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**ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS**

**Australia*, Austria*, Belgium, Bulgaria*, Canada, Costa Rica, Denmark*,
Finland*, France, Germany, Ireland*, Italy, Japan, Kenya, Liechtenstein*,
Luxembourg*, Malta*, New Zealand*, Norway, Portugal, Romania,
San Marino*, South Africa, Spain, United States of America, United Kingdom
of Great Britain and Northern Ireland: draft resolution**

2001/... Assistance to Somalia in the field of human rights

The Commission on Human Rights,

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,
the African Charter on Human and Peoples' Rights and other relevant human rights instruments,*

Recalling its resolution 2000/81 of 26 April 2000,

*Bearing in mind the statement by the President of the Security Council on the situation in
Somalia of 11 January 2001 (PRST/2001/1), the report of the Secretary-General on the situation
in Somalia of 19 December 2000 (S/2000/1211), Security Council resolution 1265 (1999) of*

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883) and General Assembly resolution 54/192 of 17 December 1998 entitled “Safety and security of humanitarian personnel and protection of United Nations personnel”,

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts made by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners’ Forum in favour of peace,

Expressing satisfaction that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Commending the initiative taken by the President of the Republic of Djibouti to promote peace and national reconciliation in Somalia by convening the Arta Conference, which has led to the establishment of the Transitional National Government and the Transitional National Assembly, and noting with appreciation the impetus provided to the national reconciliation process by the Intergovernmental Authority on Development,

Commending the work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

Noting with concern that some parties in Somalia, including the self-administering areas of “Somaliland” and “Puntland” and some armed movements, have not participated so far in the national reconciliation process based on the Arta Conference,

Noting also with concern that the humanitarian and security situation remains fragile in several parts of Somalia, including Mogadishu,

Recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

Underlining that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

Acknowledging the note by the Secretariat on the situation of human rights in Somalia (E/CN.4/2001/105),

1. *Welcomes:*

(a) The establishment of the Transitional National Government and the Transitional National Assembly as an outcome of the Arta Peace Conference, which constitutes a major achievement in the Somali peace process;

(b) The support given by the Office of the United Nations High Commissioner for Human Rights through the appointment of the human rights officer for Somalia based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia and expresses the hope that he will be able to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(c) The integration by a number of United Nations agencies of human rights issues in their programmes;

(d) The invitation by the Security Council to the Secretary-General to prepare a proposal for a peace-building mission in Somalia when the security situation allows it and to put in place a trust fund for its realization;

2. *Underlines* the need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

3. *Expresses the hope* that the Transitional National Government and the Transitional National Assembly will contribute to the restoration of the State, to the preservation of national unity and to the territorial integrity of the country through the process of national reconciliation;

4. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system,

essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

5. *Condemns:*

(a) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, as well as the forced displacement of civilians;

(b) All violations of international humanitarian law, including the forced or compulsory recruitment of children for use in armed conflict and the use of these children in armed conflict by the militias;

(c) All acts of violence such as hostage-taking, abduction and murder, particularly of humanitarian relief workers and of United Nations agency personnel, particularly the recent abduction in Mogadishu of United Nations personnel and non-governmental organization humanitarian relief workers by militia belonging to armed movements;

6. *Strongly urges* the Transitional National Government, the Transitional National Assembly, and all parties and administrations of Somalia:

(a) To create the environment that would bring into the reconciliation process those that did not participate in the Arta Conference, with the objective of widening and deepening the process of national reconciliation;

(b) To respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(c) To support the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(d) To protect and facilitate the work of United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action, freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

7. *Calls upon:*

(a) The Transitional National Government and the Transitional National Assembly to continue, in a spirit of constructive dialogue, the process of engaging all groups in the country, including the north-eastern and north-western self-administering areas ("Somaliland" and

“Puntland”), with a view to completing the process of national reconciliation and preparing for the installation of permanent governance arrangements through the democratic process;

(b) The authorities of the self-administering areas of “Somaliland” and “Puntland” to establish constructive relations with the institutions which are emerging from the Arta process;

(c) All groups, in particular armed movements, to support and participate in the demobilization efforts undertaken by the Transitional National Government and the Transitional National Assembly and to abide by the arms embargo;

(d) All States to refrain from any military intervention in the internal situation in Somalia;

(e) Subregional, regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(f) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the future independent expert;

(g) The international community to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the United Nations High Commissioner for Human Rights concerning Somalia;

(h) All States having information about violations of the provisions of Security Council resolution 733 (1992) of 23 January 1992 concerning a mandatory arms embargo against Somalia to provide this information to the Committee on Somalia of the Security Council created pursuant to resolution 751 (1992) with a view to supporting the work of the Committee;

(i) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to assist the Transitional National Government, the Transitional National Assembly and the regions which have established peace and stability through self-administration in addressing the massive challenges facing Somalia with respect to reconstruction and development and the immediate need for

urgent assistance, particularly in the area of human rights, demobilization (with special attention to combating HIV/AIDS and other communicable diseases), disarmament and rehabilitation of basic infrastructure;

8. *Commends* the work carried out by the former independent expert and calls upon the Secretary-General to appoint a new independent expert;

9. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

10. *Requests* the High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

11. *Decides:*

(a) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the future independent expert to report to the Commission on Human Rights at its fifty-eighth session;

(b) To request the Secretary-General to continue to provide the future independent expert also with all necessary assistance in carrying out his/her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(c) To continue its consideration of this question at its fifty-eighth session under the same agenda item.
