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SOMALIA**

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Madam President, Distinguished Representatives, Ladies and Gentlemen,

I have had the privilege to address this august body several times in the last four years. On each of those occasions, I tried to bring to you a sense of the pain and suffering of the people of Somalia who have experienced one of the most protracted armed conflicts in the world in recent times and the consequent human rights deprivations. Today, I am happy to present to you a less despondent and more hopeful account of the situation in Somalia. You may recall that despite continuing violence, I kept my optimism alive in all my previous statements for a more peaceful Somalia in the not so distant future. For, human calamity has always been followed by hope and rebirth in history. I see that hope today and the coming rebirth of a new Somalia.

Madam President,

The Council has before it my report on the human rights situation in Somalia which covers the period from my last presentation a year ago to early-August this year. Normally I would have presented a summary of that report today, but I thought you may be more interested in learning about what happened since then. I would, therefore, like to update the Council on historic developments that have taken place in Somalia in the last one and a half months.

As mentioned in my report, important political changes were scheduled to take place during this period when the Roadmap to complete the transitional arrangements in Somalia would come to an end and a new post-transition arrangement would be put in place. To cover that period and to report on these developments to the Council, I undertook a quick mission to Somali and the region from 3 to 7 September, that is earlier this month. Permit me to share some impressions of that visit with you now.

The Roadmap to end the transition had foreseen the formal adoption of a provisional constitution for Somalia which was collectively developed by Somali and non-Somali experts in the last one year, the selection of members of a new Parliament which in turn would elect a Speaker and then a new President, to be followed by the formation of a new cabinet. For any nation fulfilling all these objectives would be very big achievements indeed, but for Somalia it would be a dream comes true. That dream has almost been realized now. The provisional constitution was adopted on 24 August and the much-awaited election to the office of the President was held on 10 September, thus ushering in a new President, further boosting hopes for a changed Somalia. That the election of the President went through almost without a hitch, in a fair and transparent manner, would have been unimaginable perhaps even a year ago, given the culture of violence that had characterized Somali life and politics in the last two decades. I would like to congratulate the people of Somalia and all others involved in the process for this astounding feat.

During my visit to Mogadishu, the battered capital of Somalia earlier this month, I saw and felt palpable hope all around me. From the new Speaker to members of the Parliament, to the two courageous Chairpersons of the Technical Selection Committee who helped achieve the unbelievable feat of selecting the new members of the Parliament, given the ground realities in Somalia, to large number of women leaders of Somali society who fought for the constitutional provision of 30% women representation in the Parliament and all government bodies, to members of the civil society and ordinary citizens, many of whom I met in the Dadaab Refugee camps in

Kenya, and equally importantly to the Forces' Commander of AMISOM, I heard more confident expressions of hope than I heard ever before. The challenge now before all concerned is to help realize that hope. To do that, the new Government of Somalia, the members of the new Parliament, the leaders and the people of Somalia, the UN and the international community as a whole, must work together to face the many challenges ahead.

Clearly the first task before Somalia is the establishment of the rule of law which was almost totally decimated in the last two decades of warfare. All the three branches of the Government -- the legislative, judiciary and the executive -- must work in tandem to make that happen. Only the rule of law can ensure the whole-hearted support of the people of Somalia for reconstruction and nation-building. Only the rule of law can help establish respect for human rights and human dignity.

As for the legislature, I came back from Somalia with the impression that the new Parliament is well-equipped to play the historical role it has been entrusted with. It is substantively more representative than its predecessor. It has roughly 14% of women, though short of the 30% target but still more than the 5% figure in the previous one. 54% of its members have higher academic degrees, one third is new members and a large number of the members have demonstrated that they can vote across clan lines by electing Speaker Jawaari and President Hassan Sheikh.

I am convinced that Speaker Mohamed Sheikh Osman Jawaari is one of the most suitable persons for the job. I met him during my visit to Mogadishu and had extensive discussions with him on many human rights-related issues. The fact that, despite his many other official duties, he personally came to see me at Mogadishu airport because I had no security clearance to go out to the city, is indicative of the importance he gave to human rights in his vision for a new Somalia. In fact he told me so in as many words.

Among other things, I was particularly impressed by Speaker Jawaari's ideas on how he would like to steer the work of the Parliament through proper balancing between tradition and modernity. He told me that one of his first tasks would be to adopt a prioritized work plan for immediate attention of the Parliament. I expect that this would include the adoption of enabling legislations, as provided for in the Provisional Constitution, to establish the Judicial Service Commission, the Human Rights Commission, the Truth, Justice and Reconciliation Commission, the Anti-corruption Commission and the office of the Ombudsman. I hope that the Office of the High Commissioner for Human Rights (OHCHR) and other relevant UN agencies would provide him with the necessary technical support in these regard.

On Judiciary, it is important to remember that this branch of the Government was almost totally destroyed during the last two decades. The justice sector would thus require to be rebuilt almost from scratch. I know that the UN has in recent years done a good deal of work in this regard. These must now be followed-up and formalized in consultation with relevant Somali authorities and implemented. I would urge the international community to consider providing the necessary funding for this purpose.

But more than the above two branches, it is perhaps the executive branch of Government that must play the most critical role in delivering the basic services to the people which have been long denied to them. For this, we are all awaiting the full assumption to power by the new President and the appointment of a new Prime

Minister and his cabinet. I believe that most concerned observers of Somalia would agree that their first task would be to win over the minds and hearts of the people and make them believe that they care for their welfare. For this they must change the way the country has been managed over the years without any rule of law and authority to which people could turn for help and protection.

For too long the people of Somalia had to endure unrepresentative governments who appeared to be more concerned with matters of security and their own survival. While public security and fighting a determined enemy remain legitimate concerns even today, there was little appreciation in the past that these could best be advanced with the support of the people, which in turn can be achieved through establishing transparency and accountability in governance. These to me are the basic needs for the promotion and protection of human rights in Somalia.

In my talks with the new Speaker and some members of the parliament as well as with members of the UN country team working for Somalia, I called for the development of a Post-Transition Human Rights Roadmap to provide the people of Somalia with a clear picture of how the new Government, including all its three branches, would seek to improve the human rights situation in the country with benchmarks and a timeline for each Ministry or public agency. I suggest that any international funding to local / central administrations be linked, to the extent possible, to benchmarks and timelines for progress.

As I have suggested in my report, the thematic mandate holders of the Special Procedures system could be invited to help the Government in this regard. In my view, the expertise of the majority of these mandate holders would be of great value to Somalia at this critical juncture of its history. I urged the SRSR for Somalia, Mr. Augustine Mahiga, who deserves to be congratulated for his guiding role in moving Somalia forward during his tenure, to consider inviting them to advise the new Government, either individually or collectively, on matters falling within their respective mandates. I have also shared my ideas on the proposed Roadmap for Human Rights in Somalia with the staff of OHCHR and the Human Rights Unit of UNPOS.

Let me conclude by making some additional remarks. Madam President, I think there is an unprecedented opportunity for all of us to help Somalia turn a new page in its history. There exists a tremendous momentum to propel the country forward. People are showing confidence in the prospects for change and rejection of old ways that characterized the past. The Diaspora is returning home to participate in the reconstruction of their country, open businesses and to take up political office, which means that they believe that this time the outcome of the peace process will be different. I would, therefore, strongly urge the international community as a whole, including the United Nations, to bolster significant financial and technical resources in a collective effort to capitalize on the new opportunity.

One point that we must all remember is that Somalia is not going to be built on the modern state model overnight. There will be a need for more patience in this regard for some more time. In fact, it may take many years of hybrid governance with a high degree of decentralization based on customary law / Sharia law administered by clan elders / religious leaders as the first level of governance, before a modern state apparatus eventually emerges.

I have been told by many that efforts to build state institutions in Somalia in recent years on modern basis have remained largely UN-led with insufficient buy-in at the national level. The UN and the international community appeared to be helping the establishment of a new state system which was not coming from within. This time let us be careful to ensure that the new government of Somalia is driven by the people of Somalia themselves. I suggest that all future efforts of the UN are aimed at creating greater opportunity for national ownership and removing the perception, shared by many Somalis with me, that the international community was pursuing its own agenda in their country.

Finally, let me add that there still remains a large part of South Somalia under control of the insurgents. Intense military efforts are taking place to recover these territories including the strategic port-city of Kismayo. Like many other observers, I am concerned that successes in the fight against the insurgents to date have been achieved at the expense of civilians who have been affected by subsequent killings, lootings, raping and other human rights violations committed by all sides. I am equally concerned by the vacuum left in the areas recovered, in terms of many basic needs of the population, such as clean water, sanitation, health care and local administration. Humane and law-based treatment of former militiamen and soldiers who were captured or who escaped or surrendered to the National Security Forces are equally important issues to be dealt with. I would urge the new Government to give urgent attention to these matters as well.

I have just been told about the killing of four more journalists in Somalia a few days ago, bringing the total number of journalists killed so far this year to 13. Certainly another key task of the Government would be to investigate and bring the perpetrators of these and other such killings to justice. For, journalists are key to the promotion and protection of human rights.

I thank you all for your attention.

