



Somalia South Central Non State Actors (SOSCENSA)

Thematic Working Group Team: Peace Building and State Building

Provisional Constitution Review Process

Venue: Qiilmawaye Golden Beach Hotel

Kismayo, Somalia

10/December 2014

Federalism, Powers of the President vs. Prime Minister, Country Resources, Nationality, Mogadishu (Being the Capital City) and the definition of Judiciary agencies.



The meeting started at 9:00 am, Wednesday morning, 10th December 2014. It was held at Qiilmawaye Golden Beach Hotel, Kismayo, Somalia. Deputy District Commissioner from IJA administration opened it and presented in his opening statement the importance of this discussion and urged the participants to really think about their contributions.

Abdullahi Sheik Adam and Liban Bile Hirey from SOSSENSA gave a general explanation of the questions to be discussed and directed the participants the best way to share opinions without offending anyone. They also explained what SOSSENSA stands for and the reasons behind this survey.

The discussion

Before discussion groups were created, participants were allowed to individually state their opinions towards the questions to be discussed. They showed their different impressions on the kind of federal system Somalia needs, the powers of the state administrations and the federal, whether to opt a presidential or parliamentary system; how resources would be allocated among the states and the fed; who would be a Somali national, Mogadishu being the capital city and what the judiciary agencies of the state are and for.

Among the opinions shared by the participants are the following:

- We need our federal system to be like the US.
- We need it as Ethiopia
- We need it as it is right now
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- Regional States should have their autonomy
- States should elect their leaders
- The federal authority should give the state authorities a space
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- We need a powerful Prime Minister (most of the participants indicated this)
- We don't need president – vice president administration
- We want a powerful president and PM that rules the cabinet
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- All resources should be shared among the states and the fed
- 60% of resources would be allocated for the state that owns and 40% to the fed.
- Natural resources such as mining, oil would be administered by the fed.
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- A Somali national would only be recognized as one whose father and mother are Somali
- Whoever is born in Somalia can be a Somali national
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- Mogadishu should not be the Somali capital city any more
- The capital city should be rotating
- Mogadishu will be the capital city forever
.....
- The judiciary agencies of the state should have the supreme authority
- This agency should have the power to silence whoever it sees as a threat to the state, even the president

Subsequently, participants were divided into 3 groups. Each group was assigned to discuss number of questions and generate as much thoughts as they could. Later, groups wrote their opinions on a flip chart and presented in front of the other groups. During presentation questions were asked to the group presenting and responses shared.

Here is the summary of what groups wrote. Groups showed consensus on some questions and opinions but disagreed some disagreed some others.

Group (I)

[Questions: Federalism, Powers of the President vs. Prime Minister]

The group reached consensus on the questions above.

1. They said the best federal system for Somalia is the current one. The one evidenced in the current constitution.
2. They preferred a parliamentary system for Somalia. They said “we need a ceremonial president and a powerful prime minister”

Group (II)

[Questions: Nationality, Resources, Powers of the State Administrations vs. the Fed]

1. Nationality?

The group was not able to reach consensus on the matter of who should be a Somali national. They showed two different opinions:

- a. A Somali national would only be recognized as one whose father and mother are Somali
- b. Whoever is born in Somalia can be a Somali national

2. Resources

Same as above, the group disagreed to come up with a consensus on the matter of resources.

- a. In spite of whoever extracts those resources, they should be allocated between the state and the fed by 60-40 respectively
- b. 20% to fed and 80% to states (another opinion)

3. Powers of state vs. the fed

This time, the group unanimously agreed on the matter of state vs. federal authorities in terms of administration.

- a. Regional states should have some sort of autonomy from the federal. Autonomy such as electing their own leaders, administering their revenues (taxes) and improving the welfare of their societies. Natural resources such as the extraction of oil and minerals should be handled by federal and allocated as indicated above in the resources section.

Group (III)

[Mogadishu (being the capital city), and the Judiciary (the Constitutional Court)]

The group showed consensus on the question concerning whether Mogadishu should be the capital city of Somalia. They said “Mogadishu will remain the capital city of Somalia and its boundaries will remain as marked before by former administrations”

The question concerning the definition of the judiciary and/or the Supreme Court has also been attempted by the group:

“The judiciary should have the highest authority of the federal state. The Supreme Court and the constitutional court should have authority over and above other government agencies or officials such as the president or the speaker of the parliament”