Somalia

European Parliament resolution of 15 September 2016 on Somalia (2016/2881(RSP))

The European Parliament,

– having regard to its previous resolutions on Somalia,

– having regard to the statements by the Spokesperson of the European External Action Service on the attacks in Somalia of 27 February 2016, 2 June 2016, 26 June 2016, 26 July 2016 and 21 August 2016,

– having regard to the Council conclusions on Somalia of 18 July 2016 and 15 February 2016,

– having regard to the statement by Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini on the decision on an electoral model for Somalia in 2016,

– having regard to the New Deal Compact adopted on 16 September 2013 in Brussels,

– having regard to the EU strategy for security and development of the Sahel of September 2011,

– having regard to the UN report on freedom of expression in Somalia released on 4 September 2016,

– having regard to UN Security Council resolution 2297 (2016) adopted on 7 July 2016,

– having regard to the UN Secretary-General’s reports on Somalia to the UN Security Council of 8 January 2016 and 9 May 2016,


– having regard to the condemnation by the UN Secretary-General’s Special Representative in Somalia, Michael Keating, of the bombing of a hotel in Mogadishu on 30 August 2016,

– having regard to the latest Universal Periodic Review on Somalia before the UN Human Rights Council in January 2016,
– having regard to the African Union Mission in Somalia’s (AMISOM) call of 2 September 2016 for aid to counter the use of improvised explosive devices (IEDs) in Somalia,

– having regard to the AMISOM statement of 26 July 2016 condemning terror attacks in Mogadishu,

– having regard to the statement of the Special Representative of the African Union Commission Chairperson (SRCC) for Somalia, Ambassador Francisco Caetano Madeira, of 30 August 2016, commending the Somali security forces in relation to the attack on a hotel in Mogadishu,

– having regard to the Cotonou Partnership Agreement between the ACP and the EU,

– having regard to the communication of the Peace and Security Council of the African Union at its 455th meeting of 2 September 2014 on the prevention and combating of terrorism and violent extremism in Africa,

– having regard to the mandate of the African Commission on Human and Peoples’ Rights to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights,

– having regard to the Organisation of African Unity Convention on the Prevention and Combating of Terrorism, adopted in 1999,

– having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas Somalia, after two decades of civil war, absence of state control and terrorism, is in a crucial transition period; whereas since 2012, when a new internationally backed government was installed, Somalia has been inching towards stability, but the new authorities still face a challenge from Al-Qaeda-aligned Al-Shabab insurgents;

B. whereas although positive commitments and policy developments from the Somali Government have been observed, such as the creation of an independent National Human Rights Commission, insecurity and political infighting continue to detract from concrete progress on justice and security sector reform;

C. whereas, in the absence of a functioning civilian judiciary, the Somali Government relies on military courts to try and convict civilians, which does not guarantee the rights of civilian defendants; whereas broad powers of investigation are granted to the National Intelligence and Security Agency (NISA), which currently does not have a law enforcement mandate, resulting in significant violations of the due process rights of detainees held by NISA;

D. whereas the people of Somalia are struggling and suffering the consequences of continuous barbaric attacks by warlords and terrorists; whereas on 30 August 2016 at least 10 people, including soldiers and civilians, were killed in Mogadishu outside the Presidential Palace; whereas on 26 July 2016 Al-Shabab targeted the African Union base in Mogadishu, killing at least 13 people, including UN personnel, and other mortar attacks were reported in the previous months, during which more than 100 people were killed; whereas Al-Shabab also remains active in neighbouring Kenya, where it commits regular terrorist attacks;
E. whereas AMISOM, the 22 000-strong African Union peacekeeping mission, is mandated, *inter alia*, to reduce the threat posed by Al-Shabab and other armed opposition groups, to provide security in order to enable the political process at all levels, as well as stabilisation efforts, reconciliation and peacebuilding in Somalia, and to enable the gradual handing over of security responsibilities from AMISOM to the Somali security forces, which is contingent on the capabilities of the latter; whereas AMISOM’s mandate has been extended until 31 May 2017, a move which is welcomed by Parliament;

F. whereas Uganda, the largest contributor of troops, announced that it would withdraw more than 6 000 of its troops from Somalia by the end of 2017; whereas the African Union has announced its plans to withdraw the force completely by the end of 2020, saying that security responsibilities will be transferred to Somalia’s military gradually, starting in 2018;

G. whereas AMISOM forces have been accused on several occasions of severe human rights abuses, including indiscriminate killings and some cases of sexual exploitation and abuse;

H. whereas the forthcoming electoral process in Somalia is a milestone for the Somali people and will have long-lasting implications for the security, stability and development of Somalia and the wider region;

I. whereas voting for the members of the Upper House of the Federal Parliament of Somalia should take place on 25 September 2016 and voting for the members of the House of the People of the Federal Parliament of Somalia between 24 September and 10 October 2016; whereas the President should be elected by both houses on 30 October 2016;

J. whereas the electoral process will be key to a democratic universal suffrage in 2020 to be organised by the National Independent Electoral Commission;

K. whereas Omar Mohamed Abdulle, the chairperson of the Federal Indirect Electoral Implementation Team (FIEIT), reconfirmed that the 2016 electoral process would be held on time and that it would be transparent and credible;

L. whereas freedom of expression, which plays a central role in the building of democratic states, continues to be significantly limited; whereas a recent UN report on freedom of expression in Somalia shows the difficult environment that continues to confront journalists, human rights defenders and political leaders, including killings, mostly by Al-Shabab, arrests, intimidation and closure of critical media outlets; whereas the authorities rarely investigate these cases or prosecute perpetrators;

M. whereas broad powers of investigation are granted to the National Intelligence and Security Agency (NISA), which currently does not have a law enforcement mandate, thereby resulting in significant violations of the due process rights of detainees held by NISA;

N. whereas, according to the UN report, 120 cases of arbitrary arrest and detention of media workers between January 2014 and July 2016 can be identified; whereas, since January 2015, only ten of the 48 journalists and media workers who have been arrested have been brought before a court;

O. whereas Somalia remains one of the countries with the largest and most protracted displaced communities worldwide, with 1.1 million people internally displaced, including
an estimated 400,000 living in Mogadishu alone, and almost 1 million refugees in the Horn of Africa region; whereas in July 2016 alone, the United Nations High Commissioner for Refugees (UNHCR) reported that forced evictions and insecurity due to the ongoing military offensive resulted in almost 28,000 new displacements;

P. whereas there are 420,000 Somali refugees in camps in Kenya, with 350,000 in the Dadaab camp, and the governments of Somalia and Kenya and the UNHCR have agreed to facilitate the voluntary return of 10,000 refugees to Somalia, to areas that are free from Al-Shabab control; whereas the Kenyan Government declared in May 2016 that the Dadaab refugee camp in north-eastern Kenya will close by the year’s end;

Q. whereas children continue to be killed, arbitrarily detained, and recruited into the armed forces, despite Somalia ratifying the UN Convention on the Rights of the Child in January 2015 and endorsing the Safe Schools Declaration in November 2015, committing itself to taking concrete steps to protect students and educational institutions;

R. whereas the EU has provided EUR 286 million through the European Development Fund (2014-2020), focusing on the implementation of the ‘Compact’ and namely on state- and peacebuilding, food security, resilience and education; whereas the EU is also committed to supporting AMISOM through the African Peace Facility;

1. Expresses its deepest sympathy with the victims of recent terrorist attacks in Somalia and with their families, and deeply regrets the loss of lives; at the same time, strongly condemns the perpetrators of these attacks, attributed to the Al-Shabab insurgent group;

2. Calls for strengthening of the national security architecture and protection of the population, as well as for additional support from the international community to AMISOM and the Government of Somalia in their work to build peace and stability;

3. Recalls that lasting stability and peace can only be achieved through social inclusion, sustainable development and good governance based on the democratic principles and rule of law in which peoples’ dignity and rights are fully respected;

4. Expresses the need for an all-inclusive dialogue between the country’s social sectors, including the clans and tribes that compose the Somalian nation, to allow for mutual understanding and to establish a consensus for a long-lasting and stable peace;

5. Welcomes the government and regional leaders’ endorsement of a new National Security Policy, calling on the government to accelerate its implementation in view of the remaining threat posed by Al-Shabab;

6. Calls on the EU and its international partners to remain strongly committed to cooperating with Somalia in building legitimate institutions and a Somali-owned security sector to combat terrorism and provide protection for all people; stresses that this is key for Somalia’s constructive development and the security of the region;

7. Calls on the African Union (AU) to ensure that all troop-contributing countries share information with the CCTARC (AMISOM Civilian Casualty Tracking, Analysis and Response Cell) regarding reports of or investigations into civilian casualties by troop-contributing countries, and that this information is also shared with the UN, as per UN Security Council resolution 2297 (2016), and fed into AMISOM operational plans;
8. Calls on the government and the EU, as part of its rule of law activities in Somalia, to ensure that NISA is regulated with effective oversight mechanisms and to build the technical expertise of Somalia’s Criminal Investigation Department (CID) to carry out thorough, effective and rights-respecting investigations;

9. Welcomes the AU’s investigation into allegations of sexual violence by AMISOM troops, calls for full implementation of the recommendations of the report, and, in line with UN Security Council resolution 2272 (2016), urges the AU and troop-contributing countries to ensure that allegations are properly and thoroughly investigated and that those responsible are brought to justice;

10. Calls for better EU monitoring and capacity building to ensure accountability for abuses by AMISOM, especially given the fact that the EU is responsible for the bulk of its funding;

11. Highlights the encouraging progress made towards more inclusive elections and accountable government since 2012; welcomes the decision of the National Leadership Forum to promote the establishment and registration of political parties in the next two years, in anticipation of the 2020 elections, based on the ‘one-person, one-vote’ principle, as well as the attempt to rebuild the State institutions and the adoption of important new laws on political parties and on the creation of an independent National Human Rights Commission; welcomes the decisions taken to increase women’s representation; stresses the utmost importance of a credible, inclusive, transparent and accountable electoral process ensuring the necessary legitimacy for the elected leadership;

12. Recognises the positive contributions that the UN Support Office in Somalia (UNSOS) has made in supporting the gains made by AMISOM and the UN Assistance Mission in Somalia (UNSOM) by contributing troops, financial and material resources in order to guarantee the protection of the civilian population in Somalia;

13. Urges the Somali National Army and AMISOM to take all action necessary to stop any attempts by the militant insurgent group Al-Shabab to disrupt the upcoming electoral process; underlines that securing the electoral process should be the key priority;

14. Condemns the recruitment and use of children by security forces as soldiers and as informants, including the use of captured or deserting child soldiers; calls on the Somali Government to end this practice;

15. Calls for stronger measures to protect children affected by armed conflict and from recruitment and use by armed forces and groups; urges the authorities to treat children suspected of association with Al-Shabab primarily as victims and to consider the best interests of the child and international protection standards as guiding principles;

16. Recalls that there cannot be security without development, or development without security; calls for more coherence between security and development actions, for the strengthening of programmes both to promote economic and social development and to fight underdevelopment and the causes and basis of terrorism; recalls the need to provide basic services and support to released people, in particular to ensure the sustainable reintegration of returning refugees into the country; stresses the need to accelerate the consolidation of the administrative structure of the Somali state and of the institutions providing such services;
17. Urges host countries to refugees from Somalia to remain realistic about the security situation in large parts of Somalia when sending refugees back to Somalia;

18. Is deeply concerned about the attacks against humanitarian actors in Somalia; reiterates the essential importance of humanitarian assistance to deliver, under the principles of independence and neutrality, to people in need;

19. Recalls that freedom of expression plays a central role in the building of a democratic state, especially in times of political transformation; calls on the Somali Government to review the penal code, the new media law and other legislation in order to bring them into line with Somalia’s international obligations regarding the right to freedom of expression and the media;

20. Strongly condemns the numerous killings and arrests and the widespread intimidation, closure of critical media outlets, confiscation of equipment and blocking of websites; calls for urgent action by the Somali authorities to ensure that all violations of the right to freedom of expression are fully investigated and that the perpetrators are brought to justice;

21. Commends the UNSOM and the Office of the UN High Commissioner for Human Rights for publishing the report on 4 September 2016 on the right to freedom of expression in Somalia, this being the first ever public human rights report by the UN on Somalia; calls on the UN to do more public reporting;

22. Urges the authorities to adopt and implement appropriate legal frameworks and to conduct the necessary judicial reforms to respond to people’s need for justice and protection, as impunity cannot be tolerated;

23. Expresses its concern about the increasing number of forced evictions of displaced people from public and private infrastructure in the main cities of Somalia; recalls that these expulsions must comply with relevant national and international frameworks; asks the Somali Federal Government and all actors involved to find sustainable concrete solutions to the problems of displaced persons; asks the Government of Somalia to create, with the support of its partners, the conditions for the voluntary return of refugees in dignity, once the security situation in the country so permits;

24. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the President, the Prime Minister and the Parliament of Somalia, the Secretary-General of the United Nations, the United Nations Security Council, the United Nations Human Rights Council, and the ACP-EU Joint Parliamentary Assembly.