



Somalia

Constitutional Review Support Project (CRSP)

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# NEWS LETTER

January - March 2019

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

## Tribute to Abdirahman Hosh, late Federal Minister of Constitutional Affairs



The United Nations Development Programme in Somalia extends its deepest sympathy and condolences to the Federal Government and people of Somalia, on the tragic passing of Honourable Abdirahman Hosh Jibril, Minister of Constitutional Affairs of the Federal Government of Somalia.

Minister Jibril passed away on the 8<sup>th</sup> March in Dubai and was laid to rest at a ceremony in Mogadishu attended by President Abdullahi Farmajo and Prime Minister Hassan Ali Khaire.

Minister Abdirahman Hosh Jibril was appointed as the Minister of Constitutional Affairs in 2017, and from 2011 to 2012 he served as the Minister of Constitutional Affairs and Reconciliation of the Transitional Federal

Government of Somalia. During 2011- 2012, he spearheaded the drafting and completion of the Provisional Constitution of Somalia, which was adopted in August 2012.

UNDP remembers and honours Minister Hosh for his valuable contributions to progressing the review of the provisional constitution of Somalia, for advancing dialogue on key challenges and opportunities of the country, and for his commitments to Somalia's peace-building and state-building progress. We will always remember him with great esteem and admiration as a humble and deeply committed partner and leader. May his soul rest in peace.

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## Completion of Technical Review of Constitutional Chapters (6 to 9)

The review of the first five chapters have already been completed by the constitutional review bodies in the last quarter of 2018 and are expected to be tabled in the next session

of the parliament. The first initial consultations on these were held in December 2018 with religious groups and women's groups in Mogadishu.

judicial service commission and formation of the constitution court). These chapters have now been submitted to the Oversight Committee (OC) for review. During the review of the chapters, joint working sessions were held between OC and ICRIC to discuss corrected technical errors. Public consultations will also be conducted with federal member states, legislative bodies, executive institutions and civil society organizations. Following the consultations, the chapters will then be taken to the Federal Parliament for debate on the amendments proposed during the review, before they are then put forward for adoption.

ICRIC is now in the third phase of the review processes, and is reviewing the remaining last six chapters, chapters 10-15, of the Provisional Constitution.



ICRIC and the OC in a three days joint technical review meeting of chapters 6-9 of provisional constitution. Mogadishu, 23 February 2019. (Photo credit: Oversight Committee)

In February 2019, the ICRIC also completed the technical review of chapters 6, 7, 8 & 9 of the provisional constitution, which relates to the Federal Parliament, to the President of the Federal Republic, to the Executive Branch, and to Judicial Authority (judicial procedures, national court structure,



# Project Board Meeting for Constitutional Review Support Project



*Representatives from MoCA, ICRC, OC, UNDP, UNSOM, donors, partners at Project Board meeting, Mogadishu, 20 March 2019 (Photo: UNDP/Somalia)*

On 20 March 2019, the Project Board meeting of the Constitutional Review Support Project was held in Mogadishu, to discuss the progress, achievements and challenges on the constitutional review process. The meeting was attended by representatives from the Ministry of Constitutional Affairs (MoCA), the Independent Constitutional Review and Implementation Commission (ICRIC), the Parliamentary Oversight Committee (OC), and by representatives from UNDP and UNSOM. Donor partners Norway, Sweden, Denmark and Switzerland also attended the meeting.

During the meeting, Mr. Raisedon Zenenga, Deputy Special Representative of the Secretary General (DSRSG) for United Nations Assistance Mission in Somalia expressed wholehearted condolences on behalf of the UN in Somalia, on the passing of Minister of Constitutional Affairs Abdirahman Hosh Jibril and recognized the commitment and critical role Minister Hosh played in Somalia's legislative and governance process.

Hon. Hussein Abdi Elmi, Deputy Minister of Constitutional Affairs (MoCA), in his opening remarks, also paid tribute to the late minister Hosh and commended his role in the constitutional making process.

The Deputy Minister highlighted the progress made by MoCA since the last project board meeting, which included consultations in all Federal Member States and the Banadir region, and the completion of the technical review of 10 chapters of the Provisional Constitution. He also confirmed that the technical review of the last 5 chapters of the constitution has also been started.

Ms. Nahid Hussein, Chief Technical Advisor Inclusive Politics Portfolio, and Deputy Resident Representative a.i. for UNDP, highlighted that the first round of political negotiation on fiscal federalism has taken place, and that a joint workplan for public awareness and consultations had been developed. The public awareness work plan outlines engagements with the Somalia public in the Federal Member States, including women youth and civil society organisations. She also mentioned that a series of negotiation meetings on political issues such as the justice model, and allocation of powers have taken place, with initial agreements finalized, and recommendations from these meeting are expected to be presented in the next National Security Council meeting planned in Garowe at end of March.

She added that with technical assistance

from UNDP, the Oversight Committee has prepared a Resolution for adoption of the proposed amendments of the constitution by the federal parliament. The first reviewed 5 chapters to be tabled in the fifth session of the parliament for debate and approval. She also advised that the inclusive politics roadmap needs to be revised with new timeframes to ensure the constitution review process is finalised by 2019, and recommended that Joint Meetings should be continuously held to improve information sharing among key players.

Hon. Burhan Adan Omar of the Oversight Committee (OC), said the technical plan for review of the constitution developed by the OC has been endorsed by the two standing committees of the federal parliament in early 2018. The plan indicated that the 15 chapters of the constitution was to be divided into three parts of five chapters, and that each part will be: reviewed, put forward for stakeholder consultation, and then debated by the Federal Parliament before adoption.

During the meeting, the donor partners Norway, Sweden, Denmark and Switzerland also reiterated their commitment and support for the completion of the constitutional review process.

## Joint Working Retreat of the Constitutional Review Bodies



Representatives from the key players in the Constitutional Review Process (MoCA, ICRIC & OC) gathered for a joint Working Retreat in Mogadishu. 4-7 February 2019. (Photo: MoCA)

From 4-7 February 2019, in Mogadishu, a joint retreat was organized by the three mandated institutions of the constitutional review process - the Ministry of Constitutional Affairs (MoCA), the Parliamentary Oversight Committee (OC), and the Independent Constitutional Review and Implementation Commission (ICRIC). The meeting aimed to discuss progress made, any existing challenges in the implementation and review of the joint roadmap for the constitutional review, and to agree on next steps for the process.

During the four days joint meeting, a technical committee comprising nine members from the three institutions reviewed the roadmap of the constitution review process. The committee agreed that the implementation of the roadmap is on track, but made some readjustments to timelines for some of the

public consultations activities. On the way forward, the three key institutions promised to keep the momentum and work together to finalize the constitution review process by December 2019.

Participants at the meeting proposed the following measures to solve challenges which developed in 2018:

1. Avoiding political disputes between Federal Government of Somalia (FGS) and Federal Member States (FMS) that can jeopardize the constitutional review process and urged accelerating political negotiation, such as Articles 54 and 122.
2. Ensuring that the constitutional review process is led by the three bodies that were mandated at the Federal level to carry it out
3. Advising that the Ministry of the

Constitutional Affairs should list, as soon as possible, the delegations that would represent Federal Member States in the Independent Constitutional Review and Implementation Commission.

4. Agreeing that issues of public education and awareness should be tackled jointly in accordance with the Action Plan of the Constitutional Review Process
  5. The Ministry of the Constitutional Affairs must work to bring together all the international organizations that support the constitutional review, to ensure a unified support to the activities of the process.
  6. The Ministry of Finance of the Federal Government of Somalia should outline the budget allocated to the Constitutional Review in 2019. The Ministry should also review the budget at the mid-term of 2019, and add sufficient allocation to the bodies that are tasked with the constitutional review.
  7. It was agreed to start public consultations and raise public awareness around the chapters that were reviewed in March 2019
  8. It was agreed to accelerate the completion of the remaining chapter of the constitutional review
  9. It was agreed that the next joint meeting on the assessment of the progress made will be held on 1st June 2019
- The meeting was closed by the Prime Minister of the Federal Government of Somalia.

## UNDP Facilitates Retreat for Constitutional Review Bodies in Djibouti



Representatives from three constitutional review bodies attend a joint planning retreat, Djibouti. 4 March 2019 (Photo: MoCA/Somalia)

From 28 February to 4 March 2019, the United Nations Development Programme facilitated a joint retreat in Djibouti, bringing together representatives from the Joint Constitutional Review Oversight and Implementation

Committee (OC), the Independent Constitution Review and Implementation Commission (ICRIC), and the Federal Ministry of Constitutional Affairs (MoCA), as well as representatives from UNDP. The purpose of the

meeting was twofold: to build a stronger relationship between the parties and to develop a plan for consultation on the amendments proposed under the constitutional review process.

During the five days gathering the three constitutional review institutions worked to develop a common approach and strategy as well as a work plan for the consultation process, identified the key constitutional review issues requiring consultation, and outlined the key stakeholders to be consulted on the reviewed chapters of Somali provisional constitution. They also discussed the Rules of Procedures for the adoption process and examined at the technical proficiency of the draft text.

## Opening of the new ICRIC Building



Speaker of the Upper House and representatives from ICRIC, MoCA, OC, UNDP and other leadership of FGS at opening ceremony. Mogadishu, 18 February 2019. (Photo: UNDP)

On 18 February 2019, an opening ceremony was held for new offices for the Independent Constitutional Review & Implementation Commission (ICRIC) in Mogadishu. The Speaker of the Upper House, Abdi Hashi Abdullahi; ICRIC Chairperson, Dr. Mohamed Dahir Afrah and commissioners, the late Minister of Constitutional Affairs Abdirahaman Hosh, and members from the Parliamentary Oversight Committee, along with UNDP Resident Representative, a.i. Mr George Conway, and UNDP Deputy Resident Representative a.i, Nahid Hussein.

Construction work on the ICRIC offices started in September 2018 and was successfully completed in February 2019. The offices were built by UNDP as part of UN support to the constitutional review process, with funding from Norway, Denmark, Sweden & Switzerland.

The new ICRIC offices will enable the Commission to finalize the drafting of the constitution and carry out their constitutional work in an inclusive, consultative way. The new premises will also assist the ICRIC staff and commissioners in their public consultation and outreach work.

## Arabic Translation of Somali Provisional Constitution

The Ministry of Constitution Affairs (MoCA) has translated the final version of the provisional constitution into Arabic. As cited in the Article 4 of the Provisional Constitution, the Arabic language is currently the second official language in the country after Somali. It is the first time a Somali Constitution has been translated into Arabic. Since Islam is the dominant religion of Somalia, Arabic also occupies a major role in religious studies conducted in the country.

## Highlights of the Activities (Jan.-March 2019)



On 7 February, Prime Minister Hassan Ali Khayre participated in a joint working session of the Constitutional Review Bodies in Mogadishu



On 2 March, representatives from constitutional review bodies (MoCA, ICRIC, OC) gathered for a joint working retreat in Djibouti



On 9 February, Parliamentary Constitutional Oversight Committee (OC) review constitutional chapters 6-9 submitted by ICRIC



On 25 March 2019, the OC hold meeting with Speaker Mohamed Mursal and deputy Speaker Abdiwali Ibrahim Modey on constitutional review process



MoCA, ICRIC and OC attend monthly coordination meeting discussing the achievements, challenges in the review process



On 18 February, Speaker Upper House Abdi Hashi Abdullahi, attends the opening of the ICRIC offices along with representatives from UNDP, the OC and MoCA

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