



# General Assembly

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## Human Rights Council

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Agenda item 10

### Technical assistance and capacity-building

## Written statement\* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **The situation in Somalia**

International Educational Development, Inc. and the Association of Humanitarian Lawyers have worked on the situation in Somalia for many years. While we have had a particular focus on judicial reform, we have also addressed other pressing issues. In this statement we provide comments on the current situation in Somalia and the visit of the Independent Expert. We conclude with suggestions for achieving progress in the situation of human rights in Somalia.

### **Continuing terrorist acts in Somalia**

Al-Shabaab continues to engage in terrorist acts on a regular basis in spite of efforts by numerous players including AMISON, Somali forces, Kenyan forces and United States operatives. In just the past few months, al-Shabaab has carried out a number of deadly attacks, including an attack on a hotel in Kismayo in mid-July that killed 26. In late July, al-Shabaab carried out an attack in Mogadishu at government offices that killed at least 11 persons, including the Mayor of Mogadishu Omar Osman. Al-Shabaab indicated that they were targeting newly-appointed UN envoy James Swan who had actually just left the area. In mid-August, al-Shabaab carried out an attack at the government base at Awdheegle and there appears to be many casualties although at time of writing it is too soon to tell. There are reports of clashes between factions of al-Shabaab, although this is difficult to prove due to the inability of Somali, Kenyan or AMISON forces to move freely in territory occupied by al-Shabaab. The numbers of al-Shabaab fighters still remains elusive, with most estimates showing between 5 and 8 thousand persons and apparently growing over the past years.

### **The humanitarian crisis**

The humanitarian situation remains dire in Somalia due to shortfall of rains in 2019. While partially recovered from earlier devastating droughts, Somalia again faces acute conditions. While estimates vary, approximately 15 million Somalis are in need of humanitarian assistance with up to 2 million facing acute hunger. Further, large numbers of Somalis have fled into Kenya and are not able to be repatriated. International funds to date are far short of what is estimated to be needed, with only 35% received as of mid-August.

### **The political situation**

The political situation also remains troubling with many crucial reforms awaiting action from the executive branch and the parliament. Elections involve only a very small percentage of the population and the current government actually controls only a very small portion of the country, making national unity in the near future improbable. Somaliland and Puntland remain essentially separate.

### **Piracy**

There has been a decline of incidences of piracy in Somalia and the region, but there was an attack in April 2019 that was quickly resolved by European ship. Experts on the subject have urged the government of Somalia to continue action at prevention of piracy, including addressing the root causes such as human rights violations and the fear of severe overfishing in Somali waters that would further impact Somali food security.

### **Activities of the Independent Expert**

We were pleased that the Independent Expert Mr. Nyanduga was able to carry out a mission to Somalia in July 2019 in spite of security concerns and we await his report of that

mission at the Council's 42d session. On 2 July he issued a statement following his mission in which is noted some positive changes. However, he expressed concern that the National Human Rights Commission and Sexual Offences bills had not yet been enacted. He also stressed the need for continued progress in judicial reform as a whole, stressing the need for a strong judiciary and police force. We have urged concerted work in this area, including the preparation of a roadmap to judicial reform and police work and state again that we will help with this as requested. Mr. Nyanduga also noted the Alternative Dispute Centers. Finally, he noted the water and food situations that need immediate action.

## **Recommendations and conclusion**

Somalia continues to be the country with what seems to be the most problems and the least capacity to address them. Somalia is also located in a very critical part of the world and its security and stability are essential to regional security and stability. The international community as a whole should work in concert to achieve both security and stability in Somalia and the region.

The African Union needs to continue its efforts and should increase, not decrease the number of troops in Somalia. We are uncertain as to the efficacy of US air strikes and are concerned that there are no guarantees that civilians are protected in such operations. We are also concerned about the role of the Kenyan military and believe study into whether it should be part of the Africa Union forces is needed. Concerted effort by all military in Somalia should be made to surround and isolate al-Shabaab and to prevent its ability to set up road blocks and other mechanisms to obtain funds.

The international community should also address the issue of food and water security as a matter of great urgency to remedy the severe effects of this year's drought. The international community should also assist the government of Somalia to continue to reduce piracy in Somalia and the region and to address its causes.

The Independent Expert carries out his valuable work for the Somali people and with sensitivity to the many often competing issues at stake. We urge the Council to continue to support his mandate with adequate funds. We urge the international community as a whole and the Council and its mandate holders in particular to support his work and to provide assistance where useful. We especially urge all interested States to review ways in which they can work with the Independent Expert on judicial reform and to provide meaningful resource assistance for it as a matter of the highest priority.

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The Association of Humanitarian Lawyers NGO(s) without consultative status, also share the views expressed in this statement.