

NEWS LETTER

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Support an effective, transparent and accountable constitutional review process, through strengthening inclusive political processes at all levels to develop a new social contract that meets the needs of Somali people

CRSP - News Updates

Somalia is governed by a Provisional Constitution agreed in 2012 and the promulgation of a new and permanent constitution is expected to address a number of unresolved constitutional issues that need political agreement among the federal government and federal member states. Constitutional review bodies exert their utmost efforts to remove all technical errors in the provisional constitution before its presents in the federal parliament for debate and approval.

- ◆ On 18 May 2018, Joint Parliamentary Constitutional Review Oversight Committee (OC) gave an important task to the ICRC to technically review chapters 1-5 of the provisional constitution within a month time.
- ◆ The OC also requested MoCA to follow up with the Federalization Negotiations Technical Committee (FNTC) on the issues that required political agreement and settlement on 5 chapters.
- ◆ On 9 June, MoCA has submitted the agreements reached in Baidoa on the sharing of natural resources to the OC for consideration into the constitution.
- ◆ On 11 July, ICRC reported back with reviewed chapters afterward Oversight Committee separately reviewed work done by ICRC in a month time (11 July - 11 August).
- ◆ From 15 August to date OC and ICRC are in joint sessions to discuss on the corrected technical errors and amendments and will share with the Ministry of Constitution Affairs.
- ◆ Subsequent to this, the constitutional review bodies will consult with state level legislative and executive institutions and civil society organizations before taking to Federal Executive for endorsement and submission to Somali Federal Parliament for approval.

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Joint Planning Retreat for the Key Role Players within Inclusive Politics Cluster

From 4th-8th July, a Joint Planning Retreat for key role players working on the inclusive political roadmap took place in Mogadishu. The event was organized by the Federal Ministry of Constitutional Affairs (MoCA) and the Federal Ministry of Interior, Federal Affairs and Reconciliation (MoIFAR), and was facilitated by the Federalisation Negotiation Technical Committee (FNTC) with the support of United Nations Development Programme (UNDP). Its purpose was to discuss the legislative and constitutional implications of the electoral model and resource-sharing agreements recently reached in Baidoa by the National Security Council.

The five-day retreat was opened by Prime Minister Hassan Ali Khaire and the United Nations (UN) Deputy Representative of the Secretary General (DRSG), Peter de Clercq. It was attended by 70 dignitaries and officials from MoCA, MoIFAR, the Prime Minister's Office (OPM), the Chief Justice Somali Supreme Court Baashe Yusuf Ahmed, members of the National Independent Electoral Commission (NIEC), representatives from the Federal Ministry of Women Affairs and Justice, and officials from the other federal ministries

and federal member states (FMS). Officials from UNDP, the United Nations Assistance Mission in Somalia (UNSOM) and the World Bank also attended the event, along with civil society representatives and representatives from Conflict Dynamics International (non-profit organization) as well as Forum of Federations (international organization).

Justice Model: The FNTC committed to reviewing the justice model from a technical point of view and will submit its recommendations to the national leadership for their final approval in the next National Security Council (NSC) in August. Subsequently the justice model, (not the details) will be reflected in the constitutional text.



Minster of Constitution Affairs in a panel discussion on Constitutional Review Process - Joint Retreat, Mogadishu, 4-8 July, 2018 (Photo Credit: MoCA)

The key issues and topics discussed during the retreat were:

Elections: Constituency size, clan balance, the Upper House election process, and the possibility of having a direct presidential system were explored during the discussion.

Allocation of Powers: UNDP, Conflict Dynamics International (CDI) and experts from the Forum of Federations presented other countries' experiences on allocation of powers. A key recommendation was to consider the two dimensions of allocation of powers: vertical (FGS and FMS) but also, and very importantly, the horizontal dimension (for instance PM and President) and separation of powers as critical elements for long-term stability.

Mineral Resource Sharing: It was decided that key principles on mineral resource-sharing will be inserted in the constitution; that revenue shares should be included in the Regulation of Petroleum Bill to facilitate frequent revision; and that there is a need to harmonize the existing draft law on Petroleum in line with Baidoa agreement.

Constitutional Review Bodies Meet to Discuss Way Forward after National Constitutional Convention

On 23rd May 2018, the Joint Constitutional Review Oversight Committee (OC), the Independent Constitution Review and Implementation Commission (ICRIC), the Federal Ministry of Constitutional Affairs (MoCA), and representatives from UNDP and UNSOM met at the Upper House of the Somali Federal Parliament. The main purpose of the meeting was to share information, coordinate, follow up on progress made, and to discuss the challenges. During the meeting the key players in the constitutional review process (the MoCA, the ICRIC and the OC) shared a brief summary of progress made so far as well as the way forward after the National Convention.

During the meeting, the OC tasked the ICRIC to review chapters 1-5 of the Constitution for any technical errors and feedback within one month. The OC also requested the MoCA to follow up with

the FNTC working group on issues that require political agreement and settlement. The OC committed to engage with all relevant parliamentary committees to ensure support of the



Meeting of Constitutional Review Bodies at the Upper House, discussing way forward after NCC, Mogadishu, 23 May, 2018 (Photo Credit: MoCA)

revised chapters and to avoid any delay in the approval of the constitution. The key players also agreed to conduct consultations in each region on the revised chapters to gain support and incorporate inputs from Somali people. The MoCA stated that the outcome of ongoing discussion with the FNTC on

electoral model and resource sharing will be presented to the National Security Council for approval and adoption, upon which the MoCA will facilitate the engagement of all three key players to translate any agreement reached into constitutional text.

The event concluded with key players (the MoCA, the ICRIC and MoCA) agreeing to hold the meeting regularly and reconfirming their commitment to finalize the review process within the given time frame, and in an inclusive, consultative and transparent manner, in-line

with the Constitutional Roadmap produced in November 2017 that defines the timeframe of review process and Memorandum of Understanding among the key players on their respective roles and responsibilities in the review process.

Meeting between Norwegian Special Envoy and Key Players on Constitutional Review Process

On 8th May 2018, the Norwegian Special Envoy Mr. Vejbjørn Heines and key players in the Somali Constitution Review Process (the MoCA, the ICRIC and the OC) met in Mogadishu, to discuss progress made so far. Mr Heines reaffirmed Norway's support to the Somali Government in finalizing the review process. The Special Envoy emphasized the need for joint collaboration to implement the agreed roadmap in a timely manner. The key players briefed the Ambassador on progress made so far, which included on-going consultations and meetings with key stakeholders at Federal and State levels,

the creation of platforms such as the Forum of all parliamentary constitution committees (OC Forum) where constitution mandated parliamentary



Norwegian Special Envoy meeting with key players on Constitutional Review Process, Mogadishu, 8 May, 2018

committees of both Federal and State level can meet to discuss progress, concerns and challenges faced during the review process. The key players in

constitutional review process also briefed Mr. Heines on the joint consultation missions to Federal Member States which aim to build support in the regional states on implementation of the roadmap. At the end, participants agreed to develop a plan with key priorities and timelines regarding the different chapters of the constitution to be completed by the end of 2018. The meeting also reiterated the importance of supporting the Federalization Negotiations Technical Working Group (FNTWG) that is tasked to negotiate and drive consensus on inclusive politics including the most contentious chapters of the constitution.



Somalia Partnership Forum held in Brussels

On 16th-17th July, the Federal Government of Somalia, in partnership with European Union and Sweden, hosted the Somali Partnership Forum (SPF) in Brussels. The event aimed to

Federalization reform agenda and Constitutional Review process, through the Political Roadmap for inclusive Politics.

processes, at Federal and FMS levels, are mobilized in a timely manner and are commensurate with the agreement of key political benchmarks necessary to ensure an inclusive, free, fair and credible process in 2020. It called on the National Independent Electoral Commission (NIEC) to present a clear plan for elections, including voter registration.

- ◆ It called on all FMS to hold their elections in line with agreed constitutional terms limits.
- ◆ It highlighted that the international community is encouraged by the creation of the Federalisation Negotiation Technical Committee (FNTC) which is tasked to drive forward negotiations on fundamental pillars of long-term stability, such as the election model, resource sharing and allocation of powers.
- ◆ It reiterated its support for political agreements at the leadership level, advising that these political agreements will need to be reflected in the constitutional text and in the legal framework.
- ◆ It welcomed the Somali National Constitutional Convention held in Mogadishu on 13th-15th May 2018, which set the tone and pace for the constitutionally mandated institutions to refocus and prioritize both the substantive interventions and timelines necessary for the completion of the Constitutional Review Process (CRP).
- ◆ It recognized that the next six months will be crucial for the finalization of the CRP. It reiterated support for the FGS' commitment to accelerate the political decision-making necessary to settle all remaining questions, including formalizing the status of the FMS and National Security Council, resource and power sharing between the FGS and FMS, fiscal federalism, and the allocation of responsibilities in the security and justice sectors.



Dignitaries from Somalia attending Somalia Partnership Forum, Brussels, 16 July, 2018. (Photo Credit: MoCA)

mobilize the international community to step up support of Somalia's efforts to build a more secure and prosperous future following years of conflict. The Forum was attended by delegates from the Somali Federal Government (FGS) and the Federal Member States (FMS), and representatives from 58 countries, international organizations including United Nations. It was opened by the President of Somalia, H.E. Mohamed Abdullahi Mohamed 'Farmaajo'. This new momentum should be seized by all Somali actors and calls for all in the international community to cooperate towards that end.

The Forum concluded with a joint communique by Somali leaders, international partners and donors, with the following specific points on inclusive politics:

- ◆ It welcomed the landmark political agreement between the FGS and FMS which paves the way for drafting, consultation and passage of the election law in 2018
- ◆ It commended the FGS for putting inclusive politics at the core of the
- ◆ It called on the executive and legislative branches to meet their commitment to deliver legislation that will pave the way for holding a historic one-person-one-vote that will realise the wishes of the Somali public.
- ◆ It congratulated Somalia's leaders both at the Federal and state level for charting a path to realise Somalia's constitutionally guaranteed one-person-one-vote elections, as stipulated in the Somalia Provisional Constitution. It highlighted that this meaningful process must ensure clarification of all outstanding issues and the passage of the electoral law by Parliament by December 2018.
- ◆ It called for support the FGS and Parliament's efforts to work closely together in ensuring the successful implementation of the political transformation based on political parties, including through alignment of relevant articles in the FMS constitutions with the Federal Constitution.
- ◆ It urged all partners and the FGS to ensure that resources for the electoral



Training of Trainers (ToT) on Civic Education and Public Outreach - Baidoa



A group photo of civic educators after completion of ToT on Civic Education and Public Outreach, Baidoa, 5 June, 2018 (Photo Credit: MoCA)

From 2nd-5th June, the Ministry of Constitution (MoCA) conducted a ToT on Civic Education and Public Outreach in Baidoa, South West State. The training was attended by 203 participants (121 men & 82 women) from civil society and Government.

The training aimed to enhance the capacity of civil society organisations and government officials to carry out civic education and public outreach, to

tailor civic education & public outreach to reach a broader public audience and minority groups. The training included an overview of civic education, the significance and benefits of civic engagement, elements and steps of implementing civic education, basic principles in forming networks, and which tools to use to ensure public participation in key constitutional review process.

Those who have been trained to be civic educators will be expected to further train other civic educators across Somalia to cascade down the concept of an inclusive constitutional review to the regions and districts as well as plan and execute the civic engagement campaigns to sensitize the public about the constitution.



Certificates distribution among participants Baidoa, 5 June, 2018 (Photo Credit: MoCA)

Public Engagement Forum on the Somali Constitution and Islamic Law

On 22nd July, the Ministry of Constitutional Affairs (MoCA) convened a public forum on the Somali Constitution and its compliance with Islamic Shariah in Mogadishu.

The Director General of the Ministry of Constitution Affairs Mohamed Abukar Zubeyr officially opened the forum and highlighted that the mandated institutions in the constitutional review process are working to engage and reaching out to people from all walks of life so that the constitutional review process is inclusive, transparent and acceptable to all Somali people.

The Deputy Minister of Constitution, Dr. Hussein Abadi Elmi, explained

that the basic principles underlying in the Somali Constitution are in compliance with Islamic Shariah and principles of federal power-sharing. He highlighted that the provisional

The Secretary General of the Somali Religious Scholars Association, Sheikh Ali Wijz, discussed the importance of the constitution in a Muslim society and confirmed the provisional Somali constitution was in compliance with Islamic Shariah.

A member of the Somali National Lawyers Association, Abdullah Mohammed Jim'ale suggested that the Somali constitution should be owned and defended by the citizens and should address the basic needs of the Somali people, it should give power to the people and should be independent of external interference.



A group photo of key speakers and some participants of Public Engagement Forum on the Somali Constitution and Islamic Law, Mogadishu, 22 July, 2018 (Photo Credit: MoCA)

Somali Constitution urged respect for human rights, women's rights, and the rule of law.



Fifth MoCA Forum held in Mogadishu

On 29th-30th June, the Ministry of the Constitutional Affairs of Federal Government of Somalia hosted the fifth meeting of MoCA Forum in Mogadishu. The Forum was attended by representatives from the Ministry, federal member states from Banadir regional administration. The purpose of the Forum is to provide a three month update on the constitutional review process and present the plans of next quarter. The event was officially opened by the Deputy Minister of Constitution Dr. Hussein Abdi Elmi.

The Outcome of the Forum:

1. The Ministry congratulated participants on achievements so far, such as the National Constitutional Convention, agreements reached by the National Security Council in Baidoa on 5 June, 2018, and the Training of the Trainers on Civic Education and Public Outreach

2. The Forum reconciled and accepted the articles issued by the Council of Interstate Corporation (CIC) in Baidoa between 13th-16th May 2018, which reads to “To accept the member nominated by the federal member states to the Independent



Constitutional review and Implementation and Parliamentary Oversight Committee”.

3. The Forum agreed to expand civic education and public outreach activities into districts, regions and

cities, led by the ministries of constitutional affairs of federal member states, to ensure the involvement of every Somali citizen in the constitution review process.

4. The Forum has agreed to look for financial support for the above civic education and public outreach
5. The Forum has agreed to hold the sixth MoCA forum in September 2018.
6. The Forum concluded by thanking international partners, the UN, and national and international NGOs for their continued support in finalizing the constitutional review process.

The forum was officially closed by the Abdirahman Hosh Jibril, Minister of Constitutional Affairs Federal Government of Somalia.

Public Engagement Forum on Baidoa Agreement on Resource Sharing and Electoral Model

On 11 July 2018, a public engagement forum was held to inform, engage and advise the general public on the Baidoa Agreement on Resource Sharing and the Electoral Model. Panelists from the Prime Minister's Office (OPM), the Ministry of Constitutional Affairs (MoCA), the Ministry of Interior, Federal Affairs and Reconciliation (MoIFAR), the Ministry of Petroleum and Mineral Resources (MOPMR), the Federalization Negotiation Technical Committee (FNTC), and the National Independent Election Commission (NIEC) attended and spoke at the event.

The Minister of Petroleum and Mineral Resources, Abdirashid

Mohamed Ahmed, briefed participants on the Baidoa Agreement. He said the purpose of the agreement



was to gain a common vision between federal government and the federal member states on resource sharing. The Minister emphasized that under the agreement, the government and its member states can each receive

revenue from the exploration and production of resources. He highlighted that the agreement will allow the Ministry to issue permits and manage the petroleum and mining activities in Somalia.

After the keynote speeches by the panelists, the audience asked a number of questions on resource sharing, how free and fair election for 2020 will be conducted amidst security challenges and economic condition of the country, political parties registration, and issues of mistrust and conflict of interest.

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