

Italian “Non Paper” to end the Somali transition

January 1st, 2012

Somalia has been a “collapsed state” since 1991. The instability that it harbors not only threatens the lives and livelihoods of its own people but endangers international security. Humanitarian disasters, refugees, piracy and terrorism represent threats for the stability of the great Horn of Africa region and for the International Community.

The 2009 Djibouti peace process failed to become the milestone for a sound reconciliation and stabilization process. The continuous internal struggle in the TFIs has not been solved by the Kampala Agreement while the degree of implementation of the “roadmap”, agreed upon in the consultative meeting held in Mogadishu last September 2011, is likely to be much unsatisfactory at the important deadline represented by 20th August 2012. In the meanwhile, the first large scale famine of the XXI century is provoking a humanitarian catastrophe.

It is time for the International Community to abandon the “containment” policy, focused on damage limitation control, and adopt a comprehensive strategy aimed at re-activating an effective process of outreach and inclusive involvement at local and tribal level, in order to restore a viable sovereignty in a federal/con-federal Somalia in peace with its neighbors. There is an urgent need to launch a broad political process, a sustained attempt at reconciliation by singling out and empowering only those Somali representatives – regional, local, civil society, religious and community leaders - that are legitimate, able and willing to engage in a process towards a political system based on the rule of law, whose results they have enough power to preserve and strengthen.

A truly comprehensive approach is needed from the key international partners of Somalia. The EU has recently offered a meaningful contribution in this direction through its Strategic Framework for the Horn of Africa. The other main stakeholders are invited to provide similar far-reaching platforms to give new substance to the international commitment for a credible and inclusive constitutional process for the stabilization of Somalia.

The Somali “transition” is not to be extended anymore. On 21st August 2012 the TFIs are to be temporarily substituted by a **UN/AU International Administration**, which should ensure, until 31st December 2013, the administration of the territory where the TFIs are at present exerting sovereignty: mainly Mogadishu. The Security Council of the United Nations thus establishes a temporarily administration (from 21/8/2012 to 31/12/2013) led by a Special Representative of the Chairperson of the African Union Commission for Somalia, appointed also as United Nations Secretary General’s Special Representative for Somalia, then becoming the **Joint UN/AU Special Representative for Somalia (JSR)**.

The JSR, selected preferably among former African Heads of Government or State, will have a twin mandate:

- **Administering Mogadishu**: by strengthening security, providing basic services to the population, ensuring the access and correct distribution of humanitarian aid and by launching early-recovery projects.

In order to administer Mogadishu and the territories that will be gradually gained by AMISOM, the JSR is assisted by an **Interim Authority**, of no more than 15 members. The Interim Authority is a cabinet composed for two thirds by Somali experts and for one third by international experts, to be appointed by a core group of international stakeholders [see point 2)A]. Somali members will be appointed respecting the 4,5 formula and the PM will be a Somali, from a minority clan.

During the period of the Interim Authority, the JSR, in close coordination with the core group, exercises control over resources through a Joint Financial Management Board/JFMB. The Interim Authority will have the power of spending proposal on 60% of financial disbursements, while the JSR on 40%;

- **Transferring power to new Somali Authorities**: the JSR, assisted by his/her political advisors [see point 2)B], starts immediately consultations with the main Somali stakeholders in order to convene preferably before 31 December 2012, a **Constituent Assembly**, of no more than 100 delegates, in charge of drafting and approving the Somali Constitution, thus laying the ground for the transfer of power to new Somali authorities, becoming operational on the 1st January 2014.

The Somali representatives engaged in the JSR-led consultations held exclusively in the Somali territory will include Somaliland, Puntland, Ahlu Sunna Wal Jama'a, the Major of Mogadishu and the former President, Speaker and Prime Minister of the TFIs. Prominent businessmen and representatives from major IDPs and refugee camps will also be engaged.

At least one representative from all the 18 administrative regions (as defined by the Somali State in 1990) is given a seat in the Assembly, including those originating from the administrations freed from Shabaab's control by the ongoing military operations in south-central Somalia. Each administrative region will have no more than 6 representatives.

Those Shabaab's leaders not linked to international jihadism will be offered the perspective of engagement in the new political process. For this reason, an incremental approach is adopted: the seats of the Constituent Assembly assigned to regions under Shabaab's control are not be occupied at this stage.

1) This new approach will ensure that:

- A. While the UN/AU International Administration rules on the epicenter of the Somali civil war, Mogadishu, a new political process will outreach to more legitimate and effective Somali representatives, so far excluded or only partially engaged;
- B. As soon as the composition of a Constituent Assembly is agreed upon, Somalis will be given the opportunity to define their issues and their future institutional settlement independently (centralized, federation, confederation or Custom Union);
- C. A strengthened military presence of AMISOM in Mogadishu, along the lines of the new AU-UN strategic concept, will ensure that the end of the transition would not turn into an increase of warlordism in the capital and will reduce impunity for internal “spoilers”;
- D. The bold political mandate of the JSR will help reducing regional meddling in Somali affairs;
- E. The presence of AMISOM and the authority of the JSR will also represent a confidence-building measure for all Somali stakeholders;
- F. The strong political mandate of the JSR will enhance the coherence, quality and impact of International efforts in the fight against terrorism and piracy, scourges which are also nourished by chronic instability, ineffective State institutions and the absence or weakness of the rule of law.

2) For the UN/AU International Administration to be effective the following conditions are necessary:

- A. The JSR to chair and be supported by a **core group of international stakeholders** (no more than 5 actors such as United States, Turkey, European Union, IGAD and the Gulf Cooperation Council). The main task of the core group being to exercise control over resources through the JFMB ;
- B. The establishment of a small team of **6 international Political Advisors** (1 from a IGAD Country, 2 from EU Countries, 1 from United States, 2 from OIC Countries), its main task being to assist the JSR in the consultations with the main Somali stakeholders in view of appointing, preferably before 31 December 2012, the Constituent Assembly;
- C. The International Community to increase its assistance, both financial and technical (e.g. through detachment of experts) to the military and civilian components of AMISOM. In this

respect, it is of the utmost importance that, without affecting the African leadership and ownership of the stabilization process, the EU upgrade as soon as possible its support and capacity building contributions through its already established (Atalanta and EUTM) or future (RMCB) CSDP operations and missions.

- D. All international efforts in stabilizing Somalia to be coordinated by the JSR;
- E. The Kenyan and Ethiopian military units currently operating in south-central Somalia immediately re-hatted in AMISOM in order to ensure that they fall under the JSR's chain of command;
- F. A new effort to be made in engaging Somali Islamist groups which renounce to international terrorism and ensure unhindered humanitarian access. At this regard, precise political conditions are to be identified for the removal from international sanctions list of some political figures which could play an important role in stabilizing south-central Somalia. The strengthening of political Islam could undermine Shabaab's unity and prove the possibility of a non-military political arena.
- G. UN Agencies based in Nairobi to be transferred without delay to Mogadishu and, on the 21st August 2012, the mandate of UNPOS reconsidered.

