



Somalia

Constitutional Review Support Project (CRSP)

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NEWS LETTER

April - August 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

Somali president meets with constitutional review mandated bodies to discuss progress and challenges



Somali president Mohamed Abdullahi Mohamed "Farmajo" in a high-level meeting with constitutional review mandated bodies. Mogadishu, 30 July 2019. (Photo credit: Oversight Committee)

On 30 July 2019, the Somali president Mohamed Abdullahi Mohamed "Farmajo" met with the mandated institutions of the constitutional review process, the Ministry of Constitutional Affairs (MoCA), the Joint Parliamentary Oversight Committee (OC) and the Independent Constitutional Review and Implementation Commission (ICRIC). The meeting discussed progress made, existing challenges in the implementation and review of the joint roadmap for the constitutional review, and the remaining activities of the review process.

The Deputy Prime Minister, Mahdi Mohamed Guled and the Minister of Constitutional Affairs, Salah Ahmed Jama briefed the president on the progress

made towards the finalization of the constitution review process including the completion of the technical review of fifteen chapters, and the 2018 Baidao political agreements on resource sharing and electoral model. They also updated him pending issues that require political dialogue between the Federal Somali Government and Federal Member States. The Deputy Prime Minister stated that the government would provide the necessary support to the key players in the constitutional review process and facilitate the remaining activities. He also underlined that for the first time the government allocated budget for the constitution review process.

The Chairpersons of the both ICRIC and the OC commended the President's

meeting with the constitutional bodies shows the high-level commitment and determination from the government to finalize the Somali constitution by the end of 2019.

The Somali president termed that a constitution is a social contract between citizens and state, and it is not for a party or a person, it belongs to the Somali people. The president emphasized that it is important the constitutional issues must be agreed upon, reach agreements on the remaining issues that required political dialogue and negotiations. The president urged the constitutional review bodies to accelerate their work to complete the process within mandated timeframe.

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Fourth Forum of Parliamentary Oversight (OC) Committee on Constitution Review held in Garowe



Representatives from the Federal Parliamentary Oversight Committee, ICRC and FMS committees on Constitution attending the Fourth OC Forum, Garowe, 26 August 2019 (Photo: OC/Somalia)

From 26 to 28 August 2019, the fourth Forum of the Joint Parliamentary Oversight (OC) Committee on Constitution Review and Implementation was held in Garowe, Puntland. The meeting brought together constitutional review committees from the Federal Member States (FMS) parliaments and members of the Independent Constitution Review and Implementation Commission (ICRIC).

The three-day consultation focused on the proposed amendment for Chapters 10, 11, 13, 14 and 15 of the Provisional Federal Constitution prepared by federal level Committee (OC & ICRC) and the outcome of the consultation was as follow:

- The two mandated committee (OC &

ICRIC) has presented a report of the proposed amendment to Chapters 10, 11, 13, 14 & 15 of the Constitution.

- According to Article 133 paragraph 8(e), member of the Forum of Constitution has debated the five Chapters that was presented and views on proposed amendment by the federal level Committees.
- The Forum promised to return to the Federal Member States with respective House of Representatives and provide written response to all submissions and present them to the Federal Parliament in August 2019 .
- The Forum of Constitution Committee

appreciated the effort made by the Federal Constitutional Committees for the completion of the review of all chapters of the Provisional Constitution.

- The 5th gathering of the Forum of Constitution will take place at end of November 2019 at a location yet to be identified.

The Forum of Constitutional Committee urged the Federal Government, Federal Member States, and the Somali people to take part in the completion of the constitution review process and prioritise its implementation. The Forum reiterates its call to the Federal Government and Federal Member States to reach an agreement on Articles need political dialogue to prevent further delays in the completion of the constitutional review process.

In the end, the Forum of Constitutional Committee thanked the Puntland Government and citizens for their hospitality and for hosting the 4th session of the Forum. The Forum also thanked the Federal Government of Somalia, UNPD and other donors for providing political, technical and financial support to the constitutional review process.

Sixth MoCA Forum held in Kismayo

From 6-8 April 2019, the Ministry of Constitutional Affairs of the Federal Government of Somalia (MoCA-FGS) organized the sixth MoCA Forum meeting in Kismayo, Jubaland State of Somalia. The Forum was attended by MoCA-FGS, Federal Member States (Puntland, Jubaland, South West, Galmudug, Hirshabelle) and Banadir Regional Administration.

The Forum discussed key constitutional issues, the need to engage all the key political role players both at the Federal and regional levels for the consultation on the reviewed ten chapters and other critical constitutional issues requiring consensus.



Representatives from MoCA-FGS and MoCA-FMS attending sixth MoCA Forum, Kismayo, 6-8 June 2019 (Photo: MoCA)

Sub-Working Group meeting (SWG) on Constitutional Review



Key stakeholders in the constitutional review process gathered at the Sub-Working Group meeting on constitution, Mogadishu, 3 July 2019 (Photo: UNDP/Somalia)

On 3 July 2019, the Sub-Working Group on the review of the Provisional Constitution held its first substantive meeting since December 2018. The meeting was co-chaired by the Ministry of Constitution Affairs and Norway and attended by representatives from the MoCA-FGS, FMS, UNDP/UNSOM as well as other international donors and partners.

The Director-General MoCA briefly informed the participants on the progress made so far on the constitutional review. The Deputy Chairperson of the Independent Commission for the Review and Implementation Commission (ICRIC), Hon. Mumina Sha'ir Omar, indicated that the technical review of the last five chapters of the Provisional Federal Constitution had been completed and submitted to the Oversight Committee (OC), whereas the ICRIC had commenced further research on pertinent issues of the constitution and its findings would be submitted to the OC. Through international

community support, ICRIC has established offices, staff, and consultants and will be undertaking consultations in the regions as part of its civic education and public campaign activities.

The Deputy Chair, Hon. Mumina Sha'ir Omar, however, expressed concerns about the strained relations between the Federal Government and the Federal Member States. The lack of resolution of their differences could hinder the next phase involving the incorporating of political settlement issues into the revised constitution. Concluding the meeting, the Boundaries Federalization Commission (BFC) updated the participants on a consultation workshop jointly conducted with MOCA on federalization and Article 49 of the Provisional Federal constitution. The event was attended by government officials from the Office of the Prime Minister, the Attorney General, line ministries.

Updates on the technical review of the chapters of Provisional Constitution

From April to June 2019, the constitutional review bodies completed the technical review of the constitutional chapters 6 to 15. Following the consultations with the key stakeholders, the chapters will tabled before the Federal Parliament for debate on the amendments proposed during the review, before they are then put forward for adoption. Joint sessions were organized by the three key players of the constitutional review process to discuss progress made, existing challenges in the implementation and review bodies also worked to develop a common approach and strategy as well as 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.

MoCA briefing to the Office of the President on the Constitutional Review Process



Director-General MoCA briefing to the Office of the President on Constitutional Review Process Mogadishu, 10 July 2019 (Photo credit: MoCA)

On 10 July 2019, the Director-General of the Ministry of the Constitutional Affairs (MoCA) together with the advisors and heads of departments of the ministry held a meeting with the chief of staff of the Office of the

President with the attendance of heads of departments and advisors of the President of the Federal Republic of Somalia.

The Director-General of the Ministry presented

a report on the activities of the ministry, achievements, plans, and the challenges faced to complete the constitution review process. The DG highlighted the progress made on the technical review of the chapters, but also noted that a lot of efforts are needed to address the political issues in the constitution. He also highlighted the ministry's efforts to carry out civic education and consultation campaigns on the constitution review process.

Commenting on the progress on the review process, the Chief of Staff of Office of the presidency proposed to make more efforts on the awareness and to educate the people on the importance and meaning of the constitution which he pledged that Villa Somalia would provide any support to the Ministry to finalize the constitution review process.

Civic Education Consultative Workshops on Constitution Review Process in Jubaland



Participants in Civic Education Consultative Workshop on Constitution Review Kismayo, 11 June 2019 (Photo: MoCA)

From 11-13 and 15-17 June, in Kismayo, the project supported Ministry of Constitution and Federal Affairs, Jubaland to organize two civic education consultative workshops on the constitution

review process. The workshops attended by a range of community groups representatives includes; Kismayo District Women Association, Disability Advocacy Groups, Youth Advocacy organization,

Council of Jubaland State of Somalia (JSS), traditional elders and representatives from various government institutions, Members of Constitutional and Legal Affairs Committee, Jubaland State Assembly, other JSS based civil society organizations and intellectuals.

Consultative meetings served as a platform where the public had the opportunity to understand and debate on the issues revolving around the ongoing constitutional review process.

Participants also appreciated the important role that Somali people are playing in the ongoing national discussions on the finalization of the review process of the constitution.

Training of Trainers (ToT) on Civic Education and Public Outreach in Jubaland



A group photo of participants attended TOT on Civic Education and Public Outreach. Kismayo, 30 June 2019 (Photo credit: MoCA)

The Ministry of Constitutional Affairs, with the support of UNDP Constitution Review Support Project, conducted a Training of Trainers (ToT) on Civic Education and Public Outreach from 27 to 30 May in Kismayo. The training aimed at building the capacity of the civil society organizations and government officials of Jubaland region

and train civic educators to carry out wide-ranging civic education and public outreach activities for the constitutional review process.

The training attended by more than 75 participants (M:40 W:35) from Jubaland Civil Society Organizations (CSOs) as well as civil servants from Jubaland ministries.

As a result of the training, it is expected that trained civic educators will be able to carry out civic education campaigns to inform Somali people about the constitutional review process.

OC presented a progress report on CRP to the Federal Parliament

On 17 April 2019, the Parliamentary Constitutional Oversight Committee (OC) presented the quarterly report on the constitutional review process to the Upper House of Somali Federal Parliament. The OC also presented to the House of the People (HoP) a constitutional review process report during the first session the House, the report is about the achievements, challenges, and way forward. The report presented is on technical review of chapters from 1 to 9 of the provisional constitution.

UNDP Resident Representative meets Federal Minister of Constitutional Affairs



UNDP Resident Representative with Minister of Constitutional Affairs Mogadishu, 30 June 2019 (Photo: UNDP/Somalia)

On 30 June 2019, UNDP Resident Representative Jocelyn Mason held a meeting with Minister of Constitutional Affairs. The purpose of the meeting was to reiterate UNDP commitment to support the constitutional review, as critical process in state-building in Somalia and seek the Minister's view on priorities, challenges and required support from the UNDP.

During the meeting, UNDP acknowledged and appreciated the excellent work done

by the key role players on the progress made on the constitution review process, as it is one of the key milestones agreed in the political roadmap between Somalia Federal Government and its international partners.

The meeting emphasized that the importance of the timeline that is agreed by all key role players to finalize the constitution review process by the end of this year 2019, as set by the Federal

Government of Somalia under its political roadmap. In achieving this goal, UNDP is committed to providing technical advisory and institutional support to the constitutional bodies to effectively contribute to the review process.

It was discussed that the year 2019 is a critical year remark that outstanding political issues include a system of governance, intergovernmental relations, allocation of powers, resources sharing, the status of Mogadishu and the judicial model.

It was highlighted the importance of inclusivity in the review process and would encourage that various sections of the public including civil society, women, youth, minority groups, and disabled persons would be engaged and consulted with on the constitution review before it is adopted by the parliament.

The finalization of review of the constitution is essential for enacting legislation for holding elections of one-person-one-vote in the country 2020/2021, therefore, advised to consider about constitution aspects of the law before it is adoption by the parliament.

Highlights of the Activities



On 21 July, UNSOM/UNDP in a meeting with MoCA discussed the support for upcoming CRP activities includes; cabinet retreat the contentious issues, public consultations, and MoCA forum



On 7 April, consultation conference on CRP attended by mandated institutions MoCA-FGS, MoCA-FMS, OC, ICRC and regional assemblies in Kismayo



On 8 April, MoCA-FGS and MoCA-FMS in the 6th MoCA Forum discussing constitutional issues including 10 reviewed chapters of Constitution



On 20 April, the players in the constitutional review process MoCA, OC & ICRC discussing how to proceed the collaboration and accelerate the work on CRP to meet the deadline of finalizing the constitution



On 30 June 2019, the new UN SRSG to Somalia James Swan meeting with the Minister of Constitutional Affairs Salah Ahmed Jama on the constitutional review process



Representatives from the Federal Parliamentary Oversight Committee, ICRC and FMS committees on Constitution attending the Fourth OC Forum, Garowe, 26 August 2019 (Photo: OC/Somalia)

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