technical Assistance
TFG	Transitional Federal Government
TfD	Tax for Development (a Norad programme)
ToR	Terms of Reference
UoH	University of Hargeisa
UN	United Nations
UNDAF	UN Development Assistance Framework
UNDP	United Nations Development Program
UNICEF	UN Children Education Fund
UNOSOM	UN Operation in Somalia (established 1992)
UNSOM	UN Assistance Mission in Somalia (established 2013)
USAID	United States Agency for International Development
Y@R	Youth at Risk
Y4C	Youth for Change



## Executive Summary

- (1) It is often repeated by partners and beneficiaries in Somalia that UNDP is bureaucratic and slow to take action. In spite of this, almost everybody seems to agree that there is no alternative to the UNDP when it comes to delivering many of the crucial and strategic services related to governance and rule of law as part of peace-building and state-building in Somalia.
- (2) Norway has been one of most important donors to the UNDP Somalia program during the latest years. One of the most appreciated qualities of Norway's support to UNDP has been its largely non-earmarked contribution, and its flexibility to quickly adjust the composition of its funding as new needs and priorities emerge – which will frequently be the case in a volatile situation like the one in Somalia. This is a particularly important aspect since the UNDP's own procedures are often so time-consuming – often for good accountability reasons and mostly beyond the control of the Somalia UNDP staff.
- (3) The support offered to the strengthening of rights-based civilian policing has produced progress in this crucial area of security provision, although quite uneven between the three state units supported by UNDP – with Somaliland evidently taking a lead. There has so far been relatively much emphasis on infrastructure and logistics and too little on a systematic rights-based and community-oriented policing.
- (4) Access to justice has improved considerably as a consequence of the UNDP program (along with other support). The dual acknowledgement of international human rights law and Sharia as the “superior law of the land” in the Somaliland constitution represents a special opportunity which has been lost when the Provisional Federal Constitution was drafted with heavy UNDP involvement but failed to offer constitutional recognition of the international treaties. Mobile courts, legal aid clinics and scholarships for female law students as well as support for their gradual integration into the judicial system (hopefully towards their being accepted as full-fledged judges) are all very positive elements which need to be further strengthened. In the latter case, the UNDP-supported activities may actually lead to a paradigm shift in the Somali justice system, if managed properly.
- (5) To build community security in Somalia is most of all a question of how to engage young people in a meaningful way, by involving local leaders and representatives with real legitimacy. This has to a large extent been achieved through the Youth at Risk and Youth for Change projects in a number of districts around the country, working through district safety committees elaborating district safety plans, and based on baseline studies of the perceived security risks. One weakness here has been a missing systematic link between vocational training and the labour market, e.g. through the PREP project (see below). Links to JPLG (see below) could also have been better.
- (6) The Somali Institutional Development Project (SIDP) has been working around several pillars, some more successfully implemented than others. There are good examples of development planning with emphasis on strong local participation and priority-setting – in keeping with a Somali bottom-up tradition not least developed during the stateless era. Liaison with the Joint Program on Local Governance and Decentralized Delivery

- (JPLG) is crucial, but too often it fails.
- (7) The JPLG is a very encouraging bottom-up engagement with local authorities, building capacity at the root. The project has a general local governance policies and systems component affecting all districts, while more targeted interventions are limited to relatively few districts (7 out of 81 in SL, 7 out of 32 in PL). This is another good pilot experience helping local authorities how to undertake procurement processes, etc. to manage small infrastructure projects. The scaling up potential is considerable.
  - (8) The UNDP project Poverty-Reduction and Environmental Protection (PREP) has had very limited funding (although the Norwegian support to PREP has been proportionally larger than the project's relative share of total UNDP funding). A real attack on the major socio-economic challenges – with youth unemployment being the most important of all – requires a much more massive investment than the UNDP can provide. However, some of the PREP interventions may be used as pilot experiences, when major donor efforts through multi-donor funds, the World Bank etc. fall into place. One of the priorities here would be going to the root causes of the piracy problem through land-based solutions, which have only received minor support until now compared to the gigantic naval and security operations.
  - (9) There are several examples of good achievements with gender equality and women's empowerment which should be continued into a new agreement. Of particular importance has been the strengthening of women's political participation and of their mentioned role in the justice system.
  - (10) A completely new approach to a federation-building process is required if the ambition to build popular support and trust and not least to include Somaliland and other sub-national units is to be maintained. The UN system (both UNSOM and UNDP) is expected to play a major role in this, and the donor community should accompany the UN in outreach activities and in mentoring the federal authorities to take a much more conciliatory and statesmanlike attitude particularly to the Somaliland government. UNDP could play a highly constructive and trust-building role by facilitating an exchange of resources and successful experiences between, Somaliland, Puntland and federal authorities, such as the Civil Service Institute, the Mandhera Police Academy, the tax collection system etc. from Somaliland and the proposed participatory planning process in Puntland.
  - (11) The apparent total lack of UN advisory role in the upcoming Puntland elections has been noted with great concern. These elections, starting at local level and being followed up with state elections early 2014, could become an important democratic pilot experience for subsequent national/federal elections.
  - (12) Sustainability in the UNDP program is a serious challenge, and will continue to be so for a considerable period of time. It simply has to be accepted that the technical and financial capacity of state authorities (particularly federal) to take over the responsibility for the crucial services provided by the UNDP is still far from present, with a clear exception for Somaliland and partly for Puntland. The Norwegian-initiated Special Financing Facility (SFF) may become an interesting test case in this respect.

## 1 Purpose of the UNDP Program and of this Review

This Review covers two different UNDP programs for Somalia: the 2010 Program and the 2011-2015 five-year Program.

*The overarching goal of the 2010 Program, as originally formulated<sup>1</sup>, was to build capacities for peace and human security.*

According to the ToR, this Program had three expected *outcomes* of thematic pillars supported by Norway:

- Somali men and women are better able to build peace and manage conflict;
- Somali women, men, girls and boys benefit from more inclusive, equitable and accountable governance, improved services, human security, access to justice and human rights;
- poverty reduction and environment programme: Somali women and men benefit from increased sustainable livelihood opportunities and improved natural resource management.

*The new five-year program launched for 2011-2015 was to be aligned with the UN Somalia Assistance Strategy, focusing on “progress towards peace and meeting people’s humanitarian and recovery needs by addressing gender issues, boosting social services, improving livelihoods, reducing poverty, promoting good governance and improving human security.”<sup>2</sup>*

The 2011-2015 program has had *four expected outcomes*:

- peace-building and conflict management;
- people-centred governance and law;
- economic recovery and environmental management;
- protection and empowerment of women

For reasons of simplicity and optimum relevance, the assessment in this Review (efficiency and effectiveness) will be made against the expected outcomes of the 2011-2015 Program, and against the separate projects as they are reported in the 2011 and 2012 Annual Reports; please refer Chapter 5 (Effectiveness) and Annex D (More detailed findings for each separate project).

The ToR sums up its interpretations of the objectives in the following manner – based on the 2010 Program, but they may be assumed to have relevance for the entire period:

“Thus, we understand the program as contributing to state building and peace building and to facilitating the involvement of the citizens, and strengthening the political and economic situation of citizens.”

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<sup>1</sup> Ref. ToR

<sup>2</sup> UNDP Somalia Country Programme 2011-2015

## 1.1 Purpose of the Review

The purpose of this Review is to assess the results of the UNDP program in Somalia, and its support from Norway, in terms of efficiency, effectiveness and relevance as well as local ownership and sustainability against the agreed goals/impacts and objectives/outcomes, plans budgets, resources and methodology, and the overarching processes of state building. In particular, the review shall encompass assessment of UNDP in terms of strengths and weaknesses in planning and implementing the program. The gender aspect of the Program is also of special interest, ref. ToR.

The focus will be partly on the Program as a whole, and partly on the three regional sub-programs: In South-Central (based in Mogadishu – which also covers federal activities), in Puntland (based in Garowe), and in Somaliland (based in Hargeisa)<sup>3</sup>.

## 1.2 Approach and methodology

This Review covers a crucial period in efforts supported by the international community to bring peace to the Somali population, victim of a twenty year long war along many dimensions and with untold suffering.

Somalia is by many observers seen as the most extreme example of a failed state – actually as the world’s only really stateless nation. As we will see, this is only partly true. But still, even the concept “fragile state” is an overly optimistic concept to apply in the case of Somalia as a whole. In spite of this, we expressed in the Tender Document for this Review that our intention is refer this Review to the conventional wisdom of how international cooperation may function in fragile states, as for example discussed in a series of OECD-DAC documents (see Chapter 2). This conventional wisdom will evidently be discussed when it comes to its capacity to capture the very specific and in many ways exceptional Somali reality.

The Review will therefore take as a point of departure a discussion about state-building, peace-building and democracy development in Somalia, the validity of these concepts in the Somali context, and the explicit and/or implicit theories of changes on which we have found UNDP to base its Program. In the conclusion chapter, we will try to assess where the UNDP program stands in the follow-up of these “New Deal” principles.

The working methodology is quite common-sense. A first desk review started when preparing the Tender Document, but the study of most program documents was only undertaken prior to and to a large extent during the field mission. Several key documents could only be retrieved at a quite late stage of the Review process. Particularly for the Team Leader, with no previous experience from Somalia, a general literature research was also necessary in order to better understand the context of the assignment.

Field work started in Nairobi, Kenya, precisely when the UNDP Somalia program staff was on its move to Mogadishu. Very useful briefings by the UNDP and the Norwegian Embassy helped setting the stage for the Somalia mission.

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<sup>3</sup> Until very recently, the national and South-Central parts of the program were managed from Nairobi, Kenya. The Program Director moved with part of the staff to Mogadishu in late 2012, and the rest of the staff is on the move at the moment of carrying out this Review.

In spite of heavy security restrictions – although not as heavy as those to which the UN staff is subject – the Review Team was able to visit all three regions where the UNDP is implementing its program; both the federal capital Mogadishu and the two state capitals Garowe (Puntland) and Hargeisa (Somaliland). In the latter case, even a two-day trip outside of the capital (to Berbera, Burco/Burao and the Mandhera Police Training Academy) was organized by the UNDP.

Due to the national consultant's very extensive network, and also to the support provided by the UNDP, the Team was able to meet with a large and broad number of informants, among them UN and government staff (on federal and state level), partners, beneficiaries, representatives of civil society and the private sector. Group discussions were held when it was possible (see list of persons met – [Annex B](#)).

At the end of the visits to the three regions, a feedback session was organized with the heads of the UNDP team, providing the Team's preliminary observations and conclusions.

Back in Nairobi, a follow-up meeting was held with the Deputy Country Director, before a debriefing session was held with the Norwegian Embassy.

In order to stay within the space limitation, several of the more specific project findings (i.e. based on external evaluations) are to be found in [Annex D](#), and only summarized in the main Report (mostly in Chapter 5).

## 2 Searching for a Theory of Change: Peace-building, state-building and democracy development in Somalia

We have chosen to use UNDP's 2011 – 2015 Country Programme as the point of departure to deduct a 'theory of change' for what UNDP intends to achieve in Somalia.

UNDP's main motivation is to support the country to manage conflict and to build individual, regional and national resilience to environmental, economic and conflict-based shocks. UNDP will exploit the pockets of stability that exist and are emerging to assist *authorities and communities* to consolidate their gains by supporting the provision of services, basic human security and conflict resolution processes. A common understanding of what drives conflicts and what capacities for peace exist is seen as crucial, and this implies the rebuilding of trust and cooperation between civilians and authorities, as well as between different clans.<sup>4</sup>

A basic UN understanding is that progress towards peace in Somalia requires authorities to be equipped with the skills and resources necessary to provide basic public services and security. There seems to be a clear recognition of the very limited legitimacy possessed by the state or states, and that this legitimacy needs gradual rehabilitation to make state-building relevant for the population (and thereby, one may assume, to make it meaningful for people to pay taxes). Communities, especially those far from urban centres, need to be convinced that governments act in their interests, or even more basically, that it is relevant for them.

If we may take the Somalia Human Development Report 2012<sup>5</sup> as a further expression of UNDP's "theory of change", there is a clear recognition that the international community during the last 20 years has failed in its well-intentioned efforts to bring peace and stability to Somalia, and that one key reason for this has been the top-down approach to state-building and power-sharing. Dealing with the real drivers of conflict then becomes crucial. The sub-title of the Report, "Empowering Youth for Peace and Development", is probably meant to pinpoint massive youth unemployment as *the* main conflict driver in a situation where piracy, terrorism and migration are left as young people's only way out of desperation. The intended response to this is "*community-led development (...) that empowers communities through direct control over investment decisions, and project planning and implementation; (...) a broad-based space for fostering many innovative youth-led development and peace-building programmes.*" (p. xxi)

This is probably taking the bottom-up approach a bit further than we see in the real work of UNDP and its Somali partners (state as well as non-state), but similar thinking is often reflected in project documents.

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<sup>4</sup> The clan system is absolutely fundamental for the understanding of the Somali society. The classical scholarly work on this system is: Ioan Lewis: *Understanding Somalia and Somaliland: A guide to cultural history and social institutions*. Columbia University Press, 2008 (paperback version)

<sup>5</sup> UNDP (2012): *Somalia Human Development Report 2012: Empowering Youth for Peace and Development*



The gender dimension plays a prominent role in UNDP's strategy, expressed through one of four expected outcomes of the 2011 – 2015 program: *protecting and empowering women*. As we come back to in this Report, this intention is to a large extent followed up in practice.

Several authors have stated that a new model of statehood needs to be developed for Somalia. Some even claim that “the idea of statehood is not very useful for Somalis” (Harper<sup>6</sup>, p. 201). To understand this, one has to go back to their traditional way of life, to the pastoral, clan-based lineage system that worked as an effective way of governing society long before the country was dominated by colonial powers (ref. Lewis, op.cit.). This tradition became very useful when Somalia collapsed as a state, and particularly when it became part of the post 9/11 “War on Terror” narrative, leading to international policy decisions focusing on Somalia as a harbour of terrorism rather than the actually quite encouraging locally-grown solutions the people came up with. As Harper argues, “while the central state was failing, and often *because* it was failing, Somalis devised some fascinating and exciting alternatives of organizing society” (ibid. p. 198). Extraordinary growth occurred in parts of both traditional and modern segments of the economy, illustrated by booming livestock trade on one side and a spectacular development of telecommunications and very innovative informal banking sector on the other. “It is as if the Somali society somehow floats above the world,” claims Harper, “having reached a postmodern stage of development, beyond the nation-state” (p. 200).

Emerging from grass-roots of society, these solutions do not fit into any conventional model of statehood. Thus, the international community for a long time failed in their sponsorship of an endless number of peace conferences lacking popular legitimacy simply because they were seen as foreign creations.

The survival strategies during the last 20 years in a literally stateless society – or a hybrid state society in the case Somaliland – will necessarily have to be taken into consideration for any realistic peace-building and state-building strategy in Somalia. It seems that the UN has finally realized this – at least in theory. This has implications both for the degree of decentralization from state to community, the combination of modern and traditional forms of governance, and the degree of autonomy that needs to be conceded to the various regions (ref. the on-going contentious discussion about possible forms of a federal state).

The role of the UN in this process must be seen against the backdrop of more long-term historical efforts of failed and counterproductive foreign interventions in Somalia. Outside of the Mogadishu elite which have been the real ally of the UN and donor-community “state builders”, there is understandably a deep mistrust about the state-building process.<sup>7</sup> As one very well informed observer notes: “*The new federal government was to all intents and purposes imposed by the Western “donor”-powers/U.N. under veiled and explicit threats to withdraw financial support*”.<sup>8</sup>

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<sup>6</sup> Mary Harper (2012): *Getting Somalia Wrong? Faith, War and Hope in a Shattered State*. Zed Books (London, New York)

<sup>7</sup> It should be added that donors have also supported the strengthening of state institutions in Somaliland and Puntland, where there has been relative security – but ‘state-building’ in the real sense of the word has been focused on the federal level.

<sup>8</sup> Dr. Michael A. Weinstein: “Somalia: The S.F.G.’s Strategy of Political Conflict”, posted on Dehai News, goroweonline.com, Feb 25, 2013

When UNDP aims at a “consensus-based approach to peace-building and conflict management”, this becomes a very relative concept depending on whether one speaks with a minister in Mogadishu or Hargeisa, a clan leader in any part of the country, or an unemployed youth or female leader. As so often before, intentions are good, yet the result remains to be seen. At the very least, success depends on an extraordinary diplomatic *fingerspitzengefühl* among UN and other donor leaders, and real *statesmanship* from the federal political leadership in Mogadishu. Neither form of leadership has so far been manifesting itself very clearly.

This is the context to which the wider international donor community has to adapt – and again there are serious doubts about the extent to which this has happened.

The 2007 *Principles for good international engagement in fragile states and situations* (FSPs)<sup>9</sup> has been considered as the main recipe for the handling of Somali-like situations. In 2011, OECD-DAC published a monitoring survey from 13 countries – among them Somalia – of the implementation of these principles, concluding that international performance against these principles is “seriously off-track”. According to the survey, the principles “*seem to have stimulated relatively limited change in international engagement at the country level*”. The key finding of the 2011 Survey is that most aid actors are neither set up to meet the specific challenges posed by fragile situations, nor systematically able to translate commitments made by their headquarters into country-level changes. Development partners were therefore challenged to emphasize “*field-level organizational and paradigm changes*”. Out of the ten principles (quoted in the ToR for this Review), the following four are most off-track, according to the survey: do no harm; agree on practical co-ordination mechanisms between international actors; act fast but stay engaged long enough to give success a chance; avoid pockets of exclusion.

Somalia is in a middle-group of countries being neither completely on-track nor off-track, where efforts are made to translate principles into practice allegedly without yielding observable results<sup>10</sup>. The survey states that serious violations of most of the ten OECD principles have taken place in Somalia.

A “New deal” has been drawn up for partnership with fragile states<sup>11</sup>, with Somalia as one of seven pilot countries<sup>12</sup>: a development agenda with three interdependent pillars. First, the Peacebuilding and Statebuilding Goals, identified by the g7+ as the necessary foundations for sustainable development<sup>13</sup>; second, FOCUS - an acronym that outlines a series of steps to

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<sup>9</sup> <http://www.oecd.org/dac/incaf/48698002.pdf>

<sup>10</sup> The survey was of course conducted prior to the break-through in the Constitution process in second-half 2012, concluding the so-called transition period with approval of the Interim Constitution, the indirect election of President and Prime Minister, and the confirmation of the prominent role of the indirectly elected Parliament. The almost euphoric enthusiasm resulting from this both in the Mogadishu elite and in the international donor community is however far from shared by all Somali actors.

<sup>11</sup> <http://www.newdeal4peace.org>

<sup>12</sup> The Somalia “New Deal” was formally launched in Mogadishu on 14 May 2013, while this Review mission was carried out, with a mutual commitment by donors and government to implement the New Deal principles.



focus multi-stakeholder planning and interventions around an agreed set of priorities<sup>14</sup>; and third, the TRUST principles, defining the key mutual commitments vital for achievement<sup>15</sup>.

The DAC Policy Guidelines for “*Supporting Statebuilding in Situations of Conflict and Fragility*”<sup>16</sup>, claims that state-building is most often mutually dependent on peace-building. Although both are and primarily must be endogenous, it is claimed, both need to be supported by the international development community. However, the tricky balancing act between securing physical territorial control and obtaining broadest possible legitimacy is often the crucial challenge in these parallel processes.

This interpretation of an almost automatic link and a two-way causal relationship between peace-building and state-building may be questioned – and empirical experience in Somalia has in fact contributed to the doubt about it. Just like the simultaneously applauded principles of *justice* and *peace*, *state-building* and *peace-building* may at times be at conflict with each other, even within the UN system. A report by the Academy for Peace and Development (APD) and quoted in a highly interesting article about legal pluralism in Somaliland raises the provocative question of how far peace can be sold out for justice (a typical question asked by the human rights community, internally in the UN a frequent issue of heated discussion between OHCHR and DPA/DPKO within peace missions): “... state-building and peace-building are potentially contradictory processes – the former requiring the consolidation of governmental authority, the latter involving its moderation through compromise and consensus.”<sup>17</sup>

Three critical aspects of state-society relations are defined in the DAC Guidelines: (i) *the political settlement*, implying agreements on the “rules of the game” and a generally acceptable power distribution primarily between competing elites; (ii) *the capability and responsiveness of the state* to effectively fulfill its principal functions and provide key services; and (iii) *broad social expectations and perceptions* about what the state should do, what the terms of the state-society relationship should be, and the ability of society to articulate demands that are “heard”.

Also among and between these aspects, the same potential contradictions may be observed.

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<sup>13</sup> These goals are: (i) Legitimate politics (Foster inclusive political settlements and conflict resolution); (ii) Security (Establish and strengthen people’s security); (iii) Justice (Address injustices and increase people’s access to justice); (iv) Economic Foundations (Generate employment and improve livelihoods); (v) Revenues & Services (Manage revenue and build capacity for accountable and fair service delivery).

<sup>14</sup> The FOCUS on new ways of engaging with conflict-affected and fragile states include the following steps: Fragility assessment; One vision – one plan; Create a compact (a mechanism to implement the ‘one vision, one plan’, to be drawn up from a broad range of views from multiple stakeholders and the public, and be reviewed annually through a multi-stakeholder review); Use PSGs to monitor; Support political dialogue and leadership.

<sup>15</sup> The TRUST principles are: Transparency, Risk-sharing, Use and strengthen country systems, Strengthen capacities, Timely and predictable aid

<sup>16</sup> <http://www.oecd-ilibrary.org/docserver/download/4311031e.pdf?expires=1363853495&id=id&accname=guest&checksum=246E81A038C3685675F224E1FCCA37A>

<sup>17</sup> Interpeace and Academy for Peace and Development: “From plunder to Prosperity. Resolving Resource-Based Conflict in Somaliland.”, Dialogue for Peace, Somali Programme, Hargeisa, Somaliland, p. 4. Quoted in Bendana and Chopra (2013): Women’s Rights, State-centric Rule of Law, and Legal Pluralism in Somaliland. Hague Journal on the Rule of Law, 2013/1, pp. 43-73 (p.54)

### 3 Efficiency and Management of the Program

#### 3.1 Efficiency

Since late 2010, Norway has supported UNDP with three grants, totaling 70 million NOK (approximately 12.5 million USD according to the present rate of exchange) as follows:

2010-2011:	10.5 million NOK
2010 – 2011:	18 million NOK
2011 – 2013:	41.5 million NOK
Total:	70 million NOK

Comparing the Norwegian investment by program or activity:

	Norway Contribution 2010-2013 to UNDP (NOK)	Norway Contribution 2010-2013 to UNDP (USD)	% Allocation of Total Norway Funds
Governance and Rule of Law (including all support to constitution, police, justice etc.)	44.2 million NOK	7.9 million USD	63%
Economic-related support (including Recovery Sustainable Livelihoods, Private Sector Development and all the projects that roll up into PREP)	18.6 million NOK	3.3 million USD	27%
Other (including RCO Support, Gender Strategy, etc.)	7.2 million NOK	1.3 million USD	10%
Total	70 million NOK	12.5 million USD	100%

UNDP largely spent Norwegian funds over the course of 2011 and 2012 (with some spending in 2013 because of the no-cost extension). Using the UNDP Annual Reports for 2011 and 2012, it is therefore possible to get a sense of how Norwegian funds compared to total UNDP resources:

	UNDP Somalia Total Delivery for 2011 and 2012 (USD) (from Annual Reports)	Norway Contribution to UNDP (USD)	Norway funding as a % of UNDP totals for 2011 and 2012
Governance and ROL	83.4 million USD	7.9 million USD	9%
PREP	12.1 million USD	3.3 million USD	27%
Other	11.9 million USD	1.3 million USD	11%
Total	107.4 million USD	12.5 million USD	12%

With the benefit of a 6-month no-cost extension on the most recent grant, UNDP has been able to spend all the funds.<sup>18</sup>

Overall, Norway belongs to a group of the four most important donors to the UNDP Somalia Program. The two most important donors have been the EC and Japan (more than 20% of the share each), followed by Norway and UK (DFID) with between 10 – 15 % each (these shares vary somewhat from year to year).<sup>19</sup>

The achievements of the programs are summarized in Annex D, together with findings of the Review Team's interviews with beneficiaries, partners and government representatives.

It is difficult to assess the efficiency or cost-effectiveness of UNDP's programs because of the lack of in-depth financial information. Measures to assure "value for money" have been applied in the PREP activities. As an example of this approach, UNDP highlights a series of four measures taken in the Employment Generation for Early Recovery (EGER) project to ensure value, effectiveness and impact of project activities. Firstly, all EGER projects include a component for community contribution, which in addition to improving the value for money proposition; also ensure high levels of buy-in and commitment by local partners and communities (which can lead to faster and smoother implementation). Secondly, the standard procurement processes were used where possible to ensure value for money. Thirdly, a pre-qualification process is done on an annual basis and occasionally on a rolling basis for new NGOs to be considered from priority areas. Their record is also checked with other UN agencies or INGOs which have worked with the local NGO in the past and is included in the Risk Management database of UN Somalia. Finally, EGER undertakes independent price surveys on a bi-monthly basis to confirm costs in partner budgets. This is bolstered by third party monitoring contracted by UNDP to a separate firm to ensure high quality work by partners in areas with low levels of access.

The UNDP contracts with Norway refer to a 7% fee to cover General Management Support services or indirect costs incurred by UNDP headquarters and country office structures. In the experience of the Review Team, this figure seems reasonable for an organization such as UNDP.

On the overall question posed in the TOR on whether UNDP uses its resources efficiently, we can only rely on the UNDP descriptions of value-for-money measures - unfortunately, we did not have the time nor the information available to do an independent assessment of whether, for example, UNDP is paying its staff and consultants efficiently or purchasing goods and materials in a cost-efficient manner. With regard to the question on UNDP capacity, we can confirm that they have built up a significant presence in Hargeisa and Garowe, with fully functional compounds, and they are (were) in the process of doing so in Mogadishu while scaling down their Nairobi presence. This indicates a determination to ensure resources are spent within Somalia, instead of in neighboring Kenya (a historical criticism of the entire UN engagement in Somalia). But of course, there are significant

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<sup>18</sup> Funds intended for the Auditor-General building – discussed below – were ultimately reallocated for other activities

<sup>19</sup> Calculations based on 2011 and 2012 Annual Reports

security risks, as evidenced in the June 19 suicide attack on the UN compound in Mogadishu.

### 3.2 Management of program

**HQ Move to Mogadishu.** Starting in 2012, the UNDP commenced the process of formally moving its headquarters from Nairobi to Mogadishu. By the end of December 2012, the UNDP Country Director has relocated to Mogadishu. By Q1 2013, 12 senior posts were moved to Mogadishu and it is expected that by mid-2013, the bulk of the team will be in Mogadishu (with up to 25 expatriates based there). UNDP's move of its headquarters to Mogadishu was repeatedly commended by various stakeholders. The move is politically important, and will probably strengthen UNDP's position significantly. The only negative comments the Review Mission heard about this came from Somaliland, where the Government clearly would have preferred the UNDP top Somalia management to have continued being based in Nairobi rather than in Mogadishu.

Despite the restricted ability to move around the city, the increased presence of UNDP staff in Mogadishu will have a significant effect on UNDP's ability to monitor and move things forward at a faster pace. As the existing capacity of local Somali staff may be limited, the UNDP will be moving some Kenyan local staff to Mogadishu for the short run to continue to fulfill their functions and simultaneously start to train Somali local staff.<sup>20</sup>

UNDP presence in Somaliland and Puntland has been more stable and consistent (with the exception of the 2008 bombing of the Hargeisa office that led to an approximately one-year withdrawal) – there are 55 staff in Hargeisa and 40 in Garowe. The security conditions permit greater movement and this has corresponding effect of allowing the UNDP staff greater ability to monitor and oversee.

Norway also provides support to the RCO (Resident Coordinator's Office) in Puntland – this cover the costs of the office plus one international and two local posts. Other donors cover the RCO presence in Hargeisa and Mogadishu. The function of the RCO is to coordinate between the UN organs and permit the UN to speak as one with regional authorities. However, the international post has remained unfilled for the past 9 months. This is one of the unfortunate results of short duration funding contracts, where it can be difficult to complete an international hiring process in time. It is expected that the RCO – and his regional representatives – will play a larger role in the new integrated UNSOM mission, although there is always a risk that the whole UN set-up may become somewhat top-heavy with the combination of the SRSG with his staff and the RCO with his staff.

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<sup>20</sup> The move to Mogadishu will certainly imply considerable additional security costs. UNDP has informed that international Mogadishu-based positions are between 25-28% more expensive than those based in Nairobi. UNDP expects part of these costs to be covered by HQs, while there may be expectations that donors may also support parts of it in order to assure an effective operation.

### 3.3 Reporting

UNDP provides MFA and the Embassy with joint quarterly donor reports and with annual consolidated reports. The consolidated nature of these reports does not permit a specific review of the performance of Norwegian support. At the same time, these reports do not report against an overall budget, to permit an analysis of cost-effectiveness or of any deviations.

The country office annual reports present an overall narrative report on the achievements of the past year, with a single-page financial overview showing the breakdown of expenditure for each project.

In addition to the quarterly and annual reports, UNDP prepares a funding overview sheet for Norway, outlining the allocations per project as well as the expenditure against each project and any balance outstanding. This document permits the Embassy to ensure (a) that allocations are made consistent with the original contract, and to easily identify any agreed upon reallocations; and (b) to monitor the level and rate of expenditure, thereby identifying funds that may not be utilized in time and to make appropriate arrangements.

The 2009 Adam Smith evaluation of UNDP's Somalia Program until then<sup>21</sup> identified activity or input-based reporting as a problem (not permitting donors to assess progress made towards outcomes). In response, UNDP has developed a comprehensive results-based management system which has changed all their reporting. Quite informative quarterly reports are now being prepared, accompanying a strategy from outcome level to outputs to ensure proper monitoring and evaluation. That said, the quarterly reports do not include any substantive financial information, measuring progress against the budget.

UNDP does provide the contractually required reporting to the Embassy and the MFA; however these are not sufficient if Norway wants to get more exact information on what exactly their funding accomplished. Other than anecdotal or verbal confirmations, there are no reports that specifically show Norwegian funding against specific activities. Secondly, there are no reports showing spending on specific activities against the budget. It is uncertain, however, given Norway's discretionary support to UNDP, whether this is really a wish from the Norwegian side.

### 3.4 Implementation modalities

Due to the post-conflict status of Somalia, the UNDP has been applying some non-traditional implementation modalities in its Somalia Program. *Direct contracting*, using UNDP's own staff for implementation, is one; *Capital Grants agreements*, a micro-credit arrangement for working through civil society and the private sector is another.

Of special interest is the "Letter of Agreement" (LOA) modality, an alternative for engaging with the government and its institutions. This is because there is no overarching UNDAF<sup>22</sup>

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<sup>21</sup> Adam Smith International (2009): Evaluation of the UNDP Strategic Partnership for Somalia.

<sup>22</sup> UNDAF, UN Development Assistance Framework, is a programme document normally being agreed between the government and the UN system in a country (i.e. all UN agencies), describing the collective actions and strategies of the UN

for Somalia. The LOA therefore functions as a way for UNDP to contract with the government entities in the pursuit of joint goals. This lends itself to the Somali context because it permits UNDP to engage simultaneously with the Somali Federal Government, the Puntland government and the Somaliland government, despite the political ambiguities. The Somaliland government, for example, wishes to relate with the UNDP as a sovereign state, despite not having received international recognition as such.

On the positive side, the LOAs allow UNDP to partner with and empower government actors and to build their capacity. Furthermore, the LOAs allow UNDP to accomplish more than it could with their limited presence on the ground, and at a lower cost. On the downside, the LOAs place a significant reporting and implementation burden on actors with very limited capacity. They are also difficult to monitor and therefore raise the possibility of misappropriation of funds and potential corruption. This monitoring issue will be partly addressed by UNDP's move to Mogadishu, but not completely.

The LOA is not the only contracting modality, but it has become very important in the UNDP Somalia work. The push from Mogadishu towards a national implementation model could have an effect on the continued use and viability of LOAs, as the desire to centralize becomes more prominent. We saw one example of this in Hargeisa, where the Somaliland Minister of Justice complained about UNDP LOA's with different entities within the Somaliland justice sector (e.g., the Attorney General's Office), which he felt was diluting the centralized coordination of his new Justice Sector Steering Committee.

### 3.5 Claims of Bureaucracy and Opacity

Numerous beneficiary interviewees mentioned the slowness and high levels of delays with the UNDP processes. Others complained about lack of access to information or guidance on UNDP processes and decision-making. This feedback was not limited to a particular program or sector, but came from different actors across the entire spectrum of UNDP engagement.

There has also been a case of a project in Somaliland (a Norwegian initiative to build a new office for the Accountant General according to specific "green building" criteria) which the UNDP claims it accepted to implement only quite reluctantly, afterwards to conclude it could not meet the deadlines and eventually had to see the funding withdrawn. The delays in this case were caused by the length of time it took UNDP to identify and hire the right kind of architect/engineer – an unfortunate combination of challenging donor expectations and slow UNDP processes.

### 3.6 Development Assistance Database (DAD)

The UNDP 2012 Annual Report says: "Development assistance has become more transparent and easier to coordinate since the launch of the country-wide Development Assistance Database (DAD), establishment of standard operating procedures for DAD and

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for the achievement of priority national development goals. The UNDAF, normally with a three-year duration, includes outcomes, activities and UN agency responsibilities, and contains baselines, milestones and monitoring instruments.



training of 130 government and international community officials on this system in 2012.” (p.8)

The DAD is primarily meant to be an aid information tool for the use of donors, implementing agencies and government officials to better coordinate and improve aid effectiveness. The DAD was recognized as requiring significant investments (of complete and accurate information) in order to make it an effective management system. Unfortunately, according to UNDP, the information currently uploaded into DAD is likely to be inaccurate, limiting its usefulness as a tool for analysis of 2013 trends. UNDP has supported the development of manuals and data-entry design as well as delivered training.

UNDP hopes that the increasing focus of donors on issues of transparency, and the great momentum around the recently launched “New Deal for Engagement with Fragile States” will catalyse further efforts to fill information on the DAD.<sup>23</sup>

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<sup>23</sup> The PREP project has established its own on-line database as a monitoring tool for the coverage and scope of each of its activities

## 4 Relevance of the Program

There is no doubt that the UNDP program has been highly relevant to Somalia's needs over the period it has been executed, particularly the aspects on Constitution-building and Rule of Law and Security. The PREP component has been too weak and too un-focused to make a serious difference.

First of all, the Program has contributed significantly to *state building*, although there is still a long way to go to reach the goal. The legitimacy of the new state and its leaders is still quite limited among the citizens, most of all because they do not see much of the basic services a state is supposed to provide (in Somalia probably security as the first priority before basic goods like health and education). As discussed elsewhere in the Report, there have been very obvious limitations to the degree of real participation in the Constitution-building process. Under the circumstances, however, the path chosen and supported by UNDP may have been the only one available, at least leading to the partial breakthrough in 2012. There is however one clear exception to this relatively positive assessment: Somaliland was never really seriously included in the process through persons considered as legitimate representatives by the Somaliland government, and it seems that this decisive missing link has simply been indefinitely put on hold.<sup>24</sup> The new SRSG and Head of UNSOM, Nicholas Kay, experienced on one of the very first days of this new UN Mission how extremely limited leverage the UN has in Somaliland, when he met with the Somaliland President only to be told that no UNSOM office would be allowed to open in Somaliland<sup>25</sup>.

As discussed in the Chapter about theories of change, it may very well be that the UNDP has been too restricted by a conventional way of thinking about the state, by looking at what is considered superior political systems in other (particularly western) countries. But at the same time, there is an increasing recognition both in the UNDP and among other donors that Somalia is different and that one has to take into consideration the very specific experiences accumulated under the state-less period.

Secondly, *security* based on a bottom-up approach is the most relevant way of thinking in the Somalia context, based on its recent history. It cannot realistically be claimed that the resources this Program has had at its disposal could make a break-through in terms of community security, but the work with the police, community committees and youth projects has been a relevant way of thinking, hopefully providing basis for a general scaling up of the pilot experiences.

The *rule of law* approach seems to have grasped quite clearly that the formal justice system has to be adapted to the customary and religious legal tradition, although it is always difficult to find the right balance for a UN organization that is bound by internationally recognized justice principles.

The *poverty reduction and environmental protection* component has also been relevant as far as it has had resources to offer – not least its gender aspects: 35% of beneficiaries in all local

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<sup>24</sup> UNDP says in a comment that it was never practically possible to engage Somaliland formally in the process largely driven by the Transitional Federal Government, due to the sensitivities around Somaliland's claim for independence

<sup>25</sup> <http://allafrica.com/stories/201306150075.html>



interventions were women, and many activities specially designed for women empowerment. Overall, however, the component has been little less than a drop in the sea in relation to its general goal.

The Norwegian contribution includes an “*other*” category, where particularly the support to the Resident Coordinator Office (see Section 3.2.). It is quite difficult to see the great relevance of this support as an element of enhancing the effectiveness of this Program.

*Complementarity* to other actors has not been extensively analysed in this Report, but we consider this issue in the parallel report about support through NDI. It would have been interesting to look more into how the UNDP and the previous and the coming UN missions have divided their tasks between them, but we did not have the opportunity to consider this.

*Overall*, this has been a relevant program, which hopefully may contribute to the learning process for the new emerging states (federal and decentralized) and for the more well-funded programs that the donor community is about to establish now that the transition period is considered as finished, and security conditions may hopefully improve in order to facilitate the presence of more development agents in the country. It has been noted with special interest how much priority has been given to the gender and generation challenges, and the Program’s relevance for women is particularly strong.

## 5 Effectiveness of the Program<sup>26</sup>

### 5.1 Civilian police project

The civilian police project was designed to improve access to inclusive, equitable and accountable forms of security and protection for all Somalis. According to the evaluation of the Rule of Law and Security Program 2009-2011<sup>27</sup> (hereafter referred to as the RoL evaluation), police support has emphasized strengthening the police as an institution – building police stations, training and equipping officers, and establishing communications infrastructure. The evaluation concludes that Impact at the community level of improved policing services has not yet been achieved.

The Review Team's own observations from the three regions to a large degree confirm these findings one and a half years later. However, there are significant differences between the three regions that should be emphasized. The Somaliland police force is generally in a much better condition to become a professional and even to a large extent rights-based institution; in Puntland the investment in infrastructure has not been matched by a similar level of rights training; and in South-Central there is still a challenge to re-establish effective policing across Mogadishu, let alone in the rest of the region.

*The overall conclusion* is that there have been too few resources available, and not a sufficiently systematic approach, to really turn the police force into an effective, preventive, community-oriented security actor which will be so crucial for the building of trust and peaceful societies. For the UN to make a qualitative contribution in this direction, a more robust and systematic training support to the police is required, something one may hope that the new UNSOM mission may also see as a priority issue.

### 5.2 Access to Justice

The Access to justice project is up against a crucial challenge to combine and bridge the three legal systems that co-exist in Somalia: the secular, the customary (xeer) and the Islamic (sharia), where the two former are obliged to be in compliance with the latter, and a secular and independent judiciary in accordance with universal justice principles therefore operating against heavy odds. The engagement with traditional authorities and religious authorities to enhance their understanding of modern human rights and particularly women's rights is a constant issue to deal with.<sup>28</sup>

The above-cited Rule-of-Law evaluation (op.cit.) draws the conclusion that the access to justice project has shown impressive results across a range of partners and institutions while operating in a complex, difficult, and ever-changing environment. The project is said to have been managed well and engaged in deliberate and reflective programming. Project activities have been carefully monitored and reviewed through the use of objective, outside advisors.

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<sup>26</sup> More detailed findings can be found in Annex D.

<sup>27</sup> Paul Eavis, Alice Hills, Andy McLean & Tiernan Mennen: Evaluation of ROLSIII Programme (Rule of Law and Security 2009 – 2011). An independent evaluation procured by the UNDP Country Office in Somalia, November 2011.

<sup>28</sup> Bendana and Chopra, op.cit., provides an excellent insight into these challenges

Project strategy was allegedly crafted to meet the unique operating and socio-political circumstances of each region, engaging with institutions where there was political will and civil society where there was capacity. A number of project strengths – but also weaknesses – are noted relative to each intervention and regional strategy.

All three constitutions (the Somali Federal Constitution, the Puntland and the Somaliland constitutions) consider Sharia to be “the supreme law of the land”. It is intriguing to note that the Somaliland Constitution, by recognizing the international human rights treaties, establishes two competing constitutional principles as superior to ordinary law.<sup>29</sup> But it is also noted with great concern that the Provisional Federal Constitution, to which UNDP has provided crucial support, does not contain the same recognition of the international treaties. This may possibly be seen as a serious sin of omission on the part of the UN system.<sup>30</sup>

The *overall conclusion* regarding the Program’s impact on Access to justice is that it is up against a tremendous task to contribute to real justice in the war-stricken societies of Somalia, torn between three different justice systems. The respect for basic human rights and women’s rights thus still have a long way to go. But important steps have been taken through this project to bring justice procedures closer to people’s reality, along the only route which is culturally legitimate in Somalia: under the overall respect for Sharia principles, however they are interpreted. The role of women in the justice system has been significantly enhanced, with the acceptance of female judges as a real possibility at least in Somaliland some years from now. If that is achieved, it would almost imply a revolution for women’s rights and justice in general in the country.

### 5.3 Community Security

Community security and safety in Somalia may have appeared like a distant dream for large segments of the population during the last twenty years, therefore being a basic element for the achievement of the overarching objective of peace-building in the UNDP program. Security is clearly the one state service that is most requested if state-building shall have any meaning.

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<sup>29</sup> All the constitutions make reference to human rights, but none go as far as the Somaliland one.

Somali Federal Constitution, Article 3(4): “The Constitution of the Federal Republic of Somalia promotes human rights, the rule of law, general standards of international law, justice, participatory consultative and inclusive government, the separation of powers between the legislature, executive and an independent judiciary, in order to ensure accountability, efficiency and responsiveness to the interests of the people.”

In Puntland Constitution (Article 118), “The Human Rights Defender shall have the following responsibilities and powers: [...] To promote awareness and respect, among the public and public officials, of the importance of protecting human rights that are enshrined in the Constitution and the laws of Puntland, as well as in international protocols and human rights conventions.”

In Somaliland Constitution, Article 10(2): “The Republic of Somaliland recognises and shall act in conformity with the United Nations Charter and with international law, and shall respect the Universal Declaration of Human Rights.” And, Article 21(2): “The articles which relate to fundamental rights and freedoms shall be interpreted in a manner consistent with the international conventions on human rights and also with the international laws referred to in this Constitution.”

<sup>30</sup> UNDP says in a comment to this that its efforts to advocate for a human rights-based constitution failed on this issue, and that OHCHR staff seconded to UNPOS with a particular human rights mandate at one point were declared non grata by the Somali Government.

UNDP activities have clearly had a positive effect on community security over the period under review, as a combined outcome of the various interventions under the project.

The Community Security project, (formerly known as Armed Violence Reduction – AVR), which oversees the Youth at Risk (Y@R) later called Youth for Change (Y4C) initiative, is considered by this Review to have been a flagship in community security, implemented jointly between UNDP, ILO and UNICEF as well as a number of NGOs operating in five complex areas of Somalia: Burao and Las Anod (Somaliland), Bossaso and Galkayo (Puntland), and Mogadishu (South Central)<sup>31</sup>. It is a very promising initiative to re-integrate the most vulnerable youth population, e.g. those having been involved or in danger of being dragged into piracy, armed conflict, petty criminality. AVR was evaluated as part of the Rule-of-Law evaluation, with the conclusion being that the project's effect was not yet being felt by citizens (at that time after only two years of implementation). However, the evaluators believe that many of the immediate achievements (cited in [Annex D](#)) bear promises of a significant impact potential. But this requires a much better coordination between this and other UNDP projects (as well as other efforts), which has been a clear weakness so far.

An exciting component of this project is the Observatory of Violence and Conflict Prevention. Based in Hargeisa, this fledgling institution is a *national* data collection, knowledge management and training centre that sees its role as supporting community security interventions. Currently wholly dependent on UNDP support, this institution has the potential to provide a crucial link between governments and civil society in the strengthening of community security.

The *overall conclusion* is that this project – under its changing names – provides an excellent opportunity to strengthen UNDP's peace-building work. This may be the moment to scale up and move into other districts, but this will require considering what the most appropriate role is for UNDP, improving links to other UNDP and UN efforts, and developing strategic partnerships with INGOs to deliver aspects of the project. It will also require the integration of more detailed conflict analysis in the baseline assessments and a careful consideration of conflict risks in project choices.

## 5.4 Overall impact on rule of law and security

These three components – police and community security along with access to justice – are the three elements of UNDP's efforts to support rule of law and security in Somalia.

The *overall conclusion* from Rule-of-Law evaluation is that this program has contributed to a positive impact on security and justice provision in Somalia; said to be extremely relevant to the Somali context, with the program adapting project strategies and approaches to the three different regional settings. Significantly, the majority of outputs have been met or are on track to be met. Furthermore, the Program has demonstrated an ability to adapt well to the changing political and security environment (in three different contexts) and to adjust project activities accordingly.

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<sup>31</sup> The Review Team had the opportunity to visit the project and talk to stakeholders in two of these areas: Burao and Mogadishu.

At the overall outcome level, important achievements were found in “improving security and protection under the rule of law”<sup>32</sup> for Somali citizens. There are significant improvements in the delivery of justice in some areas.

Armed violence reduction and community security efforts were initiated more recently and have significant potential but are not yet at a stage where impact is being felt on the ground.

The lack of a cohesive focus and integrated approach across the three projects, especially at the community level, makes it difficult to evidence the “improved security and protection under the rule of law” that is the intended outcome of the program. Considering that the program has been in existence for eight years, the R-o-L evaluation team believes that more progress could have been made to achieving and evidencing this outcome.

## 5.5 Somalia Institutional Development Project (SIDP)

The main concern of SIDP has been to enhance public institutions’ capacity to formulate and implement policies and laws, develop human resources, improve public finance management (PFM). This is of course a main element in state building.

Implementation of the PFM component was limited to Somaliland (work with the Accountant General and Auditor’s General offices – ref. also the tax increase achieved here as explained in Annex D, D4). On federal level, there was never capacity – and probably no political will – to work substantially on this absolutely critical aspect of Somalia’s state-building.

Regarding *aid management transparency*, the Development Assistance Database (DAD) has been assessed to have a good potential but only if it is utilized properly by all the parties (see Chapter 3). UNDP’s support to the implementation of the “New Deal” is also relevant in this regard.

*Development planning* has been supported both in Somaliland and Puntland. A five-year development plan for Somaliland is ready, and a very interesting concept note for the Puntland plan has been elaborated. Whereas the Somaliland plan does not seem to have taken the advantage of the potential for bottom-up planning that must have existed there, based on its long community-based survival experience, the intention in Puntland is to start with district plans building up to state level. This experience could become a very valuable pilot experience for federal planning. It will be interesting to see if the current “New Deal” activities will build upon these efforts.

Regarding support to *public sector reform*, UNDP is supporting civil service commissions both in Somaliland and Puntland in an effort to improve public sector performance. The Puntland commission has run into a contradiction with the Ministry of Labour which has partly crippled its work, while the Somaliland commission seems to have functioned quite well. It must be said that Somaliland is the only part of Somalia that has a really functioning public sector and civil service. This is not least due to its quite impressive Civil Service

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<sup>32</sup> The stated overall goal or intended outcome of the ROLS III Programme is “improved security and protection under the rule of law for all Somalis.”

Institute, supported by UNDP and specifically by Norway, on a regular basis bringing in various groups of civil servants both for long-term and short-term training.

The *overall conclusion* is that SIDP has been rather unevenly implemented throughout the country, evidently with more access in the relatively well functioning public system in Somaliland and least so far on federal level. In the latter case, the “New Deal” will hopefully be a framework for transferring best practices.

## 5.6 Joint Program on Local Governance and Decentralized Service

The Joint Program on Local Governance and Decentralized Service, JPLG, implemented together with the other UN agencies UN Habitat, UNICEF, ILO and UNDC has aimed to ensure that local governance contributes to peace and equitable, priority service delivery. The program works on policies, system and strategies for local governance that in principle affect all districts in Somaliland and Puntland. It has had special activities in selected local communities, concretely 7 district councils in Somaliland and 7 in Puntland. There have so far been no JPLG activities in South-Central.

The Review Team only had the opportunity to visit one District (Municipality) with special JPLG activities, and discuss experiences with the Mayor there: Burao, Somaliland’s second most important city (see more specific information in Annex D).

The JPLG has also a gender component to enhance women counselors, in the case of Puntland working through the Ministry of Women Development and Family Affairs plus NGOs. The goal of these recent efforts is to ensure that the principle of 30% women representation in the upcoming local and state elections in Puntland be secured.

*The overall conclusion*, based on a somewhat limited assessment of the JPLG project, is that it is making very useful contributions to strengthen the bottom-up governance structure that has taken hold in various parts of Somalia during the war and the largely stateless period. However, the interventions are too few and too thinly spread to have a lasting effect on the entire country, but they could definitely serve as pilot experiences for more large-scale participatory planning and budget processes if federal authorities and donors agree on it. It is noted with concern that the UN is practically absent as providers of technical assistance to the important – also potentially pilot – elections in Puntland, starting with local elections in mid-2013 followed by state elections half a year later.

## 5.7 Constitution-making Project

The main objective of the constitution-making process is to help the country move peacefully from the post-conflict situation and lay the foundation for a stable and secure Somalia.

UNDP prepared a final report of the project in 2012<sup>33</sup>. The conclusion, which this Review partly shares, is that this has been a “very successful project”, and that UNDP’s support is generally seen as decisive for the positive outcome. UNDP played a long-term technical

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<sup>33</sup> UNDP (2012): Somalia Constitution-making Support Project – Final Report. The report was prepared before the final approval of the Provisional Constitution and the (indirect) election of President and Prime Minister



support role in the drafting and public consultation process, and towards the end, contributed significantly to the operational aspects of the National Constituent Assembly of 825 delegates convened to provisionally adopt the constitution.

The Final Report has also highlighted as the shortcoming of the process, although falling beyond the control of the UNDP project, that the constitution would not be ratified through popular referendum as originally envisaged in the Charter. The delay in the creation of the federal units and demarcation of the boundaries as provided for in the Charter had not happened, hence delaying the adoption of a formal Constitution. Given the situation with Somaliland – but even resistance from other regions of the country – these solutions still seem to be far away.

It is still an open question to what extent the efforts between 2010 and 2012 to increase the legitimacy of the Constitution process among ordinary Somalis – not least through the UNDP-supported Committee of Experts (CoE), really succeeded. As explained in Annex D, the point of departure was rather depressing in terms of popular identification with the Transitional Federal Government (TFG) at that point.

The current political tensions around the issue of federalism and the creation of the states, is partly an expression of the unfinished constitutional process. The Final Report presciently commented: “The Principals have deferred many contentious issues for the post-provisional adoption phase. These must be negotiated and enabling legislation drafted in a timely and responsive manner.” (p. 16)

*The overall conclusion* is that UNDP’s handling of the project must be said to have been relatively successful under the circumstances, working against heavy odds. However, the present optimism – at times euphoric – for an all-Somali federal solution (based on a permanent Constitution) does not seem to be very realistic, given a seemingly complete lack of interest for this in Somaliland, as well as heavy scepticism and tensions across the rest of Somalia about how to interpret and implement federalism. It will be important to consider what UNDP’s role in that regard should be in the time to come, particularly based on some of UNDP’s own success stories from its strong technical engagement with Somaliland (ref. Recommendations) and the very unfortunate start of UNSOM’s relations there (ref. Section 4).

## 5.8 Poverty-reduction and environmental protection

This component of the program would normally be considered the key mandate of UNDP’s presence in the country, under the heading of striving towards MDG realization. The need for this is probably greater than in most other countries, with Somalia staying at the very bottom of most socio-economic indicators. Youth unemployment (67%) undoubtedly represents the root cause of the country’s many problems, threatening to bring a return to more widespread violence. In reality, however, UNDP has been consumed by other priorities, and only about 10% of the program budget has been destined to PREP.

The Review Team has noted several PREP contributions which by themselves are positive, such as the building of a fish market in Garowe, rehabilitation of a technical school and the building of a school for the deaf in Burao, cash-for-work projects, various environmental projects guided by policies of climate change adaptation and mitigation (with the exception of the Garowe fish market, these projects were financed by Norway). These investments

have probably been meaningful as separate undertakings. In some cases we have seen a lack of good links to other UNDP projects such as community security and JPLG. This is probably a consequence of the PREP staying somewhat outside of UNDP main priority to support the consolidation of basic political, governance and rule-of-law conditions for state-building in Somalia.

*The overall achievements of PREP* are therefore quite moderate. There has been no real plan – and much less adequate resources – to meet the massive employment needs particularly among the youth population. It will take a much more comprehensive and well-funded multi-donor effort to meet this challenge, probably a task where the UNDP will be of secondary importance compared to the multilateral credit institutions (principally the World Bank) – combined with serious domestic revenue collection and an attempt to mobilize the diaspora remittances for productive investment purposes. But several of the PREP achievements have by themselves been positive, with the potential of serving as pilot experiences.

## 5.9 UNDP’s general assessment of Norway as a donor

As shown in Chapter 3, Norway has been among the most important funders of UNDP’s Somalia Program.

Generally, Norway is held in high esteem as a donor, first of course because of the volume of the support, but also for its flexible and mostly non-earmarked character. The volatile situation in Somalia, combined with UNDP’s heavy bureaucratic modus operandi, makes it very important for UNDP to have a donor that is willing to adjust when new needs emerge.

UNDP could have liked to see more long-time commitments. The organization was also – along with other donors – for a long while quite hesitant towards Norway’s initiative to establish the Special Financing Facility (SFF), claiming that there were already existing procurement systems in place. As this facility now seems to have become the rallying point for the start-up of a possible multi-donor arrangement for Somalia, UNDP is also increasingly accepting this as a positive step.

## 5.10 Assessment of expected outcomes of the Program

### 1 Peace building and conflict management

*Expected outcome:* UNDP aims to foster a consensus-based approach to governance reform and natural resource management in Somalia. UNDP also works to build the capacity of institutions, such as the police and local governments, as well as communities, to prevent, manage, and resolve local-level conflict.

*Observed outcome:* Against heavy odds, decisive steps towards governance reforms have been taken, and UNDP has played a significant role in this. The process has been as much consensus-based as one could expect, with the very clear exception for Somaliland which has not at all been willing to participate in the federal project (and it seems that UNDP has very limited legitimacy to contribute to that). Natural resource management has not really been part of this process. Capacity-building with police and local governments and also communities has played an important role, at times with a bottom-up approach, and



particularly in Puntland and Somaliland, this has created a promising basis to prevent, manage and resolve local-level conflict.

## 2 People-centred governance and law

*Expected outcome:* UNDP works with regional governments to help them increase public service delivery and basic security. UNDP also works with civil society and citizens to establish local governance systems and to participate in decision-making so that services function in the interests of all Somali men, women and children.

*Observed outcome:* This is a very ambitious goal in a country which has been at war for more than 20 years. At the same time, the survival strategy in a state-less country has to a large extent been people-centred, and the UNDP has been able to use this tradition when slowly helping to rebuild basic state functions in governance and law. Basic security has been re-emerging in Somaliland and Puntland and a least partly in Mogadishu, but not in general in South-Central. Service delivery is hardly taking place in South-Central, to some extent in Puntland, and much more in Somaliland, without UNDP playing any decisive role in support of the resumption of services apart from justice and security. UNDP has consistently emphasized the special interests of women and youth.

## 3 Economic recovery and environmental management

*Expected outcome:* Where the security situation allows, UNDP helps to revitalize the economy through support to the private sector, and by increasing livelihood opportunities for women and men. UNDP also supports building the skills of authorities and communities so they can manage natural resources for a sustainable future.

*Observed outcome:* This is the area where UNDP has had least effect and impact. Only approximately 10% of the UNDP budget has been set aside for these purposes (through the PREP program). Contributions have been limited and spread, with little sign of a strategic perspective. This is also the case for the few – in themselves positive – interventions in favour of sustainable natural resource management. The rebuilding of livelihoods in Somalia is a massive task, particularly when it comes to employment creation for the two thirds of the youth without any meaningful occupation. Some of the pilot experiences accumulated by the UNDP during these latest years may serve as good building blocks when more large-scale support to economic recovery may be brought in e.g. through the development banks, not least when it comes to elements of a bottom-up planning process.

## 4 Protection and empowerment of women

*Expected outcome:* Under this country programme UNDP is expanding assistance towards protecting and empowering Somali women and girls. UNDP will promote women as leaders and advocates for women's rights and equality. Through a wider engagement with young people, communities, and institutions, UNDP will boost efforts to help end violence against women.

*Observed outcome:* UNDP has had a very clear gender perspective in its work. Particularly in the justice and security contributions, quite remarkable results have been achieved, in a society with a heavy bias against the rights and the participation of women. The entry of women into professional law and police careers in Puntland and Somaliland – where UNDP seems to have played a major role – may represent the beginning of a historic breakthrough for women's rights in the Somali society.

## 6 Sustainability of the Program

The sustainability of a program like the one UNDP has implemented in Somalia depends entirely not only on follow-up, but on a significant scaling-up of most of the interventions. As such, the achievements are highly vulnerable, and the impact very uncertain.

Sustainability depends to a large degree on whether the activities have been demand-driven, and consequently on whether there is a domestic sense of ownership. Perceived ownership may even be developed in cases where there was no real demand in the first place, if the activities really become anchored in the society. This may have been the case with the Rule of Law projects like community security, civilian police, and access to justice; perhaps with the governance projects JPLG and SIDP. Regarding the perhaps most prestigious – and by many seen as the most important – project, constitution-making, many would claim it has been mostly supply-driven by an international community which is impatient to see the reconstruction of a Somali central state. But the more Rule of Law and governance take root, the more people will also identify with the need for the reconstruction of the state, perhaps even be willing to start paying taxes. If the donor community may succeed to accompany state structures in striking a serious blow against poverty and unemployment, chances for this are increasing. So far, this has not occurred.

Sustainability is also about the involvement of the most discriminated groups. Women involvement has clearly taken place particularly in the justice system; youth has been involved through Youth for Change; the rural poor more less. But as stated elsewhere, all these efforts need to be scaled up in order to become really sustainable.

The political track record of the UN in Somalia is by no means only positive. Going back to the establishment of UNOSOM I in 1992, with the mandate to monitor the ceasefire in Mogadishu, it goes without saying that it was very far from a success. This has probably been one of the driving forces behind the UN commitment to finish the transition period and support the constitution development process and the election of state leaders, and declare this process a success although it clearly has many flaws. It is to be hoped that the owners of the UN – the member countries and specifically the donors in Somalia (including Norway) – recognize the need to stay put and to be patient when it comes to the establishment of a self-sustained statehood. All actions should be guided by this aim as an end result.

## 7 Conclusions and Recommendations

### 7.1 Conclusions based on the “New Deal” principles

The FOCUS approach on new ways of engaging with conflict-affected and fragile states, inherent in the “New Deal” to which Somalia belongs as a pilot country, advises that the ten “principles for good international engagement in fragile states and situations” (FSPs) shall be used as a monitoring instrument for success (ref. Chapter 2).

To what extent has the UNDP Program been implemented in accordance with these principles?

- (1) *Take the context as the starting point:* The very specific Somalia context has slowly been recognized as the baseline for UN and UNDP actions in the country, but it took a long time to get there.
- (2) *Do no harm:* It must be recognized that the international community, the UN included, has done considerable harm in Somalia over the last twenty years.<sup>34</sup> The UNDP program reviewed here has probably learnt a lot from these errors, and has attempted to live up to this principle.
- (3) *Focus on state-building as the central objective:* Many Somalis and Somali watchers would seriously question this principle. At least one could claim that foreign-led state-building without many conditions being put in place will hardly work in the Somali context. Yet state-building seems to have been guiding UNDP’s actions to a large degree. Whether the right conditions have been created so that this in the end will be a success remains to be seen.
- (4) *Prioritise prevention:* To a large extent, prevention has been a principle particularly in the security-related projects, although for instance policing in practice is still more focused on repression than on prevention. In a deeper sense, the only effective prevention measure is probably to deal a serious blow to youth unemployment. That has not been done.
- (5) *Recognize the links between political, security and development objectives:* This has clearly been done in the theoretical design of the program, combining constitution development and state-building, security and poverty reduction. In practice, the latter has had so little resource available that it has hardly led to any significant results. This is probably the most important challenge when looking forward.
- (6) *Promote non-discrimination as a basis for inclusive and stable societies:* Struggle against discrimination in gender and generation sense has been a prominent characteristic of the program, while other marginal groups have been much less involved. The most serious discrimination is probably the one felt by the people of Somaliland, which to a

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<sup>34</sup> One reference arguing credibly for this is Harper (2012), op.cit. This view is shared by a large part of our independent informants, and largely also in UNDP’s own 2012 Somalia Human Development Report, as referred to in Chapter 2.

- very little extent perceive any ownership to the donor-supported (they often claim donor-driven) federal state-building process.
- (7) *Align with local priorities in different ways in different contexts:* This has clearly been attempted, and important pilot experience has been gained.
  - (8) *Agree on practical coordination mechanisms between international actors:* Donor coordination seems to be one of the most acclaimed principles in development cooperation, yet almost always difficult to live up to. UNDP representatives claim that there are still many shortcomings in this respect also in Somalia.
  - (9) *Act fast, but stay engaged long enough to give success a chance:* Nobody can accuse the UN and the donor community to have been giving up on Somalia, after twenty years of largely failed engagement (except for the delivery of humanitarian aid). Many will perhaps say that the final leg of the constitution-making project was rushed through almost too fast, but the need for some concrete success was considerable. The important thing now is to stay put and build further on what has been achieved, not least for an anti-poverty and employment-creation development process to take hold. UNDP's intention is clearly to be a key partner in this process in the years to come.
  - (10) *Avoid pockets of exclusion:* In a social sense, there are clearly pockets of exclusion. This is precisely why it is so important to scale up the many pilot successes of the UNDP program.

We may compare our observations to the three critical aspects of state-society relations defined in the DAC Guidelines, more to characterize the state-building process in general than to assess UNDP's contribution to it. *Political settlement*, in the form of power distribution between competing elites, was to a large extent achieved through the Provisional Constitution, with the clear exception for Somaliland (and the settlement is recently even being challenged from other sub-federal units). *Capability and responsiveness of the State* to fulfill functions and provide services is so far very limited, but in this case Somaliland is clearly the star. Broad social expectations and the *ability to articulate demands that are heard* is also a dimension quite far away from being present in Somalia, which contribute to explain the power of non-state actors (clans on one side, Al-Shabaab on the other).

If we compare this track record to the key finding of the previously quoted 2011 OECD Survey – that most aid actors in fragile states are neither set up to meet the specific challenges posed by fragile situations, nor systematically able to translate commitments made by their headquarters into country-level changes – the UNDP performance in Somalia during the period reviewed here actually represents a good step forward.

Finally, we may assess observed performance up against the five peace-building and state-building goals of the “New Deal”, we observe particularly evident shortcomings in UNDP's work regarding *economic foundations* (“generate employment and improve livelihoods”), and *revenues and services* (“Manage revenue and build capacity for accountable and fair service delivery”). As emphasized elsewhere, however, there are several good pilot experiences from the UNDP Program to build on in the future. Good efforts have been made regarding *security* and *justice*, while well-intentioned and resource-consuming but not necessarily very

successful performance has been shown regarding *legitimate politics* (“foster inclusive political settlements and conflict resolution”). To continue developing the relative power position of Parliament – e.g. through its new efforts to help the MPs establish better presence in their constituencies – will be a good basis to build on to enhance “legitimate politics” in Somalia.

This is the final balance sheet we may offer for the Norwegian supported UNDP program in Somalia 2010 – mid 2013.

## 7.2 Recommendations

- (1) If the Norwegian government intends to continue being a key partner in the continuation of peace-building and state-building in Somalia, it is recommended that Norway as soon as possible negotiate a new two-year (?) agreement of at least the same value as the former agreement. The Embassy should monitor the implementation of the programme closely with a view to consistently reducing red tape and delays. It should be an overarching goal for Norway to contribute to an optimal coordination of the aid efforts in the country.
- (2) Support to the strengthening of rights-based civilian policing will continue to be a high priority. An in-depth and continuous training in human rights – based on up-to-standard manuals – and more systematic preventive engagement with local communities, deserves to take even more centre-stage position in the police project. Special attention to women and children, not least provided by women police officers, is another item that is increasingly taking hold but needs further strengthening. Provision of uniforms and effective payment of stipends / salaries is crucial, although the latter should be seen as a government responsibility.
- (3) The promotion of access to justice needs careful follow-up in the parallel work with the country’s three legal systems, always paying optimal attention to the internationally recognized justice principles. The promotion of women for gradual assumption of responsibilities in the judiciary will be decisive in this regard.
- (4) The various aspects of preventive security need to be better coordinated at community level to become fully effective. Community security projects deserve to be implemented on a larger scale (not necessarily all by UNDP itself) – with priority being given to a continued strengthening of the local networks being supported by – without being controlled by – regional and state authorities. Too weak links seen until now between vocational training and the labour market must be seriously addressed, including internal UNDP/UN turf battles which have hampered the success. Better links to the JPLG project also need to be built.
- (5) The various pillars of the Somali Institutional Development Project (SIDP) probably need to be shared among more actors. Public Finance Management (PFM) has a very long way to go in Somalia, when it comes to revenue collection as well as management and allocation. Development planning with emphasis on strong local participation and priority-setting should be actively supported, based on accumulated experiences with bottom-up processes in the country, strengthening the liaison between SIDP and the Joint Program on Local Governance and Decentralized Delivery (JPLG). Success stories from Somaliland and Puntland could be used as best-practice examples on federal level



- (ref. recommendation 10).
- (6) For tax collection to have legitimacy there must be a parallel development of public service delivery. UNDP will have a logical role in the facilitation of this. Public – private partnerships will in many cases be the only realistic solution, without renouncing the principle of a strong public sector in health and education.
  - (7) In order to make all the recent investments in the constitution making project worthwhile, continued commitment and investment is needed in mechanisms to support the implementation of the constitution as well as the continued review and revision to prepare it for ratification through a national referendum by 2016. The federal parliament needs continued support, there need to be several commissions established, and there needs to be an electoral support programme. This means that a tremendous amount of continued investment of time and energy is required to complete the constitution building process. UNDP is expected to continue playing a *lead technical role* in this, but the new UN mission UNSOM needs to take a clearer *political leadership* in UN and donor support to this process.
  - (8) Parliament reform and strengthening is now being singled out as a separate UNDP project, and support to this is very important in a democracy-building context. Particularly the federal parliament is a very strong institution vis-à-vis the Executive, and building further on this may be a highly promising element in the strengthening and consolidation of pluralistic democracy in Somalia. This work should be closely coordinated with efforts led by the Oslo Center for Peace and Human Rights, NDI etc. (see the NDI Review).
  - (9) Although the poverty-reduction and environmental protection project (PREP) has had very limited funding, some of the PREP interventions may be used as pilot experiences when major donor efforts through multidonor funds, the World Bank etc. fall into place. A real attack on the major socio-economic challenges – with youth unemployment being the most important of all – requires a much more massive investment than the UNDP can provide. Infrastructure reconstruction and the rehabilitation of fisheries could be among the strategic sectors in this respect.
  - (10) Going to the root causes of the piracy problem in Somalia requires land-based solutions, which have only received minor support until now compared to the gigantic naval and security operations. The donor community has a job to do in order to engage the international shipping, oil and other industries in efforts to rebuild the coastal fishing communities and in general contribute to youth development and employment. The UNDP should challenge these industries on the basis of their CSR commitments, e.g. through Global Compact.
  - (11) If the ambition to include Somaliland in the federation-building process is to be maintained, a completely new approach is required. The donor community need to accompany the UN (UNDP and UNSOM) in mentoring the federal authorities to take a much more conciliatory and statesmanlike attitude to the Somaliland government. UNDP may help facilitate an exchange of best practices and resources especially from Somaliland, like the Somaliland Civil Service Institute, the Mandehera Police Academy, the tax collection system etc. The Puntland planning process now being launched could be another best practice to share. The effect of such technical cooperation could be

substantial even for political trust building.

- (12) With the establishment of UNSOM and (assumably from 2014) a fully integrated UN Mission in Somalia, the donors should help ensure that the UN really speaks with one voice. There is a tremendous need for a “joint funding architecture”, and the UN should the lead in ensuring this, insisting on a closer donor coordination. A more systematic and coordinated use of the DAD database, building on the PREP monitoring system etc., may be good points of departure for this. UNSOM should be encouraged to include a robust human rights unit, to help build a National Human Rights Commissions based on the Paris Principles and put in place a good transitional justice system. The division of work with the UNDP in the human rights area needs to be clearly defined.
- (13) The total lack of UN (or any other) advisory role in the upcoming Puntland elections has been noted with great concern. These elections, starting at local level and being followed up with state elections early 2014, could become an important democratic pilot experience for subsequent national elections. Urgent technical advice in order to assure their quality in accordance with international standards is therefore required.
- (14) Given that Norway is within the top four-five contributors to UNDP/Somalia, it has a legitimate right to expect more accurate reporting, i.e. reports that will permit Norway to map Norwegian funding against specific activities and against a budget. This might be challenging for UNDP, having to provide multiple reports to multiple donors, but it would be the only way for Norway to be able to undertake serious analysis of budget deviations as well as cost-effectiveness. It is not clear, however, whether Norway as a UN donor has this expectation. The philosophy with unusually discretionary and non-earmarked support would rather indicate that general reporting to donors in most cases is acceptable.

## Annex A: Terms of Reference

### *Review of Norwegian Support of state building, peace building and democracy through UNDP during the Transitional Federal Government of Somalia (SOM-011/0027)*

The program, planned and implemented by the United Nations Development Programme (UNDP) will be reviewed in parallel with a program to support democratic governance by the National Democratic Institute (NDI) of the USA. NDI and UNDP have separate programs but reviews will be undertaken concurrently for logistical reasons. The NDI program is directed at strengthening the government and the bureaucracy, and their relations to parliament and to citizens. The UNDP program comprises the strengthening of public institutions and in particular the constitution and rule of law, and the political and economic situation of citizens. The programs can both be considered as giving support to the process of peace building and state building which was most urgent for the establishment of a legitimate transitional federal government for the citizens of Somalia. The review is undertaken by Norad's Section for Development Strategy and Governance for the Norwegian Embassy in Kenya.

#### 1. Background

##### Somalia: state and society

The Somali state has long been associated with statelessness and extreme insecurity. Unlike many African states which have experienced ethnic diversity as main cause or driver of conflict, Somalia is one of the few states that are truly ethnically homogeneous. Moreover, Somalia can both linguistically (Somali) and religiously (Islam) be considered homogenous. Meanwhile, clans have been considered source of conflict, dividing Somalis fighting for resources and power, often as a result of political leaders mobilizing clans for their own purposes. On the other hand it can also be argued that traditional clan elders have had a leading role in conflict mediation. Clan-based customary law has served as basis for negotiated settlements and clan-based blood-payment groups have served as a deterrent to armed conflict.

This state of affairs is closely linked to the harsh repression of the government of Mohamed Siad Barre (1969-1992) which created fear and resentment among Somali people towards the state. Its divide-and-rule tactics have later been held responsible for the failure of clans to unite in a post-Barre government. Following the overthrow of Barre, the country's most powerful figures were in the next 15 years warlords with private militias who often brutalized civilians in their fight for influence and territory. The heritage from the 1988-92 civil war is i.a. unaddressed war crimes, deep inter-clan grievances, stolen property and unresolved property disputes and occupied territory.

Many peace and reconciliation conferences have been held. None of these have managed to come to a lasting agreement on a constitutional form suitable and acceptable for all of Somalia. More sustainable results have been achieved in the case of the self-declared autonomous and regional states of Somaliland (declared independence in 1991) and Puntland (became an autonomous state within the federal structure of Somalia in 1998). This is not to say that Somalia has been without governance structures and practices. Other actors, such as warlords and Al-Shabaab, have taken over tasks normally performed by government in different locations within the Somali territory. These systems, perceived by



outsiders as a form of anarchy, in reality used governance tools associated with a modern state, e.g. customary law, negotiations, and the threat of force. The regions of Somaliland and Puntland have acquired significant state capacity.

The peace accord of October 2004 resulted in an agreement on a transitional federal government (TFG) for Somalia. The mandate for the transitional federal government was scheduled to end in August 2011. In September 2011, the Somalia End of Transition Roadmap was adopted and the transition period of the transitional federal government was extended to August 2012. The roadmap focused on four priority areas: security, constitutional reform, reconciliation and good governance. During the second half of 2012, Somalia concluded the transition period. Somalia got an elected President and Prime Minister, together with a newly-appointed cabinet consisting of just ten ministers, signaling the will of the Somali leadership to move away from the mindset of the past and bring about positive change. The transitional processes have had the strong backing of the African Union, USA, and the European Union.

Somalia is one of the seven pilot countries of the g7+ Group of countries of the New Deal principles.

## 1.2 The policy of Norway towards support of Somalia

The strategy of Norway for Somalia, adopted in 2010, has as overarching goal to contribute to stability and development through projects that can create peace and national reconciliation, including support to the transitional authorities and the transitional processes. Among the areas selected were peace and reconciliation, institutional development and capacity development (public administration). Regarding choice of partners in development, it is stated that no Norwegian or international organisation can fill the role of the UN; Norway will work to strengthen the presence of the UN.

The policy of Norway towards states in conflict or fragile situation has as underlying principles the OECD principles on peacebuilding and statebuilding, for example, as expressed in *OECD (2007).<sup>35</sup> Principles for Good International Engagement in Fragile States and Situations*. Ten principles have been formulated: (1) Take the context as the starting point, (2) do no harm, (3) focus on state-building as the central objective, (4) prioritise prevention, (5) recognize the links between political, security and development objectives, (6) promote non-discrimination as a basis for inclusive and stable societies, (7) align with local priorities in different ways in different contexts, (8) agree on practical coordination mechanisms between international actors, (9) act fast, but stay engaged long enough to give cusses a chance, (10) avoid pockets of exclusion.

## 1.3 The program

Norway has been supporting the Somalia Strategic Partnership Programmes of the UNDP. Launched in 2007, the key focus of these programs has been governance, rule of law and

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<sup>35</sup> *Principles for Good International Engagement in Fragile States and Situations*, OECD Publishing.  
<http://www.oecd.org/dac/conflictandfragility/38368714.pdf>.

recovery and sustainable livelihoods. The programs cover Somaliland, Puntland and South-Central Somalia. In 2011 UNDP included a wider Stabilization, Peace and State building initiative. Norway has supported the thematic pillars of Governance, Rule of Law and Poverty Reduction and Environment Programme since 2011. UNDP Somalia works in partnership with the transitional federal government, ministries in Puntland and Somaliland, civil society, local and international non-governmental organisations as well as a large number of UN sister agencies, and collaborates with many bilateral and multilateral partners including Danida, DFID, EC, Germany, Japan, South Korea, UAE, USAID, Sweden and Norway.

The overarching goal (impact) of the current UNDP Somalia program is:

- To build capacities for peace and human security.

The outcomes of the thematic pillars supported by Norway were:

- Somali women and men are better able to build peace and manage conflict.
- Somali women, men, girls and boys benefit from more inclusive, equitable and accountable governance, improved services, human security, access to justice and human rights.
- Poverty reduction and environment programme: Somali women and men benefit from increased sustainable livelihood opportunities and improved natural resource management.

The outputs cover (abbreviated):

- The constitution process and associated legal framework, capacities for conflict management of authorities, women's groups, civil society and private sector,
- Mechanisms for transition to democratic and accountable structures and governance systems, public sector reforms designed and implemented in an inclusive, gender-sensitive, participatory and transparent manner, parliamentary and civil society actors strengthened for accountable government oversight, technical assistance to improve security, establish functioning judiciary and human rights protection, mechanisms for access to equitable prioritized basic services,
- Millennium Development Goal planning, programming and policy capacities developed among partners, strategic economic development policies formulated and implemented with focus on small and micro finance for inclusive growth, environment and natural resources utilized in a sustainable, equitable, gender and conflict sensitive manner, local communities empowered to analyse, participate and advance recovery and development.

Thus, we understand the program as contributing to state building and peace building and to facilitating the involvement of citizens, and strengthening the political and economic situation of citizens.

#### 1.4 Norwegian Support

The current Norwegian grant amounts to a total of NOK 41.5 Mill. for the period 1.12.2011-30.06.2013. It is divided on Mogadishu recovery and stabilization (NOK 12.6 Mill.), poverty

reduction and environment (NOK 9.1 Mill.), Governance incl. institutional development and constitution (NOK 8.8 Mill.), rule of law (NOK 5.8 Mill) and other programs incl. in Puntland (NOK 5.2 Mill.).

The 2010 Norwegian support to UNDP Somalia Programme was NOK 28.5 million comprising an Embassy allocation of NOK 10.5 million (Rule of Law and Security programme 7 million, and Recovery and Sustainable Livelihoods 3.5 million) and an allocation from the Ministry of Foreign Affairs of NOK 18 million.

Norway also supported the UNDP Strategic Partnership Programmes in the period 2008/2009 (NOK Mill 66.7). The 2008/2009 program is not to be included in the review but an independent evaluation by Adam Smith International for this period as well as other documents may be looked into for a better understanding of the partnership with the UNDP.

### Purpose

The purpose of the review is to assess the results of the program in terms of efficiency, effectiveness and relevance as well as local ownership and sustainability against the agreed goals/impacts and objectives/outcomes, plans, budgets, resources and methodology, and the overarching processes of state building. In particular, the review shall encompass assessment of UNDP in terms of strengths and weaknesses in planning and implementing the programs.

The results should be presented for the program as a whole and separately for the regional subprogram in Somaliland and Puntland when relevant.

The review shall be concluded with recommendations for possible future support.

### 3. Scope of work

The review shall cover the two last periods of the Program, i.e. 2010 and 2011/2012. (The last disbursement from Norway was made in December 2011.)

The review shall cover aspects as listed below.

The efficiency and the effectiveness achieved with respect to the stated goal/impact and objectives/outcomes against plans, budgets/resources and methodology laid down in the program documents/proposals. The focus should be on political, economic, social and cultural obstacles and opportunities in an historical context and formal as well as informal institutions, groups and leaders. In addition, are there any external (foreign) factors that create obstacles? Are obstacles and opportunities different for men and women? Does UNDP have sufficient presence (capacity) locally to exploit the opportunities and meet the challenges?

The assessment should refer to explicit or implicit theories of change, or the assumptions that are guiding the program. Does the program have a clear, coherent and consistent set of objectives? Are adjustments called for and if yes, what kind of adjustments?

Regarding the management of the program, the review shall make an assessment of the cost-effectiveness of the administrative and organisational set-up, including any involvement of

UNDP-offices outside of Somalia. Relevant questions to be considered include: What measures have been taken during planning and implementation to ensure that resources are used efficiently? Could the program have been implemented with fewer resources without reducing the quality and quantity of the achievements so far? To what extent does UNDP have adequate human, technical and physical resources – included resources locally, to manage the program efficiently? To what extent have the financial dealings under the program and the reporting facilitated the achievements so far? How can the framework be enhanced to increase efficiency and results? Does the reporting to the Norwegian Embassy reflect progress in terms of the budget? Are deviations properly accounted for?

Regarding the sustainability of the program, the review shall assess to what extent the results of the program are expected to extend beyond the program period. Important questions in that respect are: Who “owns” the programs? Is there a demand for the programs in Somalia? Are the programs forming an integrated part of the wider context? Are women and youth, discriminated groups and the population in rural areas involved? Although of secondary importance, the review shall provide a brief analysis of the role of UNDP in view of the historical relationship between the Somalia and the UN. Possible challenges should be pointed out.

The relevance of the program shall be assessed with a view to the contribution to state building. The emphasis is on the legitimacy of the new state and its leaders among the citizens.<sup>36</sup> A legitimacy analysis making use of political economy analysis will indicate how the relations between the political leaders and the citizens of Somalia can be improved, what should be the priorities and what can an external donor like Norway do to assist.<sup>37</sup>

The relevance shall also be assessed with respect to the donor principles of doing-no-harm in fragile states as mentioned above, especially taking the context as the starting point, focusing on state-building as the central objective, recognizing the links between political, security and development objectives, promoting non-discrimination as a basis for inclusive and stable societies, aligning with local priorities in different ways in different contexts, and agreeing on practical coordination mechanisms between international actors.

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<sup>36</sup> For example, according to the approach of Séverine Belina, Dominique Darbon, Stein Sundstøl Eriksen and Ole Jacob Sending (2009) *The Legitimacy of the State in Fragile Situations*, Report for the OECD DAC International Network on Conflict and Fragility. This approach is based on the belief that a state is legitimate if the citizens perceive it to be legitimate. Citizens’ perception whether a state is legitimate or not is formed by their perception of how the state performs on the duties that the citizens want the state to perform. The duties of the state can include creating possibilities for the citizens to influence public decision-making, public service delivery, safety from violence and aggression, facilitation of economic growth and income, and the respect, or lack of respect, that people in power show for social values and norms, and faith or beliefs. This understanding is also used in OECD-DAC (2008) *Concepts and Dilemmas of State Building in Fragile situations: From Fragility to Resilience*.

<sup>37</sup> See for example Norad (2010), Political economy analysis with a legitimacy twist: What is it and why does it matter? DFID (2009). Political Economy Analysis. How to Note. Problem-Driven Governance and Political Economy Analysis. Good Practice Framework.

Developing the formal institutions of the state is central. In that context it is important to assess to what extent the advisors of UNDP take into considerations the structures and systems that already exist or have existed in the near past, or whether they primarily build on what is considered superior political systems in other countries, for example, the liberal political order of division of power between the three branches of government.

When assessing the relevance of the program, due attention should be paid to efforts by other foreign or domestic actors who are active in the same field. Who are these actors and are their programs overlapping or complementary? We do not require an extensive analysis of the comparative advantage of each actor.

The review should end with an assessment of the theories of change, or the assumptions on which the program is based. Are they still valid? If a continuation of the program is recommended, is UNDP a relevant partner in the future, and if so, with what kind of programs? Which adjustments are warranted, which institutions or actors should be targeted in the future? Is gender an issue in this respect, i.e. should support activities be planned differently for men and women? And the youth?

The review shall be guided by “Results Management in Norwegian Development Cooperation – A practical guide” issued by Norad and the Ministry of Foreign Affairs.

#### 4. Analytical and methodological approach

The review will consist of:

Desk research based on program documents such as proposals or plans, agreements, progress reports, financial reports, and other material produced as outputs of the program, to be provided by Norad and the Embassy, as well as relevant studies on Somalia available from the donor community, universities, research institutes, internet, etc.

Fieldwork in Somalia where interviews are to be made with a broad spectrum of key informants, representatives of local authorities, politicians, civil society representatives, media representatives, the staff of UNDP, donors and other resource persons. The beneficiaries of the program are most important. Interviewing will take place in Somaliland (Hargeisa), Puntland (Garowe), possibly Mogadishu, and Nairobi. Interviews may be undertaken one-on-one or in groups.

The review shall, as relevant, make use of political economy analysis of interest and power relations in state and society with focus on actors and institutions at the local level, and analysis of the legitimacy of the state as indicated above.

#### Reports

Before departing on the field work, the team shall provide an inception note based on the desk research, outlining the final report, and presented to Norad and the Embassy for approval. The final report shall not exceed 25 pages (excluding annexes), comprising an executive summary of not more than 2 pages, methodology, findings, conclusions and recommendations, expressing the views of the review team. The TOR shall be attached.

The consultants shall, before leaving Nairobi, debrief the Norwegian Embassy on the main findings and conclusions.

A draft final report shall be submitted to Norad within two week after finalization of the field visit. Norad, the Embassy and UNDP will then have one week to provide written feedback to the review team. The final report shall be submitted to Norad one week later. The final report shall reflect comments by Norad, the Embassy, and UNDP and acknowledge any substantive disagreements. The report shall be written in English. The assignment includes a presentation of the report for Norad, the Ministry of Foreign Affairs, and the Embassy (connected by phone).

A team leader will be responsible for the technical quality of the reports, as well as the editing and quality control of the language. The reports shall be submitted in electronic form to Norad.

## 6. Implementation

### 6.1 The team

The team will consist of an international consultant as team leader, and a local consultant (from Somalia or neighbouring countries). The local consultant will be hired by the international consultancy firm/institute and the costs included in the offer.

- The review team must as a minimum have the following qualifications: Experience with international development, including reviews / evaluations of state building, peace building and governance programs and capacity development in that respect,
- Knowledge of gender programming,
- Knowledge of administrative and financial management of development programs,
- Knowledge of the use of political economy analysis in a development context
- Familiarity with the social, economic, political and cultural development of Somalia at present and in an historical context,
- Each team member must have sufficient knowledge about first aid and stress handling for operating in risk affected areas.

The team leader must be fluent in English. The local consultant must have a working knowledge of English (and preferably the Somali language)

The consultants should be familiar with the UN system including UNDP and familiarize themselves with the Norwegian policy and strategic approach to development co-operation in Somalia.

### 6.2 Financing and Time Frame

The time frame of the review is up to 8 weeks of which approx. 2-3 weeks in the field. Whereas the team leader will be paid a maximum of 8 weeks, the local consultant will be paid a maximum of 4 weeks. The review is tentatively expected to start at the end of March



and be completed the first week of June 2013. The field work is expected to take place at the end of April / beginning of May 2013. The field work will cover both the review of the NDI program and the UNDP program.

The team is tentatively planned to visit Hargeisa (Somaliland), Garowe (Puntland), possibly Mogadishu, and Nairobi. The Embassy is regularly assessing the risks involved in travelling in Somalia. The plans for field work may be changed accordingly.

Hotel costs and per diem will be covered for both consultants in accordance with the official rates of Norway. For the local consultant, these costs will be covered when he/she is away from home. Air transport will be covered according to economy class tickets. The Embassy, NDI and UNDP will assist in arranging local transportation and accommodation in Somalia.

The Embassy, NDI and UNDP will assist the team in making arrangements for interviews but the team is free to decide on whom to interview. Reasonably priced transportation will be covered according to presentation of receipts when transportation is not provided free of charge. If translation is necessary, the costs will be reimbursed against receipts.



## Annex B: List of Informants

Met in Oslo

Bjarte Tørå, Program Manager, Oslo Center for Peace and Human Rights  
Somali Parliamentary Delegation Visiting Oslo Center for Peace and Human Rights

Tuesday May 14, 2013 (Nairobi)

Mohamed Abdirizak, Country Representative; Edmond Efendija, Deputy Country Representative; Mohamed Nur Mohamud, Senior Programme Officer, NDI  
Marie Dimond, Deputy Country Director; Abdulqadir Rafiq, Environment Programme Manager; Mohamed Barre, Environment Project Manager; Simon Ridley, Rule of Law Project Manager, UNDP

Wednesday May 15, 2013 (Nairobi)

Paul Simkin, Country Director, Conflict Dynamics International  
Kamal Hassan, Chief of Staff, Office of the President, Somali Federal Government  
Jan-Petter Holtedahl, Somalia Counsellor; and Dorcas Gacugia, Programme Officer, Royal Norwegian Embassy  
Jens Mjaugedal, Norway Special Envoy to Somalia (Telephone)

Thursday May 16, 2013 (Mogadishu)

David Clapp, Country Director; Christine Fowler, GROL Programme Manager; Jonathan Brooks, PREP Programme Manager, UNDP  
Peter Cross, Civilian Police Project Manager, and David Bruce, Police Project, UNDP  
Abdisaid M. Ali, Country Representative Somalia, NIS Foundation  
H.E. Mohamoud Hassan Suleiman, Minister of Finance and Planning, Somali Federal Government  
Bashir Yusuf, Owner and Manager, Peace Hotel (Private Sector)  
Abdusalam Omer, Governor of the Central Bank of Somalia  
Aues Sceek, Senior Advisor to the Governor of the Central Bank of Somalia

Friday May 17, 2013 (Mogadishu)

Abdullahi Godah Barre, Member of the House of the People, Somali Federal Parliament (and Former Minister of Planning and International Cooperation)  
Lilla Schumicky-Logan, Community Security Programme Coordinator; and Marcin Bozanski, Parliamentary Support Person, UNDP  
Abdirahman Omar Osman, Senior Advisor and Spokesperson of the President, Somali Federal Government (and former NDI Technical Advisor to the Office of the Prime Minister)

Saturday, May 18, 2013 (Mogadishu)

Mohamed Abbi Hassan, Director, DDR and Mine Action Department, Ministry of Interior and National Security  
Representatives of UNDP Youth For Change Project and implementing NGOs (CPD, SOYDEN, Elman Peace and Human Rights Center, SWDC)

Christine Fowler, Head of Governance and ROL a.i., UNDP, and other members of the team (Mohamed Hussein, Khalif Farah)

Visit to Wadajir Peace Center – graduated kids plus representatives of the Peace Committees from 4 Districts

Hon. Mohamed Sheikh Osman Jawari, Speaker of the House of the People, Somali Federal Parliament

Sunday, May 19, 2013 (Garowe)

Koen W. Toonen, Garowe Head of Sub-Office, UNDP

Mohamed Ahmed Yusuf, M&E Program Analyst, UNDP, and other members of the UNDP team

Visit to Puntland State University to meet and talk with 7 newly graduated women lawyers, some of whom have founded the Puntland Association of Women Lawyers

Monday, May 20, 2013 (Garowe)

Dr. Sayid Mohamed Abdulle, Minister, Puntland Ministry of Planning and International Cooperation

Hassan Said, Chairman of the Puntland Civil Service Commission, and other members of the Commission

Yusuf Haji Nur, Director, Puntland Legal Aid Center

Zahra Said, Executive Director, Forum for African Women Educationalists – Somalia Chapter (FAWESOM)

Abdullahi Jama, State Minister, Puntland Ministry of Security and DDR

Awad Hussein Ali, Director General, and Abdirizak Shire Ahmed, Coordinator of Community Security Project, Puntland Ministry of Security and DDR

Tuesday, May 21, 2013 (Garowe)

Ali Farah, Deputy Director, Puntland Development Research Center (PDRC)

Dr. Abdiweli Hersi Abdille, Minister, Puntland Ministry of Labor, Youth and Sports

Asha Mohamed Ahmed, Deputy Minister, Puntland Ministry of Women Development and Family Affairs

Wednesday, May 22, 2013 (Garowe)

Bile Farah, Deputy Commissioner, Puntland Police Force, and other members of the Police Force;

Group meeting with Puntland Director Generals: Farah Kulmiye Elmi, Director General, Puntland Ministry of Planning and International Cooperation; Ibrahim Hareed Ali, Director General, Puntland Ministry of Livestock; Dahir Mohamed Hassan, Director General, Puntland Ministry of Commerce; Ahmed Hassan Bile, Director General, Puntland Ministry of Labor, Youth and Sports

Visit to NDI training session: Puntland Political Association Campaign and Party Development Training (at PDRC premises)

Mohamed Farah Gashan, State Minister, Puntland Ministry of Good Governance

Group meeting with Mohamed Nur Aden, Coordinator of Mobile Courts Program; Abdinur Jama Hussein, Chief Judge of Nugaal Primary Court; Abdullahi Farah Nur,

Registrar of the Court of Nugaal; Abdirahman Mohamed Ahmed, Chief Registrar of the Puntland Supreme Court

Thursday, May 23, 2013 (Hargeisa)

Stephen Kinloch Pichat, Hargeisa Head of Sub-Office, UNDP, and other members of the UNDP team

Saturday, May 25, 2013 (Hargeisa)

Hussein Ahmed Aideed, Minister, Somaliland Ministry of Justice  
Abdirashid Ahmed Guleid, Director General, Somaliland Ministry of National Planning and Development  
Abdisamad Omar Mal, Director General, Somaliland Ministry of Interior, and Mohamed Ali, Director of Regions & District Development  
Mohamed Mihileh Bogoreh, Director, and Mohamed Abdirahman Warsame, Academic Director, Somaliland Civil Service Institute

Sunday, May 26, 2013 (Hargeisa)

Mohamoud Hussein Farah, Dean of Faculty of Law, University of Hargeisa (UoH)  
Mohamed Abokor Mohamed, Director of Legal Aid Clinic, UoH; and Abdikarim Mohamed Sheikh, Assistant Director of Legal Clinic and Associate Dean, Faculty of Law, UoH  
Hussein Haji Nur Mohamud and Abdi Jirdeh, clients of the Legal Aid Clinic, UoH  
Abdifatah Tahir, Acting Director and Research Advisor, Observatory of Conflict and Violence Prevention (OCVP); Kenneth Mutinda, Research Assistant, OCVP  
Ahmed Mirreh, Head of Regional Prosecution Office (Attorney General's Office); Hussein Jama, Technical Advisor to the Attorney General's Office  
Mohamed Hashi Elmi, former Minister, Somaliland Ministry of Finance

Monday, May 27, 2013 (Buraao)

Yusuf Mohamud Mohamed, Chairman, Somaliland Fisheries Association (Berbera)  
Visit to Biogas facility at Sheikh Veterinary School  
Khadar Farah Omer, Station Commander at Buraao Police Station (site of new Model Police Station); and Salah Ali Warfah, Deputy Station Commander, Somaliland Police  
Suleiman Ali, engineer and architect (Private Sector)

Tuesday, May 28, 2013 (Buraao)

Mohamed Murad, Mayor of Buraao  
Mohamed Hersi Hosh, Director of Buraao Technical Institute  
Jamal Mohamed Warsame, Chair of Buraao District Safety Committee  
Abdillahi Budur, Commander of Mandhera Police Training Academy

Wednesday, May 29, 2013 (Hargeisa)

Alex Park, The Institute for State Effectiveness; and Peter Portier, Crown Agents (DFID/Danida Consultants on Somaliland Trust Fund)

Thursday, May 30, 2013 (Nairobi)

Hugh Riddell, Senior Operations Officer for Somalia, Global Center for Security and Development, World Bank

Fatima Jibrell, Founder of Horn Relief/ADESO and former Committee of Experts member

Mohamed Abdirizak, Country Representative, NDI, and team (feedback and follow up questions)

Marie Dimond, UNDP (follow up meeting)

Friday, May 31, 2013 (Nairobi)

Debriefing with Norwegian Embassy: Stein Erik Horjen (Counsellor, Development Assistance), Jan-Petter Holtedal (Consellor, Somalia), Dorcas Gacugia (Programme Officer)

## Annex C: Documents Consulted

(Program-related documents not included)

- Adam Smith International (2009): Evaluation of the UNDP Strategic Partnership for Somalia.
- Belina, Séverine, Dominique Darbon, Stein Sundstøl Eriksen and Ole Jacob Sending (2009): The Legitimacy of the State in Fragile Situations, Report for the OECD DAC International Network on Conflict and Fragility
- Bendana and Chopra (2013): Women's Rights, State-centric Rule of Law, and Legal Pluralism in Somaliland. *Hague Journal on the Rule of Law*, 2013/1, pp. 43-73
- DFID (2009). Political Economy Analysis. How to Note. Problem-Driven Governance and Political Economy Analysis. Good Practice Framework
- Eavis, Paul, Alice Hills, Andy McLean & Tiernan Mennen (2011): Evaluation of ROLSIII Programme (Rule of Law and Security 2009 – 2011). An independent evaluation procured by the UNDP Country Office in Somalia, November.
- Interpeace and Academy for Peace and Development: "From plunder to Prosperity. Resolving Resource-Based Conflict in Somaliland."
- Institute for Security Studies (2009): "The political development of Somaliland and its conflict with Puntland", Paper No.200, September ([www.issafrica.org](http://www.issafrica.org))
- Harper, Mary (2012): *Getting Somalia Wrong? Faith, War and Hope in a Shattered State*. Zed Books (London, New York)
- Lewis, Ioan (2008): *Understanding Somalia and Somaliland: A guide to cultural history and social institutions*. Columbia University Press, 2008
- Menkhous, Ken (2011): "Background Case Study: Somalia and the Horn of Africa", World Development Report
- New Deal Building Peaceful states: <http://www.newdeal4peace.org>
- Norad (2010): Political economy analysis with a legitimacy twist: What is it and why does it matter?
- OECD-DAC (2011): Report on International Engagement in Fragile States: Can't we do better? <http://www.oecd.org/dac/incaf/48698002.pdf>
- OECD-DAC (2008): "Concepts and Dilemmas of State Building in Fragile situations: From Fragility to Resilience"
- OECD-DAC (2007): "*Principles for Good International Engagement in Fragile States and Situations*", *OECD Publishing*  
<http://www.oecd.org/dac/conflictandfragility/38368714.pdf>
- UNDP (2012): *Somalia Human Development Report 2012: Empowering Youth for Peace and Development*
- UNDP (2012): "Annual Report 2011/2012 The Sustainable Future We Want", June 2012
- UNDP (2012): *Somalia Constitution-making Support Project – Final Report*.

UNDP (2003): "Somalia and Somaliland: Strategies for dialogue and consensus on governance and democratic transition", Paper Prepared for the UNDP Oslo Governance Centre January 2003

World Bank (2012): World Bank Summary of Financial Diagnostic Assessment of "Audit Investigative Financial Report 2009-10", 30 May

Weinstein, Dr. Michael A.: "Somalia: The S.F.G.'s Strategy of Political Conflict", posted on Dehai News, goroweonline.com, Feb 25, 2013

## Annex D: More Detailed Findings for Each Project

### D.1. Civilian police project

The civilian police project was designed to improve access to inclusive, equitable and accountable forms of security and protection for all Somalis. According to the evaluation of the Rule of Law and Security Program 2009-2011 (RoL evaluation)<sup>38</sup>, police support has emphasized strengthening the police as an institution – building police stations, training and equipping officers, and establishing communications infrastructure. Effect at the community level in improving the delivery of policing services to citizens was said not yet to have been achieved at the time of the evaluation.

More specifically, the evaluation concludes that the Civilian Police Project (CPP) has some significant achievements:

The institutional and technical capacity of Somalia's three police forces has been strengthened.

Approximately 14,000-officers have been trained in rights-based policing (5,000 in SL, 1,500 in PL and 5,500 in SC).

The project has promoted human rights training and introduced a sharper focus on gender equality in Somali police forces.

The need for uniforms and ranks to symbolise the civilian and disciplined nature of policing is now recognised by the police.

Partnerships with government counterparts and a broad range of civil society organizations have been strengthened.

The need for the police to have better relations with local communities is now widely accepted.

In essence, the foundations for civilian police services have now been laid. Even so, weaknesses have unbalanced the project:

Institutional strengthening and training in human rights have been handled well, but the project has yet to be implemented at the community level, and this affects the police's ability to work in partnership with local authorities and civil society, and to respond to public expectations.

Civilian oversight procedures have yet to be developed and applied systematically in all three police forces.<sup>39</sup>

Stipend payments to the SPF in Mogadishu have unbalanced and skewed the project.

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<sup>38</sup> Eavis, & al. op.cit.

<sup>39</sup> According to the Director of the Mandhera Police Training Academy, complaint mechanisms are only now about to be enacted in Somaliland. The Review Team has no knowledge of similar procedures being prepared in PL or SC.



Synergies with the Access to Justice and AVR projects remain under-developed while staffing challenges and inter-agency politics have proved problematic.

The police's reliance on donor funding has introduced an element of unpredictability at a time when predictability and consistency are needed.

The Review Team's own observations from the three regions to a large degree confirm these findings one and a half years later. However, there are some significant differences between the three regions that should be emphasized:

South-Central:

It is still a challenge to re-establish effective policing across Mogadishu, let alone rest of region.

The uniforms have been provided (blue shirts), and there have been important UNDP contributions to rehabilitate police stations. There is a common complaint – also among the public – that the payment of stipendiums (100 USD/month) are often delayed by several months, leading to a continuation of blatant corruption in the police force. Allegedly, the delays are due to delays in donor contributions to the UNDP, implying that UNDP has committed more than it is able to deliver in spite of participation in the Stipend Oversight Committee.

The impact of rights-based policing is not so easy to observe in practice. The Crime and Victimization Survey carried out for Mogadishu in July 2010<sup>40</sup> – while in general showing a depressive picture of insecurity and indiscriminate violence – reveals low levels of trust in the police. This is first of all because the police force is seen to be slow in reacting (very often not physically available) and because of limited distinction between the police and the military. But the police itself is claimed to be responsible for sexual violence as well as frequent illegal detentions. One may hope that the situation has improved since this survey was conducted, simply as a consequence of the general improvement in security in Mogadishu.

The conclusion is anyway that there are many shortcomings in the performance of the police in Mogadishu, and a long way to go to reach the goals of the project.

Puntland:

In Puntland we registered that at the time of the Review Mission there was a conflictive relationship between the UNDP and the police (ref. a serious case of the police violating the immunity of the UNDP office). The emphasis of UNDP's support to the police in Puntland has been heavily on the infrastructure side (building of Gardo Prison, upgrading of Garowe police HQ – financed by Norway – provision of vehicles although without spare parts and maintenance). The police force had still no proper uniforms and was difficult to distinguish from the military. Salary payments (which come from the government) were reported to be irregular. Training support had been initiated, but it was difficult to determine the quality. The group of senior police commanders we met had difficulties explaining what kind of

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<sup>40</sup> This is one of the baseline studies carried out by the Hargeisa-based Observatory of Conflict and Violence Prevention, with UNDP being one of the sponsors and providers of technical support

training in rights-based policing that was provided at the Armo Police Academy, in a situation where significant shares of patrolling police agents are illiterates. The situation for detainees at the police station seemed crowded and confusing. Surprisingly and disappointingly, nobody among the top police management interviewed had any knowledge of the programs Youth at Risk and Youth for Change.

Somaliland:

The situation in Somaliland was found to be much better. Training at the Mandhera Police Academy appears to be of relatively high quality, with systematic emphasis on human rights and community relations. A Police Act is under preparation with UNDP doing active lobbying. Three ‘model police stations’ – i.a. with special facilities for attending women and children – are under construction with Norwegian financing. The Somaliland police force in general has qualitatively better conditions for becoming a professional police force. A police oversight body is about to be established.

## D.2. Access to justice

The Access to justice project is up against a crucial challenge to combine and bridge the three legal systems that co-exist in Somalia: the secular, the customary (xeer) and the Islamic (sharia), where the two former are obliged to be in compliance with the latter. The engagement with traditional authorities and religious authorities to enhance their understanding of modern human rights and particularly women’s rights is a constant issue to deal with.<sup>41</sup>

Through mobile clinics, legal aid offices and not least scholarships for female law students, there has been remarkable progress in the access to justice in Puntland and even more in Somaliland (we do not have reliable information from South-Central). The multiplication of female law practitioners, and their gradual entry into the justice system e.g. as prosecutors in Somaliland, is a very positive sign. Although the predominant interpretation of Sharia in Somalia prohibits women to be judges<sup>42</sup>, the Somaliland minister of justice recognizes that the gradual access of women to positions in the Judiciary may ultimately open for them to be accepted as full-fledged judges, perhaps beginning by performing this function in family cases. That would indeed be a small revolution in access to justice in Somalia. It is not by chance that al-Shabaab has declared war on UN’s Rule of Law vision.<sup>43</sup>

With UNDP support, a national human rights commission has been established in Somaliland, although with the serious flaw that it is not primarily responsible to Parliament (a crucial requirement in the internationally recognized so-called Paris principles for such institutions). The intention is now to establish a national human rights commission on

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<sup>41</sup> Bendana and Chopra, *op.cit.*, provides an excellent insight into these challenges

<sup>42</sup> The issue of female judges is hotly debated in many Muslim countries. In Egypt, for instance, Tahani el-Gebali was the only female judge to sit on the Supreme Constitutional Court – the highest in the country – until she was removed due to the passing of the new Constitution under the Muslim Brotherhood regime.

<sup>43</sup> On April 14, 2013, Al-Shabaab launched a suicide attack at the Mogadishu court house, killing 16 and injuring many more; on April 26, 2013, the deputy chief prosecutor was gunned down in Mogadishu, with Al-Shabaab threatening to kill more judiciary staff.

federal level, and the UN system (UNDP or the new UNSOM mission) should make it a priority ensure that it fully meets the Paris principles.

The RoL evaluation (op.cit.) draws the conclusion that the access to justice project has shown impressive results across a range of partners and institutions while operating in a complex, difficult, and ever-changing environment. The project is said to have been managed well and engaged in deliberate and reflective programming. Project activities have been carefully monitored and reviewed through the use of objective, outside advisors. Project strategy was allegedly crafted to meet the unique operating and socio-political circumstances of each region, engaging with institutions where there was political will and civil society where there was capacity. The evaluation points out a number of project strengths and weaknesses relative to each intervention and regional strategy:

Overall project achievements include the following:

A diverse array of project partners has been developed - ranging from civil society organizations to universities to justice sector institutions. In each case support has been linked to results and performance.

The project has developed a strong group of legal aid service providers that provide access to the formal legal system, a service previously unavailable for the poor and vulnerable, particularly those being detained in prisons and police stations.

Institutional infrastructure and process improvements – such as the introduction of professional case management techniques and mobile courts – has improved the efficiency, reach and professionalism of the formal justice sector in Somaliland.

The legal profession in Somalia has been bolstered significantly by UNDP's support to university law faculties in the form of scholarships, professional placements, facilities improvements, and legal clinic development.

The project has employed a constructive mix of international expertise and local knowledge, ownership and empowerment and has learned from past failures and success and designed subsequent activities appropriately.

Overall the project is strong, however there are a few weaknesses that need fine-tuning and better conceptualisation:

The translation of outputs to outcomes can be improved. The range of results and quantitative indicators, such as number of legal aid cases, does not clearly add up to the greater objective to improve access to justice.

There could be a stronger consideration of customary, sharia and other informal justice systems, on account of the limited reach of the formal sector and that most Somalis use and trust elders and religious leaders for dispute resolution processes, especially in rural areas.

The project did not engage sufficiently at the community level. Development of a community strategy through civil society and community paralegal networks can further improve performance, empower local populations and foster sustainable impact.

The project should also be careful to consolidate gains in institutional capacity by expanding reach outside of the capital cities, while establishing and working through sustainable institutional processes.

### D.3. Community Security

Community security and safety in Somalia may have appeared like a distant dream for large segments of the population during the last twenty years. The capital city of Mogadishu, where perhaps as much as 20% of the Somali population lives, has repeatedly been characterized as “the most dangerous city in the world”. The previously quoted Safety and Security Baseline Report for Mogadishu confirms to a large extent which horrors the civilian population has been going through, with indiscriminate killings, 44% of reported assaults being committed with a Kalashnikov-type assault rifle, forced recruitment of children into armed groups, and the general terror exercised by these organized armed groups (typically the “machine-gun equipped pick-up teenagers”).

Community security is therefore a basic element for the achievement of the overarching objective of peace-building in the UNDP program, and security is clearly the one state service that is most requested if state-building shall have any meaning (although other basic state services like health and education are also largely absent). Now that basic security actually is returning to more extensive areas of the country, and even to Mogadishu, the emphasis must be on the preventive elements against resumption of violence.

UNDP activities have clearly contributed to a positive impact on community security over the period under review, i.a. caused by the combined outcome of the various interventions discussed here.

The Community Security project, (formerly known as Armed Violence Reduction – AVR), which oversees the Youth at Risk (Y@R) later called Youth for Change (Y4C) initiative, was also assessed as part of the RoL evaluation. Having emerged out of the Disarmament, Demobilization and Reintegration (DDR) efforts<sup>44</sup>, small arms control and mine action component of the Rule of Law and Security (ROLS) programme, and only active for two years when the evaluation was done in late 2011, the assessment concluded that the project’s effect was not yet being felt by citizens. However, the evaluators believe that many of the immediate achievements (cited in Chapter 6) bear promises of a significant impact potential. But this requires a much better coordination between AVR and other UNDP projects, which has been a clear weakness so far.

The RoL evaluation made the following main findings in what was then called the AVR project:

Achievements which mean that the project has significant potential:

Baseline assessments have been completed in Burao, Bosasso, Galkayo, Los Anod and Mogadishu and contain valuable information.

District Safety Committees and District Safety Plans have been developed in Burao, Bosasso, Galkayo and Los Anod.

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<sup>44</sup> DDR is a common denomination for a peacebuilding strategy for disbanding former combatants and reintegrating them into society.

The District Safety Committees engage community representatives in discussions with the state on safety issues, and are playing a role in conflict resolution.

The Somalia Community Safety Framework has been developed as a common strategy, coordinating mechanism, and monitoring and evaluation framework for stakeholders.

The governments of PL and SL have established peace-building units and are committed to developing peace-building strategies.

The youth-at-risk project is well-designed with significant potential (and risks).

A number of initiatives that have been developed by the Armed Violence Reduction (AVR) project have the potential to be of benefit to the whole ROLS-GOV programme. It is vital therefore that the project is better coordinated with other UNDP projects – this has been a weakness so far. Other weaknesses include:

The baseline assessments took too long and did not help shape the District Safety Plans<sup>45</sup>.

No funds were budgeted for the implementation of District Safety Plans which has led to frustration amongst local partners.

The district level work has not been sufficiently coordinated with the Joint Programme on Local Governance.

The Observatory on Crime and Violence Prevention is weak and lacks research capacity.

The large number of partners has made the project difficult to administer and there has been an insufficient focus on developing sustainable partnerships with a smaller number of INGOs.

The project helped establish the District Safety Committees which have been organized in the same five localities, mostly consisting of elders who have a key role in the selection of participants in the project. They have also developed District Safety Plans as a framework within which the youth project takes place. Building upon these District Plans, regional and national strategies have also been developed. The Ministry of the Interior in Somaliland, and the Ministry of Labour, Youth and Sport in Puntland, have even drawn up national strategies, probably with the intention of generalizing the benefits from this project. But the real strength of the project has been its bottoming-up approach, particularly when linked to the Observatory on Crime and Violence Prevention and their baseline assessments.

The youths receive training adapted to their qualifications, from literacy courses if that is required, to vocational training. One problem the Team has observed is that this training may not be sufficient to really qualify the participants for the labour market, but even more that the link to the labour market has not been sufficiently developed. In cases where labour fairs have been organized, or where the local Chamber of Commerce has been approached, quite successful employment generation has been achieved. But again, there are missing links to other UNDP projects (such as PREP, police project, JPLG) and to other UN agencies (in cases where the ILO has responsibility for integration into the labour market).

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<sup>45</sup> This was due in part to delays in receipt of donor funding and UNDP's procurement procedures.

An obvious weakness has been on the gender side, with very few girls participating. Girls are also at risk in Somalia.

A big dilemma has emerged as the project shows success as a rather limited pilot experience, and ministers and civil servants want to capitalize on this success: shall the project, with its limited resources, go *deeper* or *broader*? That is to say, digging further into the local communities where it has taken hold, or repeating the experience in much more communities with the risk of reducing the resources available in the first five areas. In Burao, a quite drastic reduction in number of beneficiaries and the length of the trainings has been met by strong protest from the District Safety Committee, which is up against a 'crisis of frustrated expectations'.

A final evaluation of the Youth at Risk Project, done in late 2012<sup>46</sup>, draws the following conclusion:

"The project is coherent with the needs and opportunity in Somalia and there is critical need to propose new opportunities for youth in Somalia especially at a time when the number of youth defectors from armed groups is increasing. However, the implementation strategy could be defined with more clarity; monitoring and control mechanisms should be strengthened to address the key challenges of implementation; and looking at the problems and solutions through the lens of the wider community and not just the youth at risk may also increase accountability, impact and sustainability. Further measures should also be taken to define the specific objectives of the project in each region." (p. 6)

This Review finds some of the critical assessments made in the Final Evaluation to be somewhat unrealistic compared to context conditions, but supports the overall positive statements about this project.

#### D.4. Somali Institutional Development Project (SIDP)

The main concern of SIDP has been to enhance public institutions' capacity to formulate and implement policies and laws, develop human resources, improve financial management. This is of course a main element in state building.

In 2011, the project was reformulated around four pillars: (i) PFM, accountability, transparency; (ii) development planning and aid coordination; (iii) Public sector and parliamentary reform; (iv) good governance in political transition.

Parliamentary reform has meanwhile been taken out of this project, and a stand-alone parliamentary reform project document is now being finalized.

Implementation of the PFM component was limited to Somaliland (work with the Accountant General and Auditor's General offices). UNDP says it was included because the

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<sup>46</sup> Guillemois, David; Muktar Sheikh Mohamed; Mohamed Ibrahim Mohamed: Final report – Evaluation of the "Youth at Risk Project" and some security-related components (UNDP, Somalia, December 2012)



IMF and the World Bank were absent. But there was never capacity to work substantially on this absolutely critical aspect of Somalia's state-building. Particularly on federal level, tax collection is almost absent, and thus also the capacity to deliver services (to a certain extent except for security). As an example, the federal government is expected to raise only USD 3 million per month (USD 36 million per year), mostly from port taxes. At the same time, the value of family remittances from the Somali diaspora is calculated to around USD 2 billion a year.<sup>47</sup> This extreme disparity says something about two things: first of all that the State is in a completely disadvantageous position in order to ensure people's livelihood and deliver basic services, but also that the potential for tax collection is quite considerable particularly from the telephone and remittance companies (Hawala).

There is also an example from Somaliland that shows the potential for tax collection if appropriate and innovative policies are applied. From an annual budget of USD45 million in 2010 (slightly higher than the present federal budget), the government managed to raise revenues by 300%, to USD125 million in 2013. UNDP supported this effort with a publicity campaign. This after all quite moderate tax-collection effort was met by considerable resistance from the private sector and possibly some special interest groups who disliked this confrontation with no-tax and corrupt practices. But the example may be worth while studying in the rest of Somalia.

The relationship between tax collection and the provision of public services is of course a chicken-and-egg dilemma. It is a crucial challenge for future PFM engagement to turn the present vicious circle into a virtuous one – probably more a task for the World Bank and the IMF than for UNDP.

Based on the Puntland example, the Review Team noted that participation in budget processes tend to be handled in a very closed manner – by the Ministry of Finance – even when planning processes are very transparent and participatory.

Regarding *aid management transparency*, the Development Assistance Database (DAD) operated jointly between the UN and bilateral donors is a good step forward if it is appropriately updated and kept available. But there are still many complaints, also from UNDP, about donor coordination.

*Development planning* has been supported both in Somaliland and Puntland. A five-year development plan for Somaliland is ready, and a very interesting concept note for the Puntland plan has been elaborated. Whereas the Somaliland plan does not seem to have taken the advantage of the potential for bottom-up planning that must have existed there, based on its long community-based survival experience, the intention in Puntland is to start with district plans building up to state level. This experience could become a very valuable pilot experience for federal planning.

Regarding support to *public sector reform*, UNDP is supporting civil service commissions both in Somaliland and Puntland in an effort to improve public sector performance. The Puntland commission has run into a contradiction with the Ministry of Labour which has partly crippled its work, while the Somaliland commission seems to have functioned quite

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<sup>47</sup> Both estimates provided by the Central Bank Governor



well. It must be said that Somaliland is the only part of Somalia that has a really functioning public sector and civil service. This is not least due to its quite impressive Civil Service Institute, supported by UNDP and specifically by Norway, bringing in various groups of civil servants both for long-term and short-term training.

## D.5. Joint Program on Local Governance and Decentralized Service Delivery (JPLG)

The JPLG, implemented together with the other UN agencies UN Habitat, UNICEF, ILO and UNDC has aimed to ensure that local governance contributes to peace and equitable, priority service delivery. The program works on policies, system and strategies for local governance that in principle affect all districts in Somaliland and Puntland. It has had special activities in selected local communities, concretely 7 district councils in Somaliland and 7 in Puntland. There has so far been no JPLG activities in South-Central.

The Review Team only had the opportunity to visit one District (Municipality) included in the JPLG, and discuss experiences with the Mayor there: Burao, Somaliland's second most important city. He describes how government and governance in Somaliland was developed on the basis of traditions from the resistance movement against Siad Barre, led by the Somali National Movement (SNM), which by the end of the 1980s, after the Barre regime's indiscriminate bombing of Somaliland but before the fall of Barre, achieved virtual control of all the north-west of Somalia, including Hargeisa and Burao. Even after Somaliland declared itself an independent republic in 1991, most public functions continued to be exercised on local level, in close liaison with elders and clan leaders.

The District Plan – updated quarterly – is the main tool for local level planning supported by JPLG, counting with a District Development Fund based on proper tax incomes plus state subsidies. JPLG supports the process with a fulltime expatriate/diaspora advisor who works closely with the Mayor. The Mayor describes the JPLG as “a teacher showing us the way to do things ourselves”, without much money to offer. He claims there is frequent consultation on his part with the population, every month with a group of what he calls “educated people” and every six months with the population in general. It is difficult to judge how real influence the population has and to what extent JPLG makes a real difference. The Mayor claims that his main accountability is downwards to his electors rather than upwards to the State represented by the Ministry of the Interior, while the DG of the latter says that the Ministry perceives the Mayor to represent the Ministry on district level.<sup>48</sup> The Ministry of the Interior is complaining about UNDP/JPLG's engagement directly with the districts, allegedly not allowing the Ministry the full coordination role it wants to have. So the impression is clearly that the project tends to side with the District in a conflict about how decentralized the project shall be.

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<sup>48</sup> According to the UNDP, District annual workplans and budgets are prepared and submitted through the Ministry of the Interior by the districts in Q4 before a new budget year starts. JPLG provides technical assistance to the districts in this process.

The Mayor of Burao has only one complaint about JPLG: that the project has a tendency to sometimes stretch the limited resources too much and thus deliver poor quality (“I would rather have a good road of 300 meters, than a shoddy road of 600 meters,” said the Mayor).

The JPLG has also a gender component to enhance women counselors, in the case of Puntland working (alongside the UNDP Gender team) through the Ministry of Women Development and Family Affairs plus NGOs. The goal of these recent efforts is to ensure that the principle of 30% women representation in the upcoming local and state elections in Puntland be secured.

These Puntland elections represent a great opportunity to strengthen local democracy, since they start with local elections (mid-2013) before state elections are held in early 2014. This is the first time ever elections are held in Puntland, and they may be seen as a pilot experience for later federal level elections. It is therefore quite worrisome that no technical support has been offered for these elections from the UN system, in a situation where most conditions for a successful election process are not yet in place only a few weeks before the election date. This could indeed represent a missed opportunity to support the consolidation of local democracy in Somalia.

#### D.6. Constitution-making project (with follow-up towards Parliament)

The specific objectives of this project have been to: 1) promote reconciliation, peace and stability in Somalia. 2) Support a consultative constitution-making process at the federal level in line with the stipulations of the Transitional Federal Charter (2004). The project was expected to contribute towards three outputs with regard to constitution-making in Somalia: a) preparation of context appropriate, realistic, draft constitutional text and the development of framework for implementation; b) drafting of constitution through targeted consultative constitution-making process in which the public is informed and public views are heard and incorporated to the extent possible; and c) putting in place effective and efficient project management including financial management processes.

The Assistance was part of multi-donor funding framework and effort to support the constitution-making process, with support from Norway along with several other donors (EC, USAID, Denmark, Italy, SIDA, Switzerland, and DFID).

According to UNDP’s Final Report of the project in 2012<sup>49</sup>, the main achievements noted by the EC Report include:

**Completion of the Draft:** The main achievement of the project to date is the completion of the Draft Constitution. The IFCC and CoE joint core drafting committee completed a revised draft that was submitted to the Principals for review. The Principals have reviewed, harmonized their comments, and revised the Draft which was finally approved as a Provisional Constitution on 1 August 2012.

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<sup>49</sup> UNDP (2012): Somalia Constitution-making Support Project – Final Report. The report was prepared before the final approval of the Provisional (?) Constitution and the (indirect) election of President and Prime Minister

**Public Interest in the Constitution:** The project generated greater public debate and awareness on the constitutional process-hence creating a culture of participation in constitution-making unlike in the past when constitutions were written outside the public reach (though, we have to add, this public interest did not include Somaliland).

**Capacity for Constitution Building:** The project achieved multiplier effect and created greater capacities and knowledge at the societal level by rendering extensive constitution-making capacities to various national partners including those charged with writing of the constitution and oversight of the process as well as civil society organisations.

**Generation of body of knowledge:** The project imparted a body of knowledge on important issues such as federalism, systems of governance and universal human rights. The experience and lessons learned will be useful for future constitutional development and implementation actions.

The EC report has also highlighted as the shortcoming of the process, although falling beyond the control of the UNDP project, that the constitution would not be ratified through popular referendum as envisaged in the Charter. The delay in the creation of the federal units and demarcation of the boundaries as provided for in the Charter has not happened, hence delaying the immediate implementation and operationalization of the constitution post-provisional adoption. Given the situation with Somaliland – but even resistance from other regions of the country – these solutions still seem to be far away.

When the EC Report points out that the drafting of the federal constitution is not accepted by all Somalis, that is a clear understatement. The Norwegian-supported organization National Democratic Institute (NDI) conducted a focus group-based survey in 2010, concluding that “Somalis are unanimous in their belief that the Transitional Federal Government (TFG) exists in name only – that its legitimacy derives only from the fact that it has international recognition” – and consequently that it does not represent their interests.<sup>50</sup> It was in this situation that a Committee of Experts (CoE) was established, and with the support of i.a. the UNDP and the NDI was able to accelerate the process towards the preliminary breakthrough in August 2012.

While many Somalis perceive federalism as a recipe for balkanization, others are highly sceptical of being governed by a Mogadishu-based central government and support federalism as a way to guard against an overly-powerful Mogadishu-based central government, to avoid a return to what they often saw as Siad Barre totalitarianism. State-building based on the Provisional Constitution may therefore still be expected to be a long and contentious process.

A former UNDP staff who was involved in the process points out, however, that UNDP has been torn between its *technical* mandate and the fact that this has been a highly *political* process, where links to the UN Political Mission (UNPOS) have been quite limited. This is a challenge that needs urgent redress with the establishment of the new UN mission, UNSOM. Another dilemma may have been the attempts at donor micromanagement versus very specific demands from the Somali partners.

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<sup>50</sup> Reported in NDI’s application to the Norwegian Ministry of Foreign Affairs, July 6 2011

Another obvious factor is that the constitution-making process is far from over. The adoption by a constituent assembly of the Provisional Federal Constitution was just a milestone along a long road of on-going revisions and completion of the Constitution towards the eventual national referendum to make it final. The public consultation process was not comprehensive, and has a long way to go to get full national understanding. And most critically, the most important parts of the Federal Constitution – the sections that outline which rights, responsibilities and powers are retained by the federal states and which ones are to be exercised by the federal centre have not yet been negotiated.

## D.7. Poverty-reduction and environmental protection (PREP)

This component of the program would normally be considered the key mandate of UNDP's presence in the country. The need for this is probably greater than in most other countries, with Somalia staying at the very bottom of most socio-economic indicators. Youth unemployment undoubtedly represents the root cause of the country's many problems, threatening to bring a return to more widespread violence. In reality, however, UNDP has been consumed by other priorities, and only about 10% of the program budget has been destined to PREP.

The Review Team has noted several PREP contributions – many with Norwegian funding – which by themselves are positive, such as the building of a fish market in Garowe, rehabilitation of a technical school and the building of a school for the deaf in Burao, cash-for-work projects, various environmental projects guided by policies of climate change adaptation and mitigation. These investments have probably been meaningful as separate undertakings. In some cases we have seen a lack of good links to other UNDP projects such as community security and JPLG. This is probably a consequence of the PREP staying somewhat outside of UNDP main priority to support the consolidation of basic political, governance and rule-of-law conditions for state-building in Somalia.

*The overall achievements of PREP* are therefore quite moderate. There has been no real plan – and much less adequate resources – to meet the massive employment needs particularly among the youth population. It will take a much more comprehensive and well-funded multi-donor effort to meet this challenge, probably a task where the UNDP will be of secondary importance compared the multilateral credit institutions (principally the World Bank) – combined with serious domestic revenue collection and an attempt to mobilize the diaspora remittances for productive investment purposes.

## D.8. Land-based solutions to counter piracy

The struggle against Somali pirates is probably what most of the world community associates with Somalia.

Piracy incidents off the coast of Somalia rose dramatically after 2005 and reached a high of 243 in 2011 but then plunged in 2012 to 63 reported attacks and 15 hijackings as of September. Since the first known Somali hijacking in April 2005, 149 ships have reportedly been ransomed for an estimated total of US\$315–US\$385 million. The large number of

Somali incidents is matched by the remarkably wide catchment area, deep into the high seas well beyond Somalia's territorial waters.<sup>51</sup> According to a recent World Bank study, the struggle against piracy off Somalia has so far cost the world economy - as "an increased cost of trade" - the incredible figure of USD 18 billion. Another estimate sets increased annual shipping expenses at USD 6.6 to \$6.9 billion a year.<sup>52</sup>

Over 40 countries are involved in military counter-piracy operations, in a national capacity or through three international coalitions led by the EU, NATO and the combined Task Force Operation Ocean Shield. Annual costs of these operations alone have been above USD 1 billion. These operations have no mandate to combat one of the reasons for piracy: illegal trawling, where actually some of the countries involved in the military operations are actively involved.

Norway spent an estimated NOK 200 million on a six month operation in 2009 with the navy vessel "KNM Fridtjof Nansen". Participation in NATOs standing navy forces is around 94 mill NOK per year.<sup>53</sup>

Up against these unimaginable costs, what has been invested in efforts to attack the root causes of piracy in Somalia are completely dwarfed. As part of the UNDP PREP project, Norway contributed NOK 1million to the purpose of anti-piracy, along with USD 2,3 million from the UK. The UN Trust Fund for the Fight against Piracy (with Norway as one of ten member countries) on 30 April 2013 approved a package of projects in support of anti-piracy efforts in Somalia and other affected States with five projects worth USD 2 million, combining legal measures (among them cooperation with the Seychelles) and socio-economic support to combat youth unemployment.

The only known socio-economic anti-piracy contribution from the international private sector - the supposed victims of piracy - is a USD 1 million anti-piracy trust fund established by a consortium of oil companies (so-called Shell consortium).

It goes without saying that this dazzling contrast between what is spent on security at sea versus investments to combat root causes in Somalia - not least youth unemployment and destroyed fishery communities - sends a very special signal to the Somali population.

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<sup>51</sup> World Bank (2013): *Pirates of Somalia - Ending the Threat, Rebuilding a Nation* <http://www.worldbank.org/africa/piratesofsomalia>.

<sup>52</sup> Venetia Archer, Robert Young Pelton: "Can We Ever Assess the True Cost of Piracy?". Somalia Report. Retrieved at Oceans Beyond Piracy (OBP) website, 21 May 2013

<sup>53</sup> The same navy vessel is at the time of drafting this Report back on a second 6-months mission in the area off the Somali coast, as part of the NATO (and UN Security Council-based) operation Ocean Shield, at the assumed cost of NOK 500 million, according to press reports). At the same time, Norway has followed the example of the UK and Denmark and entered into an agreement with the Seychelles to have all captured pirates tried and jailed there.



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