



Council of the
European Union

042310/EU XXV. GP
Eingelangt am 17/10/14

Brussels, 17 October 2014
(OR. en)

11628/08
DCL 1

COPS 220
COAFR 227
PESC 893

DECLASSIFICATION

of document:	ST 11628/08 RESTREINT UE
dated:	9 July 2008
new status:	Public
Subject:	Joint Council SG and Commission services Options Paper on Somalia

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 9 July 2008
(OR. EN)**

11628/08

RESTREINT UE

**COPS 220
COAFR 227
PESC 893**

NOTE

From :	General Secretariat of the Council
to :	Political and Security Committee
Subject :	Joint Council SG and Commission services Options Paper on Somalia

INTRODUCTION

The Council, in its conclusions on Somalia of 16 June 2008, requested the Council Secretariat General (CSG) and the Commission to study possible options to implement the commitments contained in its conclusions of 26 May as well as on how best to contribute to the implementation of UN Security Council resolution 1816 (2008) of 2 June on piracy off the coast of Somalia. The latter topic, in as far as it concerns the protection of international maritime routes and could involve, *inter-alia*, the mobilisation of naval forces, goes beyond the specific concerns of Somalia. As a consequence an initial analysis on implementation of resolution 1816 is found below, while concrete options on piracy will be presented in a separate paper by the CSG.

This paper updates the last options paper for Somalia of 19 November 2007 (CFSP/SEC/2361/07). The Commission's medium-long term programmes for Somalia are outlined in the Joint Strategy 2008-2013 which was approved by Member States on 10 June 2008 for a total of €212 million to be financed out of the European Development Fund (EDF). This paper provides options for short-term initiatives which could be financed either bilaterally by Member States or by the Commission

RESTREINT UE

under both the EDF, including the African Peace Facility, and other instruments such as those for Human Rights and Democracy, Humanitarian Aid (ECHO) and the Instrument for Stability.

This paper includes a number of initiatives to be implemented under the supervision of the two joint committees foreseen by the Djibouti Agreement. While waiting for the formal signature of the Agreement and the consequent establishment by the parties of the two committees, the initiatives of this options paper could be implemented in coordination with the Transitional Federal Government (TFG) and the Special Representative of the UN Secretary General (SRSG).

The slow TFG reaction to the Djibouti Agreement, including the Parliament's inability to reach the quorum for discussing the Agreement, is an indication of how deeply the Federal Institutions are fragmented. This weakness, added to the limited progress in the roadmap to the 2009 elections and to the inability of establishing real authority throughout the whole country, is a matter of concern and needs to be taken into account in the different areas of actions.

A. POLITICAL DIMENSION

Way forward

While the situation in Somalia continues to pose a significant threat to peace and security in the region, there have been positive developments in the past months. The **Djibouti Agreement** of 9 June 2008 is a new positive element of the Somali response - facilitated by the UN - to the calls of the EU, and other international actors, for an inclusive, broad-based dialogue of all Somali stakeholders that renounce violence in the interest of the people of Somalia. Once signed, its implementation will be the main vehicle towards a ceasefire and towards fulfilling the objectives stated in the Transitional Federal Charter (TFC) – i.e. draft a constitution, a national census and a referendum on the draft constitution by mid-2009. The agreement establishes joint mechanisms between the signatories for the stabilisation of Somalia, including the withdrawal of Ethiopian troops and joint efforts to move the political agenda forward in an atmosphere of reconciliation. The agreement also calls for an international conference on reconstruction and development within six months from the entering into effect of the agreement.

RESTREINT UE

The Djibouti Agreement contains a number of requests to the international community, necessary for its full implementation. The UN Political Office for Somalia (UNPOS) has established, in close collaboration with UNDP Somalia, a "peace package" containing an indicative proposal and budget to kick-start implementation. In particular, the following actions are envisaged:

- Increase information and understanding amongst the Somali population (in Somalia as well as Somali Diaspora) about the Djibouti Agreement in preparation for its effective implementation;
- Ensure broad support by the Somali population of the Djibouti Peace Agreement;
- Establishment of the High Level Committee (HLC) to address issues of (mostly political) cooperation between the parties, as well as justice and reconciliation; including organization of a conference in this regard on 20 August 2008 in Nairobi;
- Establishment of the Joint Security Committee (JSC) to take forward the security arrangements provided for in the Djibouti Agreement.

The UN will prepare a more comprehensive package in line with the terms of reference and work plans of the joint committees once their respective roles have been clarified. Donors will be asked to finance this "peace package" under the overall leadership and political guidance of UNPOS, with funds channelled through a UNDP-established basket fund already supported by the EC and some Member States.

Another positive development is the progressive **re-engagement of the UN** under the leadership of SRSG Ould-Abdallah. In resolution 1814 (2008) of 15 May the UN Security Council (UNSC) approved the establishment of a joint planning unit in the office of the SRSG and welcomed the UN intention to relocate UNPOS from Nairobi to Mogadishu or an interim location in Somalia under adequate security conditions. While symbolically important, this might not be realistic in the next few months with the anticipated short-term escalation in violence in response to progress in the peace process. The UNSC further decided that UNPOS and the UN country team should enhance its support to the Transitional Federal Institutions (TFI) for the development of a new constitution and hold a constitutional referendum and free and democratic elections in 2009. This support should notably be channelled through the independent national commission established to this end by the TFC and have strong links to the decisions of the High Level Committee, once established. The UNSC further requested the arms embargo to be strengthened and envisaged specific targeted measures against spoilers. Heads of Mission (HoMs) in New York and Nairobi have an important

RESTREINT UE

role to play to monitor and report to the PSC about UN and UNPOS activities in relation to Somalia.

The immediate priority is to enable the parties to anchor the Djibouti Agreement among their respective constituencies and facilitate the establishment and functioning of the joint committees. Funds for that purpose should be made available to the SRSG as the Facilitator of the continued political process. Financial support to the "peace package" would complement the UNDP led "Start-up package" (SUP) which is intended to assist the establishment of basic operational capacities of the TFI. Several EU Member States already contribute to the SUP, with the EC as major donor with €4 million provided through the Instrument for Stability (IfS).

Options for EU action

1. Intensify contacts with the TFG, members of the opposition, clan authorities and civil society (including the business community), to maintain pressure to implement and enlarge the consensus over the Djibouti Agreement, in close coordination with the SRSG and the TFG. Ongoing political dialogue with Somalis is currently carried out on Nairobi level principally. This could be complemented with high level visits (troika, SG/HR, Commissioner Michel) to key ceremonies related to Somalia, e.g. the signing of the Djibouti Agreement or the reconciliation conference in August, mentioned above.
2. Political dialogue could become more effective, if an EU Special Representative (EUSR) were appointed. That would also increase EU visibility and improve EU capacity to monitor the coherence of EU and international action as well as stay informed about developments on the ground. The mandate of a EUSR would have to be carefully drafted to ensure that his/her action serve in support of the UN lead on Somalia.
3. Stand ready to immediately implement specific targeted measures against individuals or entities identified by the UNSC as "spoilers".

Risks and assumptions

Major risks relate to Somalia's volatile and complex political and security environment. Although the Djibouti Agreement is perceived as Somalia's best opportunity for peace and stability since the establishment of the TFI, "spoilers" of different origins, both outside and within the institutions, will continue to oppose this important political process. The key challenge is, thus, to secure and consolidate a "critical mass" of support for the Djibouti process, notably by trying to commit the

nationalist/clan-based – i.e. anti-Ethiopian – opposition.

Related to the above general political context and process, another element to be considered is the way in which the withdrawal of the presence of Ethiopian troops in the country will proceed and the deployment of an international stabilisation force as called for by the Djibouti Agreement. The success of the Djibouti Agreement will depend on progress on these two challenges.

B. SECURITY DIMENSION

Way forward

Improving the security environment in Somalia is a necessary condition for progress in other dimensions. The parties to the Djibouti Agreement have undertaken to terminate all acts of armed confrontation within thirty days of its signature for an initial period of ninety days. They have also requested the UNSC to authorize and deploy an international stabilization force to Somalia within four months of its signature. According to the agreement, Ethiopia has decided to withdraw its troops from Somalia after the deployment of a “sufficient” number of UN-mandated forces.

The UNSC requested the SRSG, in resolution 1814, to enhance his coordinating role in strengthening the Somali security sector institutions. In this context the JSC, once established, should play an important role. The EC and some Member States have hitherto supported the Somali Police Force (SPF) by funding the training, equipment and salaries of 2776 police through the UNDP. Enhanced support will have to be provided for the training and remuneration of some additional 4000 new recruits, the number foreseen at this stage, to be incorporated into the SPF. This corresponds to a 50% increase of SPF staff. Support will also be needed for the wider Rule of Law sector. For this initiative guidelines are provided in the Framework for International Assistance to the Somali Security Sector developed under the aegis of the SRSG and endorsed by the International Contact Group meeting in Oslo on 29-30 March 2008. Salaries to all these additional police could be paid while they are being trained in an internationally recognised institution. The cost involved for the additional 4000 salaries is €3.4 million per year.

RESTREINT UE

Before the adoption of the Djibouti Agreement, the UNSC, in resolution 1814, requested the UN Secretary General to continue contingency planning of a UN peacekeeping operation in Somalia and expressed its willingness to take over from AMISOM under certain conditions. The UNSC further encouraged the UN to increase its support to the AU in order to strengthen its capacity to support AMISOM. The Council, in its conclusions on 26 May, recalled its readiness to increase support to AMISOM and strengthen AU capacity to manage contributions to AMISOM and other future peace support missions. The Council also welcomed the willingness of the UN to consider taking over from AMISOM.

In this context the renewed engagement of the AU, confirmed at the Summit in Sharm-el-Sheik, is of particular importance, focussing on the implementation of the Djibouti Agreement. The AU PSC extended the mandate of AMISOM for another six months and in order to enable it to undertake additional tasks the Concept of Operations (CONOPS) will need to be strengthened. The new approach would involve two phases, the first one enhancing its forces to the strength of the initial mandate level (8000 troops) and the second would develop an additional international Stabilisation Force, allowing the Ethiopian troops a sequential withdrawal, first from its positions in Mogadishu.

AMISOM is currently deployed in Mogadishu with approximately 2 500 soldiers from Uganda and Burundi. Even if the UN would authorize another kind of international peacekeeping presence, AMISOM is likely to remain in Somalia. Ongoing efforts to strengthen AU planning and absorption capacity for AMISOM should therefore continue. The AU is shortly expected to request €20-25 million from the African Peace Facility to cover troop's allowances. It is recalled that the EC has already provided €15 million from the African Peace Facility and €5 million from the Instrument for Stability to AMISOM and its Planning Unit. The lack of progress to date in implementing the latter package (designed specifically to enhance AMISOM's planning, management and liaison capacity) gives some cause for concern. In this context, the EU-delegation in Addis Ababa will be able to strengthen its technical support to the AU Planning Cell. AU Peace and Security Commissioner Lamamra has formally requested the assistance of four EU staff members to mentor four corresponding AU staff members who have been assigned to the Planning Unit.

Options for EU action

1. Financial and political support to the Djibouti "peace package", as outlined by UNPOS (see option A.1).
2. Increase EC and Member State financial support to the SPF and the Judiciary, through the UNDP Rule of Law programme. A framework with clear benchmarks agreed with the TFG, and with the JSC when the latter becomes operational, is necessary.
3. With respect to AMISOM, further EU support should be directed mainly to strengthening AU planning capacity for the mission, in order to ensure that the troops already on the ground can fulfil their mission.

Risks and assumptions

While the gathering impetus behind the Djibouti process should progressively engender greater stability, in the short term a further escalation of violence is to be expected as potential and actual “spoilers” – themselves increasingly fragmented – step up efforts to derail the process and/or to stake their claim to a seat at the table.

In this context, engaging in the security sector in the disaggregated Somali situation, where command lines are unclear further increases the risk typical of fragile/failed states that funds are misused. For this reason it is essential to establish clear benchmarks for support, including on codes of conduct, discipline and unacceptability of impunity. The EU should support the work towards Sector Security Reform, including the police, security and justice sectors under an overall rule of law framework and under UN-lead, as stated in UNSC resolution 1814.

C. HUMANITARIAN DIMENSION

Way forward

Approximately 1/3 of the Somali population needs humanitarian aid. According to the UN the number of persons in need was estimated at 1.5 million during the first quarter 2008, raised to 2.6 million early May and expected to grow to 3.5 million in summer. Reliable figures, however, are unavailable due to the lack of independent observers and, more generally, of access to appraise the

situation. This situation is further aggravated by continued attacks on humanitarian workers. In 2008 alone, 13 aid workers have been killed, 16 taken as hostages, 22 vehicles hijacked and 17 aid looting incidents occurred. Despite these difficult circumstances humanitarian aid has so far contributed to avoid that the situation unfolds into a famine. Humanitarian aid accounts for almost half of the world's aid to Somalia.

UNSC resolution 1814 expresses support for ongoing humanitarian relief efforts in Somalia. In the Djibouti Agreement, the TFG and the ARS agreed to take all necessary measures to ensure unhindered humanitarian access and assistance to affected populations. The UNSC has further supported ongoing efforts to establish an UN-led mechanism to better coordinate between humanitarian organisations operating in Somalia, the TFG, donors and other relevant parties in order to help resolve issues of access, security and provision of humanitarian relief throughout Somalia. The importance of the oversight role of the Transitional Federal Parliament (TFP) should not be overlooked in this context.

The UNSC has further expressed its support for the contribution by some States to protect World Food Programme (WFP) maritime convoys, and has called upon States and regional organizations to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia and UN-authorized activities. Options with regard to this matter are covered in the separate paper on piracy.

Options for EU action

1. Follow up in Nairobi that an appropriate humanitarian coordination mechanism is established, in keeping with the joint structures provided for in the Djibouti Agreement, and that improvement of humanitarian access remains a priority.
2. Subject to a possible decision on EU action against piracy, provide protection of WFP maritime convoys and encourage third countries to participate (see section E below and separate paper).

D. HUMAN RIGHTS DIMENSION

Way forward

Advocacy NGOs, the UN Arms Embargo Monitoring Group and international media reports have recently given substantiated accounts of serious human rights violations in Somalia and depicted a climate of impunity for such acts. The Council has urged, in its conclusions of 26 May, that all violations of human rights in Somalia be officially denounced and investigated.

In resolution 1814, the UNSC has requested the UNSG to establish an effective capacity within UNPOS to monitor and enhance the protection of human rights in Somalia and to ensure coordination between UNPOS, the Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council Independent Expert. HoMs in Nairobi, Geneva and New York will play an important role in monitoring and reporting to the PSC about progress in these UN activities.

Options for EU action

1. Examine possibilities, at national and international level, to prosecute serious crimes committed in Somalia by persons holding the nationality of and a residence in an EU Member State. Such action would pass a strong political message from the EU on individual accountability. On international level, the establishment of an international mechanism to investigate systematic human rights abuses by all parties could be advocated by EU Member States.
2. HoMs in Nairobi could be tasked to examine, with the TFG and the SRSG, how national HR mechanisms in Somalia, such as a possible inclusive and non-partisan national HR Commission in Somalia, could be strengthened. Somali and international non-state partners have established active human rights monitoring networks, some of them supported by the EC. Efforts to enhance human rights monitoring capacity should build carefully on these existing networks, while remaining mindful of the considerable security threat to which local partners are daily exposed.
3. Include a strong human-rights component in the training of the new 4000 police mentioned at point B.

E. EU CONTRIBUTION TO THE IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1816 OF 2 JUNE 2008

Way forward

The Council has expressed, in its conclusions on 26 May, concern over the upsurge of piracy attacks off the Somali coast. It has also welcomed the unanimous adoption of UNSC resolution 1816 of 2 June. In this resolution, the UNSC expressed concern about the threat posed by acts of piracy and armed robbery to the prompt, safe and effective delivery of humanitarian aid to Somalia, to the safety of commercial maritime routes and to international navigation. The UNSC urged States to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea, in cooperation with the TFG. It further called upon States and interested organisations, to provide technical assistance to Somalia and nearby coastal States upon their request.

For this purpose, the UNSC authorized, for a period of six months, States who cooperate with the TFG on the basis of the resolution to enter the territorial waters of Somalia to repress acts of piracy and armed robbery using all necessary means. States are further called upon to cooperate in determining jurisdiction and in the investigation and prosecution of pirates.

Though it is clear that the eradication of piracy off the Somali coast is only possible if peace and rule of law returns to Somalia, the deployment of a predominantly maritime force would help to deter and curb acts of piracy while the force is in place. However, it would not offer a sustainable solution to the problem. The objective could be to reduce piracy and guarantee humanitarian deliveries over a defined period of time. Such action could, in some measure, allow the TFG and other supporting actors to concentrate their efforts on security stabilisation and economic development ashore.

Aside from this current exercise on developing EU options for Somalia, the Commission is in the process of preparing a likely programme under the long-term part of the Instrument for Stability to address more widely the issue of Critical Maritime Routes, envisaged in the context of supporting national and/or regional actions in the field of security including against piracy. A decision on such a programme, which would target a number of regions around the world and which is subject to

RESTREINT UE

approval procedures as set out in the relevant regulations, could be expected by the end of 2008, for implementation during the period 2009-2011. As one of the major critical maritime routes in the emerging programme is likely to be the Bab El Mandeb/Red Sea/Gulf of Aden/West Indian Ocean region, this programme could inter *alia* benefit Somalia and contribute to the implementation of UNSCR 1816 in terms of the provision of technical assistance.

In addition, the EU, including Member States, could consider how best to further engage with and support piracy and armed robbery related initiatives of the International Maritime Organisation (IMO) in the West Indian Ocean/East Africa¹ or other possible regional initiatives such as one on possible cooperation between Djibouti and Yemen on maritime surveillance and information sharing.

DECLASSIFIED

¹ See IMO, Council Report C 100/7 of 25 April 2008, 'Protection of Vital Shipping Lanes – Report on the Sub-regional meeting on piracy and armed robbery against ships in the Western Indian Ocean, Gulf of Aden and Red Sea area'.