

NEWS LETTER

May 13-15, 2018

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

Special Edition

National Constitutional Convention



On 13 - 15 May the key players in Constitutional Review Process, Ministry of Constitutional Affairs, the Parliamentary Joint Oversight Committee and the Independent Constitutional Review and Implementation Commission managed to convene the National Constitutional Convention (NCC), a historic three-day gathering that took place in Mogadishu and brought together over 350 representatives from federal government, federal member states,

civil society, partners, youth and Somali diaspora with support from the UN and Norway. First in its kind since the adoption of the Federal Provisional Constitution in 2012, the NCC provided an opportunity to deepen and broaden ownership of the review process, to build consensus around strategies and timelines and to kick-off a national dialogue on outstanding constitutional priorities that need to be addressed before the end of 2019, to enable progress in other interlinked peace- and

state-building processes, such as universal elections and the implementation of the security transition plan. Participants at the convention discussed the next steps of the review process and examined issues such as the sharing of powers and resources between the federal government and the Federal Member States. The three-day national convention is the beginning of a process to give Somalia a new constitution to replace the 2012 Provisional Constitution which was agreed upon by 825 delegates at the National Constituent Assembly.



“There was a need to finalize the constitutional process to unify the country, promote economic growth and above all deliver a new document for prosperity”

Prime Minister Hassan Ali Khaire, who led the nation in launching the process, pledged financial and political support to the process to ensure the country gets a new Constitution by the end of next year.

Mr. Khaire said there was need to finalize the constitutional process to unify the country, promote economic growth and above all deliver a new document for prosperity.

“I hereby confirm that my government has pledged \$3million for the constitution process to be finalized. However, this pledge should produce a Somalia-owned document, Somali

thinking, Somali economy, Somali advice and new Somali unity that rebuilds the Somali nation we lost,” Prime Minister added.

Somalia is currently governed by a Provisional Constitution, adopted on August 1, 2012, after years of conflict. The federal and state governments plan to have a new document ready ahead of the one-person one-vote elections scheduled for 2020.

Mr. Khaire said Somalia needs a new Constitution to accomplish the movement towards one-person one-vote to give the population an opportunity to pick leaders of their choice.



UNDP acknowledges the contribution from Norway for the Constitution Review Support Project initiative

Remarks by Speaker of the Upper House of Parliament, Abdi Hashi Abdullahi



“Federal Constitution should clearly define the essential elements that are pillars of rebuilding the country and implementing the federal system of government. An inclusive constitution should be the foundation of rebuilding the government of Somalia”

Remarks by Speaker of House of People Mohamed Mursal



“We are determined to put to an end the review and finalize Somalia’s constitution by the end of 2018, in a message delivered on behalf President Farmajo by the Speaker of the House of the People, Mohamed Mursal Abdirahman”

Remarks by the UN Secretary General’s Special Representative for Somalia Mr. Michael Keating



“ National Constitutional Convention, a milestone marked by strong commitment to an inclusive constitutional review process with clear and ambitious targets. This augurs well for strengthening the rule of law, stability and advancing reconciliation”

Remarks by Deputy Ambassador, Norway



“This is historic movement that the Somalia government wants to finalize the constitution and I am delighted to participate at the National Constitutional Convention. Norway is proud to support this important event for Somalia and its people”

Remarks by Minister of Constitution Affairs (MoCA)



“The agreement which we signed at the Office of the Prime Minister last November made us become one united group without any division. Through the tripartite agreement, the Constitution Review Commission is determined to give the people of Somalia a new document as soon as possible so that the next election in 2020 are held under a new political dispensation”

Remarks by Chairman ICRIC, Abdi Qaybdiid



“There is no stolen constitution, we have one constitution and that is the one the speaker of the parliament Mohamed Mursal have. ICRIC is a constitutional mandated body and committed to play its crucial role in the national efforts to create an environment for effective people participation in the review process”

Remarks by Francisco Madeira, head of African Union Mission in Somalia (AMISON)



“As we implement the transition plan and handover more security responsibilities to the Somalis, this consultation and the subsequent voicing of your opinions on how you, the Somalis, wish to be governed, is the beginning of Somalia taking charge of its responsibilities”

Remarks by Deputy Speaker SWS



“South West State (SWS) Parliament commits to take part in the constitutional review process

Session Breakout and Group Work

On the second day of the Convention participants were divided into six groups with different topics to discuss issues and solutions associated with the review process.



Group 1: Guiding Constitutional Review Principles



Group 2: Approach to the political settlement (i.e. Contentious issues) in the review of the Constitution



Group 3: Approach to the public outreach (i.e. Civic education and consultation and promoting inclusivity).



Group 4: Promoting structural arrangement and efficiency



Group 5: Suitable federal model in Somalia



Group 6: Potential challenges during and after the Constitutional Review process and the way forward

Views, Reflections, and Comments of the Participants in National Constitutional Convention



A women's right activist, Zahra Mohamed Ahmed, pleaded with the team reviewing the constitution to ensure the 30 percent quota for women was protected and the rights of the people with disabilities



Participation of youth in National Convention is to ensure the inclusiveness of a process that is owned by all Somali people



"I was one when the assembly adopted the provincial constitution in 2012 and today I am proud to participate this conference representing the Diaspora. The constitution is national issue and everyone should participate" Professor Hussein Calgary



Women's voices well represented at the national constitutional convention and MC Sahra Daantush is doing tireless job managing a packed program. Much respect to them all for ensuring women's interests and rights are addressed



Special songs on National Constitutional Convention



Speaker of regional govern of Puntland Ahmed Ali Hashi on the stage giving a message of commitment on behalf of Puntland government. I appreciate MoCA Somalia for their efforts to bringing all regional admin on board, this is a national issue that needs a wider participation

Views, Reflections, and Comments of the Participants in National Constitutional Convention



"Somali men leaders should acknowledge and respect the power of the women in peace and governance, and the constitution should incorporate the women's quota for political representation"
Yasmin Alas representing Diaspora Women



Commissioner Mohamed Abdalla from ICRC reads the declaration of the National Constitutional Convention



"The important articles in the constitution must give the most priority during the constitutional review process"
Ugaas Bashir representing the elder



Women and Human Rights Affairs Minister, in her speech at the National Constitutional convention suggested that the constitution to be added the women quota for political representation



Abdirahman representing disabilities says "if the people with disabilities want their constitutional rights are well captured they need to participate in the review process and add articles in the constitution that protect the rights of 20 percent disable population"



Feysal from PUNSAA is on stage, he speaks on behalf of civil society organizations (CSO)



The Declaration of the Convention

The National Convention on the Launch of the Constitutional Review was attended by various parties representing the Parliament of the Federal Republic of Somalia, the Government of the Federal Republic of Somalia, the Judiciary, the National Independent Electoral Commission, the Boundaries and Federation Commission, the Federal Member States of Somalia, Banadir Regional Administration, Youth [groups], Women, Civil Society Organizations, Professional Associations, Religious Scholars, Somali Diaspora, People with Special Needs, Traditional Elders and members of the International Community as they met at the Royal Palace Hotel in Mogadishu, Somalia on 13th 15th May 2018.

- ◆ Being cognizant of the importance to find a solution to the existing problems in our country;
- ◆ Sincerely agreeing upon the final timeline for the completion of Constitution in a way that is free from individual and group interests;
- ◆ The Convention being committed to achieve Constitution-based stability and lasting peace;
- ◆ Considering the aspiration and impression of all our people;
- ◆ Commending the positive impression and the integrity among the participants of this meeting as that has led to unanimity;
- ◆ Believing that the good faith which led to the previously reached agreements could be the basis for realizing further agreements during the process of the Constitutional Review Process.

The Convention focused on the discourse regarding the below mentioned issues:

1. The general guiding principles of the review of the Constitution.
2. The procedures for a political agreement relating to the review of the Constitution.
3. The procedures for the Civic Education, Awareness-raising, Public Consultations and the promotion of inclusive participation.
4. Development of effective and joint structures.
5. The kind of federalism appropriate for Somalia.
6. Potential challenges during the Constitutional Review Process and the way forward.

Commending the considerate leadership of the Ministry of Constitution Affairs, the Oversight Committee and the Independent Review and Implementation Commission; are committed to focus on the following priority issues:

a) During the 2018 Time Period:

- I. Rectifying all constitutional technical errors;
- II. The Articles in the Provisional Constitution that need to be reviewed, in form of amendment, addition and omission;
- III. An agreement must be reached between the Federal Government and the Federal Member States on the Articles that require a political negotiation;
- IV. The agreements reached by the Federal Government and the Federal Member States shall be transformed to Constitutional articles; and

- b) **During the Parliamentary Sessions of 2019**, all Chapters of the Provisional Constitution including the articles that require political negotiations must be adopted.

The National Convention calls for the following principles to serve as the basis for the Review of the Constitution:

1. **Ownership of the Constitution:** The Constitutional Review Process must be Somali-owned and Somali-led.
2. **Timeline:** The Constitutional Review Process must be finalized latest by December 2019.
3. **Way forward:** The Process shall be built upon the reports prepared by the 9th Parliament, and the three options.
4. **Inclusivity:** It is necessary for the Constitutional Review Process to be participated by all stakeholders at Federal, State, Banadir Region and Civil Society levels.
5. **Transparency and Accountability:** The Constitutional Review Process must be one which is based transparency and accountability.

Therefore, and after all these, we have agreed:

- ◆ To be careful about delays to the Review of the Constitution;
- ◆ That the Review of the Constitution to be Somali-owned and Somali-led.
- ◆ That the finalization of the Constitution must not be dominated by only a limited number of politicians, but instead, it shall be widely participated by all Somalis.

Commendation:

The National Constitutional Convention would like to express profound thanks to all the participants and would also like to particularly commend the international community's support. Finally, all participants of the National Constitutional Convention confirmed their commitment and collective participation in the Constitutional Review Process in order to achieve a finalized, inclusive and agreed Constitution



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