Supporting a Federal Future for Somalia: The Role of UNSOM

Speaker: Ambassador Nicholas Kay
Special Representative of the UN Secretary General for Somalia; Head, United Nations Assistance Mission in Somalia (UNSOM)

Chair: Mohamed A Omaar
Deputy Prime Minister and Foreign Minister of Somalia (2010–11)

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Introduction

This document provides a summary of a meeting and questions-and-answers session held at Chatham House on 9 May 2014 that focused on the role of United Nations Assistance Mission in Somalia (UNSOM) in a future federal Somalia.

Building Somalia’s post-transitional institutions and the political order required for a functioning federal state are significant long-term undertakings. National and international backing for the federal project in Somalia remains strong, despite slow progress and active contestation over large areas of the country, including intensified al-Shabaab militant activity in Mogadishu. A resurgence in political infighting within the government raises concerns about its ability to deliver on essential developments needed ahead of elections planned for 2016.

The meeting was held on the record. The following summary is intended to serve as an aide-memoire for those who took part and to provide a general summary of discussions for those who did not.

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Nicholas Kay

Nicholas Kay began by stating that it was a little over a year since he took on the role of special representative of the UN secretary-general for Somalia. At the time of his arrival, federalism was a hot topic and it remains so today.

Somalia is making progress, both politically and in terms of security. The hope is that the country will be stable and peaceful in 2016, which is when the national elections are scheduled to take place. This is a ‘glass half full’ scenario. However, one can also view the glass as being half empty. We are currently at the halfway point of the federal government’s term.

Nicholas Kay outlined both the macro and micro political challenges that Somalia faces in the coming months. On the macro level, he stated that it is challenging to see how everything will fall into place. Somalis have decided to hold democratic elections in the next two years. On the micro level, the challenge is to stop the country from being politically paralyzed. There has been very little progress as of late; if this political deadlock continues then it is very likely that some of the macro level targets will be missed. As such, an urgent resolution is required.

The speaker also stated that it is important for parliament to hold institutions to account, but not to hostage. The constitutional review committee is very important, and boundary laws need to be passed. The National Independent Electoral Commission (NIEC) law should also be approved.

Nicholas Kay expressed his belief that security remains a concern in Somalia. Al-Shabaab retains the intent and capability to stage attacks. There needs to be a greater regional response to this threat. The African Union Mission in Somalia (AMISOM) has also had mixed fortunes. He claimed that the national Somali army needs to be developed from the ground up. The armed forces ought to be able to take responsibility for security from 2016, which is when the AMISOM mission is scheduled to draw down. However, as things stand, it does not seem likely that the military will be ready to take on full responsibility.
A further concern is the need to demonstrate the value of the Somali Compact. The New Deal is structurally sound, as are its strategies, priorities and funding mechanisms. However, we are yet to see any tangible results on the ground. There has been significant progress made. Somalia’s challenges can be overcome but timing is very tight. Things will become clearer in the coming months but he claimed that he remains optimistic about Somalia’s situation.

Summary of questions and answers

Questions

How do Puntland and Somaliland fit into the proposed federal system? Is there the possibility of violence erupting over federalism?

In Somalia, the peacekeeping mandate is through the African Union but the political mandate comes from the UN. Should not peacekeeping also fall under the jurisdiction of the UN? Also, in terms of security, is AMISOM’s role peacekeeping or peace-enforcing?

Nicholas Kay

There is not a single UN member state that recognizes the sovereignty of Somaliland. The international-law position on Somaliland is very clear. In reality, however, Somaliland has declared its independence. Puntland, on the other hand, has never claimed to be an independent state. It is a part of Somalia and appears to be ready to be part of a federal Somalia. While relations between Puntland and Mogadishu under the previous administration were difficult, cooperation has now resumed under the new Somali president.

It is how federalism occurs that is really the most important thing. Federalism should be seen as structuring Somalia along strictly clan lines. There will always be minorities in each state and each state must ensure that it is politically inclusive. Federalism is not a zero-sum clan domination exercise. Federalism takes different shapes in different countries. It is most successful where there is relative homogeneity in terms of language, culture and religion. As such, Somalia is well placed to succeed.

There are no plans for a UN peacekeeping mission in Somalia. AMISOM’s role is peace-enforcing. AMISOM is the best possible option for Somalia at the present time.

Questions

What is AMISOM’s role in natural-resource management in Somalia?

What plans are being put in place in terms of the country’s electoral infrastructure for the 2016 elections?

Ambassador Nicholas Kay

AMISOM does not have a position on natural-resource management. In 2014, the UN’s main focus is regional integration. In 2015, there can be discussions on what form fiscal federalism will take. As the constitution is pending, it is very risky to make any decisions with regards to natural resources.

In terms of the elections, the UN does not take a position on imposing electoral systems. One of Somalia’s priorities is to establish the INEC, which the UN will support. Somalia also has no electoral law; this is
something which will be looked at in the next parliamentary session. The role of the UN is to provide technical support and advice wherever possible.

**Questions**

What role can Gulf states play in Somalia’s political process?

Is Somalia progressing?

**Nicholas Kay**

Some Gulf states provide important humanitarian welfare for the Somali people. Somalia urgently needs support in terms of humanitarianism. As such, some of these states can play a positive role.

Somalia is progressing. The country is moving forward. However, one must be aware of the dangers of ‘forced’ federalism. It is wise to see how the process stands up organically at the grass roots level. The government does not have legitimacy in some parts of the country because it does not provide services there; the government must improve service delivery in these areas. It is important that this vacuum is filled by government. In addition, for Somalia to progress further there should be dialogue with Somaliland. Somaliland representatives must be included in any constitutional talks.

**Questions**

If a ‘one man, one vote’ system is not implemented in 2016, does the UN have any contingency plan to ensure that minorities are involved in the political process?

Is the Somali parliament likely to be able to pass the necessary laws in the coming months? They have previously shown that passing laws is very difficult.

**Nicholas Kay**

The ‘one man, one vote’ system is not something for the UN decide. The sovereign state of Somalia must decide this for themselves through the parliamentary process.

In terms of whether the Somali parliament can pass these laws, one should consider the situation in the Democratic Republic of the Congo (DRC). Following two devastating wars nobody ever thought that a democratic election could happen in the country. However, elections were held in 2006. Similarly, nobody ever thought that a referendum on independence would happen in South Sudan but it did in 2011. Everything is possible, and this includes Somalia’s chances to hold successful democratic elections in 2016.

**Questions**

What role do foreign investors play in the political situation in Somalia? Are they helpful to the ongoing federal dialogue?

What is the current situation over food availability in the country?
Foreign investment in Somalia at the current time is somewhat of a minefield, in particular in the area of natural resources. There is no clear constitution so anything to do with natural resources is a highly charged subject. At the same time, however, Somalia desperately needs economic growth. This can only be brought about through investment and the creation of jobs.

Baroness Amos, the UN under-secretary general for humanitarian affairs and emergency relief coordinator, recently stated that there are alarming parallels between now and the weeks and months preceding the famine of 2011. The UN has clearly stated that many of the indicators are the same. The reasons for this alarm are climactic, ongoing military operations and the al-Shabaab’s food supply blockade. The UN is extremely anxious that there is no repeat of what happened in 2011. The sum of $60 million is immediately required for food and medicine supplies for the next three months.