

Contradictions and Ambiguities in the Constitutions of Somalia: A Preliminary Survey of the Federal and Member States' Constitutions

 Mahad Adam Botan

Abstract

This is a comparative study on the federal provisional constitution of Somalia along with the constitutions of the Somalia member states namely Puntland, Galmudug, Jubaland, South-West State, and Hirshabelle, to determine the degree of divergence and contradictions in these constitutions. It has shown that there are significant contradictions and ambiguities in these constitutions which are potential issues for political crisis and disputes at the federal and state levels governments.

This paper recommends the necessity of harmonizing between the constitutions of federal and member state levels to attain complete constitutional framework which is necessary for political and institutional stability.

Keywords: Somali constitution, Somalia federalism, federal system.

1. Introduction

Constitution is a written document which defines the relationship between government units and protects basic rights for the citizens in a given nation, and it is considered as a social contract. Hence, it is a supreme law with binding articles which regulates the power of the government branches; it is an umbrella that hosts the laws of the country¹. The constitution is the authority permitting legislatures to enact statutes, generate regulations and other mediated laws to implement the constitutional agenda. Usually, the structure and type of a constitution is dictated by the kind of government a country wants to have. If a country has a unitary form of government it will have a different constitution than the one with the federal system².

In a federal system constitution, member states have powers, obligations and responsibilities whereas the federal government has rights, powers, obligations and responsibilities dictated by the federal constitution³.

The constitution is one of the tools to achieve political and societal stability; it frames the kind of government that satisfies the people. Hence, introduction of a constitution appropriate to the political, societal and cultural circumstance is inevitable. For instance, in South Africa, in 1993, the political parties negotiated to come up with an interim constitution and then finally adopted a permanent constitution; also, a constitutional court was established to overcome difficulties throughout the process⁴. Similarly, in Sudan in 2005, preliminary peace accord between the Government of the Sudan and the Sudan People's Liberation Movement led to the creation of an interim constitution which ended the prolonged conflict⁵. In East African states, Ethiopia is one of the recent emerged ethnic federal states. After a long civil war, the military regime was ousted and a transitional charter drafted in 1991, and latter national constitution was adopted in 1995⁶.

Somalia is a country emerging from a long-running civil war. Constitutionally, it is defined as a federal state; it consists of following member states: Puntland State of Somalia, Galmudug State of Somalia, Jubaland State of Somalia, Hirshabelle State of Somalia, South-West State of Somalia and Benaadir Region, in addition to Somaliland of special case. About Somaliland, there are differences in political positions between the Federal Government of Somalia and Somaliland. Somaliland declared its independence unilaterally from the rest of the country in 18th May 1991⁷. Although Somaliland is a de facto state but has not received the recognition of the world or that of the Somali federal government. Therefore, this study does not address the case of Somaliland and Banaadir Region for their dissimilar situations.

The purpose of this study is to examine the contradictions and ambiguities in the constitutions of Somalia. It explores the harmony between the federal constitution and the constitutions of the member states, as well as the clarity of the federal constitution and the harmony between its articles and provisions. Micro comparison is the method to be employed for this desk review.

2. Somalia is a Federal Republic

Federal countries across the globe use a variety of federal systems. Take the case of the government of India; the use of the word union has made the federation strong where no state has the right to withdraw from the federation⁸. It has a federal system with strong central government where states are subordinates to the union government, and this has enabled it to avoid national states disintegration. On the contrary, In USA, in order for their federation to be indestructible and from confederation to the federal system, it took them into civil war with the intention of dissuading states from cession from the federation. Note that there are both administrative and political differences between the type of federation in India and that

in USA. In the USA, the states are original whereas the federal government works to coordinate and unify the efforts of the states which have the complete sovereignty to safeguard its citizens and territories without the intervention of the federal unit.

The type of federalism for Somalia is described in Article 1 of the provisional Federal Constitution drafted in 2012. According to this article, section one states that “Somalia is a federal, sovereign, and democratic republic founded on inclusive representation of the people, a multiparty system and social justice”; section two states “After Allah the Almighty, all power is vested in the people and can only be exercised in accordance with the Constitution and the law and through the relevant institutions. It is prohibited for a person or a section of the public to claim the sovereignty of the Federal Republic of Somalia, or to use it for their personal interest”, and section three states that “The sovereignty and unity of the Federal Republic of Somalia is inviolable”.

3. The Evolution of Constitutions of Somalia

Coinciding with independence, Somalia drafted a new constitution in 1960 and ratified by a popular referendum in June 1961. Later in 1979, the revolutionary government drafted a new constitution and ratified it in August 1979 with popular referendum. After the collapse of the central government in 1991, two charters were adopted during the reconciliation process, the Transitional National Charter in 2000 in Djibouti and the Transitional Federal Charter in 2004 in Kenya. Lastly, in 2012, the provisional Federal constitution was introduced where federal system is proposed and today it is the official national constitution for Somalia.

Federal system of Somalia consists of several member states, some of them were founded before the adoption of the provisional federal constitution. Article 142 gives the states legitimacy and the right to

override federal constitution during its transition to the completion (for details please see article 142 of the provisional federal constitution of Somalia).

The tentative draft of the federal constitution of Somalia was delivered in early 2012 and put into consultative process where 825 national constituent assembly gathered from all clans of Somalia; and later adopted the current provisional constitution of Somalia in August 2012⁹. In Puntland, a provisional Charter was drafted in 1998, same year of the creation of the state. Then a transitional constitution was adopted by the House of Representatives of Puntland in June 2001. The current constitution was revised in 2009 and adopted in April 2012 and later it was approved by a general assembly (elders gathered from the constituent regions and districts in Puntland state territory)¹⁰. Conversely, Galmudug State of Somalia constitution was approved in July 2015¹¹, South-West State of Somalia constitution was officially approved in November 2014¹², Jubaland State of Somalia constitution was adopted in August 2015¹³, and the constitution of Hirshabelle State of Somalia was approved in October 2016¹⁴.

As mentioned before, article 1 of the Somali Provisional Federal Constitution denotes that Somalia is a federal state, with sovereignty, a democratic government and with public representations in bicameral parliamentarians. At the same time, article 54 of the Constitution elaborates that the power sharing, politics and economy is subject to negotiation among the federal government and member states except foreign affairs, national defense, immigration and neutralization, and monetary policy management which falls within the federal jurisdiction. Contrarily, federal member states, in their constitutions, extend to have power to manage their foreign affairs, state defense, immigration and monetary policies¹⁵.

Overall, every nation across the globe has the doctrine of constitutional supremacy where the basic requirement for every law from anywhere is to confirm and satisfy the articles postulated in the constitution¹⁶. The supremacy of the Somali Federal Provisional Constitution is undermined by the political chaos between the federal organs and the member states and between the member states themselves. See article 4 of the Provisional Constitution clearly communicating the supremacy clause as shown in the below terms:

(1) “Besides the Islamic Sharia, the federal constitution of Somalia is the highest law of the country, the government will comply with it, and it will direct the initiatives and political decisions with all parts of the government”.

(2) “Every law or every management action against the constitution, a constitutional court has the power to repeal such law or management action in accordance with the constitution”.

In federal systems, states are crucial organs and without generic unanimity among states and federal subjects may lead to political chaos¹⁷. That is what is happening here in Somalia where the member states resisted the weak federal government of Somalia in such a way the mandatory obligations have not been achieved yet.

4. Contradictions and Ambiguities Between the Two Levels of Constitutions

In a federal system, member states are members of a federal government which governs the entire nation and the basic concept is that efforts of all states are unified by the federal unit to respond to the need for solidarity, defense, public well-being and economic sustainability.

The constitutions of member states of Federal Republic of Somalia, each one of them, acknowledges that the concerned state is part of Somalia and committed to the unity of the country, at the same time some articles of those constitutions are opposing or conflicting with the Provisional Constitution of the Federal Republic of Somalia.

The contradictions and ambiguities within the two levels of the constitutions indicate in one way or another that power sharing is misled and confused, additionally it leads to real political crisis from time to time. These contradictions within the two levels of the constitutions are discussed in detail in the sections below.

4.1 Puntland State and Federal Constitutions

Puntland State of Somalia was founded in 1998 and its constitution was adopted in June 2001 before the 2004 Transitional Federal Charter was drafted, later draft revisions began in early 2007 and continued until June 2009 which was ratified by 478 delegates in April 2012¹⁸. In Puntland state constitution, there are some articles which conflict with the federal provisional constitution of Somalia. In the paragraphs below some of these articles will be elaborated.

In the field of foreign relations, article 80/8,9 of Puntland state constitution gives the state president a political right to the ratification of treaties with international partners¹⁹. This is ultra vires and works against the federal provisional constitution of Somalia. It intervenes into one of the major federal government responsibilities and powers as mentioned in article 54 of the provisional constitution of Somalia²⁰.

In the education system of the state, according to article 32/6 of Puntland state constitution denotes that “It is the responsibility of the government to set and supervise a common syllabus at the primary and secondary

levels of education”²¹ while article 30/6 of the Provisional Federal Constitution indicates that the federal government of Somalia is relied on to extend standardized education across the nation. In Puntland constitution, there is no any article connoting linkage of its education system to the federal education system.

In the citizenship, article 39 of Puntland constitution describes Puntland citizenship portfolio and consists of different laws in acquiring and losing Puntland citizenship. It dictates specific citizenship rules and regulations in an independent way violating the Federal citizenship law ²² . Conversely, article 8/2 of the provisional federal constitution of Somalia pinpoints that only one Somali citizenship exists obliging the federal parliament to enact special law governing the acquiring, suspension and losing this citizenship.

On the supremacy of the constitution, article 2 of Puntland constitution describes that the state constitution is the supreme law above all other laws and all government organs must adhere to it. This gives the impression that Puntland is equivalent in sovereignty and independence to the federal government of Somalia. One thing shouldn't be mixed with the need for each level of a constitution to become supreme in its sphere. It goes without saying that federalism involves two levels of autonomous government levels where the sovereignty is divided between them.

In-depth, see article 120 of the federal provisional constitution which orders that member states have constitutional rights to create and manage their own legislative and executive branches but the management of the judiciary branch falls within the competence of the federal government of Somalia. On the contrary, article 89 of Puntland state of Somalia constitution describes that the state government composes of three main branches including the legislative, executive and judiciary branches. Note that in article 108 of the provisional federal constitution of Somalia, the

court structure at the national level is well defined giving legitimacy to member state court structure similar to the federal government courts structure but with less superiority. At the federal level, the constitutional court is left to stand alone to manage and handle matters relating to the constitutional issues from all government levels.

Noteworthy, inferring from the above points, Puntland constitution seems at it is formulated for an independent nation. Contrariwise, it declares in article 4/1 “Puntland State is part of Somalia; its duty is to contribute to the establishment and protection of a Somali government based on a federal system”. Therefore, Puntland constitution also contains self-contradictory and disruptive articles in which formal coordination is inevitably required.

Article 142/1 of the provisional constitution of Somalia empowers all states including Puntland state of Somalia to remain functional even if it is against the provisional constitution of Somalia.

4.2 Galmudug State of Somalia and Federal Constitutions

Galmudug state of Somalia is one of the states established by the federal government of Somalia during Hassan Sheikh Mohamuud’s presidential term. It is the ultimate outcome of several attempts, and finally formed in 2015, its constitution was adopted in 28 July 2015²³. Harmonization of Galmudug state of Somalia constitution with the provisional federal constitution seems to be oriented since Galmudug state constitution adoption occurred after the provisional federal constitution was ratified. For sure, Galmudug state of Somalia is part of the federal government of Somalia, see article 1 of Galmudug state of Somalia constitution. It is one of the main principles of the state that it is a member state; unlike Puntland state constitution, article 6 of Galmudug state constitution

bestow supremacy in conformity with the provisional federal constitution of Somalia.

Article 120 of the federal provisional constitution directs that member states have constitutional rights to create and manage their own legislative and executive branches and in precedent in article 108 national court structure is composed of federal and state levels with more superiority vested to the federal court structure. In contrast, articles 64-66 of Galmudug state constitution describes that the state government deals with the foundation of its judiciary system in the absence of a law regulating the interaction of the member state courts with the federal government courts.

In the acceptance of this typology of government style, then the federal system of Somalia is a dual rather than integrated federalism where the federal legislature shall have the power to be involved in the creation of the state administration and judiciary systems. The provisional constitution of Somalia has explicitly separated competencies between federal governments and member state governments as shown in article 48. Hence the existing structure of the state shall contain different categories of powers composed of the federal government powers, member states government powers, shared powers and residual powers. Getting down, for real the power is constitutionally apart but the main issues arise from the existing refutations in the provisional constitution of Somalia (for details see section 4.6 below).

4.3 South-West State of Somalia and Federal Constitutions

South-West State of Somalia is an ultimate outcome of several initiatives and attempts. It was finally formed in 2014, and 370 delegates adopted its constitution in November 2014²⁴. According to article 35/1 of South-West state constitution, the state is authorized to supervise all international

treaties which the federal government of Somalia admits. Glancing at article 54 of the federal provisional constitution of Somalia; it is clear that the federal government of Somalia presumed that it is the only government organ assigned constitutionally to respond to the needs for international treaty organizations.

Treaty supervisory role is the sole responsibility of the house of the people from the federal parliament of Somalia. According to article 90/q, the federal president “signs international treaties proposed by the council of the ministers and approved by the house of the People of the federal parliament”. Therefore, it goes without saying that the actual supervision is vested into the federal house of the parliament and for sure the upper house is the real representation of the member state in the federal arena. Hence article 35/1 is conferring to the state powers beyond its constitutional mandate which is *ultra vires*.

Similar to Puntland state Constitution, South West state constitution confers its social contract complete supremacy without subordinating to the provisional federal constitution of Somalia and that is a breach of a constitutional article 4/1, *“After the Shariah, the constitution of the federal Republic of Somalia is the supreme law of the Country. It binds the government and guides policy initiatives and decision.”*

4.4 Jubaland State of Somalia and the Provisional Federal Constitution of Somalia

Jubaland was formed officially in 2013 and its revised constitution was adopted in August 1 2015²⁵. Unlike abrogated state charter, the revised provisional constitution of Jubaland state is standard and is actually linked to the provisional federal constitution of Somalia. But still there are certain divergencies if glanced at article 48/7 of Jubaland state constitution, the state council of Ministers is vested with legal

responsibility to present nominated judges of the state constitutional courts for approval to the state general assembly. This clause contradicts articles 109B and 109C of the federal Provisional Constitution of Somalia. The country shall possess only one constitutional court which is at the federal level and this court deals with matters relating to the interpretation of constitutions. Here there is a need to clearly state which constitution does the constitution court deal with and the answer is that the constitutional court handles all cases relating to constitutional matters whether the case is at the federal government level or at the state government level. More specifically, if a case is presented before any court anywhere in the court and that case concerns constitutional matters then that court must submit the case to the constitutional court²⁶.

Emphatically, article 108 of the provisional constitution of Somalia declares clearly the structure of the courts at both federal and state levels. For states, the highest court is the member state high court; there are appeal courts with the state level government and the courts of the first instance²⁷. The formation of the federal constitutional court is procedurally narrated in article 109B of the provisional constitution of Somalia. This article gives special direction and steps to be taken in the foundation of the constitutional court which is consisting of 5 judges and among them are the chief judge and his/her deputy. The judicial review committee has the role to make the proposal for the chief judge and then initial proposal is submitted to the house of the people and if the confidence vote is granted the federal president officially nominates that person to become the chief judge. Among the powers of the constitutional court is to handle cases relating to disputes between the federal subjects; cases arising from disputes between the federal organs and member states and/or cases concerning disputes within the member state governments²⁸. Therefore, only federal organ with constitutional legitimacy can handle disputes arising among the member state governments for the purpose of attaining impartiality and administrative justice.

4.5 Hirshabelle State of Somalia and the Federal Constitutions

Hirshabelle State of Somalia was formed in 2016; its constitution was approved in October 2016. Article 5/2 of Hirshabelle state of Somalia constitution declares that the legislative, executive plus judiciary are structured following the procedures and methods revealed in the state constitution. This is directly conflicting with article 120 of the federal provisional constitution of Somalia because this article highlights that the member states of Somalia are exempted from the organization of the judiciary sector structure in their constitutions. Article 59 of Hirshabelle state constitution gives details of the structure of the state judiciary sector making it the third jurisdictional integrity constitutionally covered; but this article doesn't follow the constitutional instructions given to the member states which is to administer only legislative and executive institutions in their constitutions leaving the judiciary sector to the federal government where the constitution directly vests to the federal parliament the power to create laws governing the integration between federal government level courts and member states level courts²⁹.

Then it must be clear that due to the sensitivity of the judiciary sector and the need to have unified judiciary scheme for the whole country the formulation of the structure must come from the top level and it is then taken to the lower levels such as states and then to the local government. Notoriously, if the two levels of government produce variety of court structure then the enforcement of the laws and the spread of the decentralization will show disorder and lack of uniformity.

Most of the political contentions have their initial roots in constitutional divergences created by the two levels of governments existing in Somalia. Globally, countries with the federal systems have unified and well-structured constitutions to avoid political disagreements. The people of Somalia are part of the constitutional review committees and without their

inputs and acceptance of the provisional constitution of Somalia it remains a draft constitution.

4.6 Contradictions and Ambiguities in the Federal Constitution

There are bulleted contradictions within the federal constitution and this include article 53/1, which connotes that the federal government of Somalia must negotiate with the federal member states on the various aspects of the international relations such as foreign aid, international agreements, and other vital international relations. This means that the federal government of Somalia must make this negotiation with the federal member states before providing final signature or approval for any international relations. On the contrary, article 54/A of the federal constitution of Somalia mandates that all foreign relations shall be solely administrated by the federal government of Somalia.

The international treaties administration falls under the federal government jurisdiction but as mentioned in the above paragraph and according to article 53 of Federal Constitution, the federal government of Somalia shall consult with member states on the international treaty management. Hence, the member states require supervising the international treaties in which the federal government of Somalia engages with external counterparts while the federal government of Somalia executes its constitutional mandate. Legally, there is the upper house which has the constitutional duties to supervise the performance of the federal organs on international treaties having that the upper house is the real political representation for the member states³⁰. From the other side, article 53/1 empowers the member states with all the rights and privilege to make contributions prior the approval of any international agreements; while article 54/A mandates the federal government complete jurisdiction to manage all foreign relations and interference of member states in foreign affairs management is illegitimate. Therefore, it can be inferred

from here that besides the contradictions between federal constitution and some articles of member states constitutions, the federal constitution show internal inconsistency as the above explanations prove.

In accordance with this federal provisional constitution, the national court structure is supposed to be dual structure whereas the judiciary system of the country is totally disintegrated (for details, please see article 108 of the provisional constitution of Somalia). Yet member states are exempted from establishing their judiciary system details into their state constitutions. Note that article 120 of the provisional federal constitution of Somalia envision the likely member states constitutional formulation, “The establishment of the legislative and executive bodies of government of the Federal Member States is a matter for the Constitutions of the Federal Member States.” This means member states have the constitutional right to organize only the legislative and executive organs of their states in state’s constitution. The envisaged judicial structure is unified court structure where the Supreme Court at the federal government level dictates to the rest of the courts in the lower government levels. At this end, the result will be to really deny the application of a true decentralization in good governance.

These differences in the constitutions of both government levels mentioned in the above pages show the need for constitutional harmonization. This is what the federal constitution confirms in article 121 which states that “Principally, the Constitution of the Federal Republic of Somalia and those of the Federal Member States shall be harmonized”.

5. Conclusion and Recommendations

Article 120 of the provisional federal constitution of Somalia has given basic procedure which the member states have the full right to lay down

by themselves their state constitutions enacting acts to form the legislative and executive branches within the state autonomy. On the other hand, article 121 of the constitution expresses the lawfulness and legitimacy of the member states constitutions integration into the federal provisional constitution of Somalia. Obviously each state has constitutional articles making its constitutions the supreme law above all which is directly breaching the supremacy of the Provisional Federal Constitution of Somalia. The main reason why states show constitutional priority over the federal unit is, among other reasons, that some constitutions were drafted and adopted before the manifestation of the federal constitution. Additionally, it can be good justification to mention these differences in the constitutions of both government levels indicating that the country is stepping into its first phase of federalism and leaving behind the unitary state systems. So, there are no surprises in these contradictions between the two levels of the constitutions.

Of course, the contradictions and ambiguities within the federal and state constitutions show the need for constitutional harmonization. In this regard, the federal constitution confirms the vitality of harmonizing constitutions in the two government levels³¹.

Article 133 of federal constitution, the Oversight Committee (OC) and the Independent Constitutional Review and Implementation Commission (ICRIC) are the constitutionally established committees taking constitutional roles to the process of revising the federal constitution of Somalia. Hence, the need to have review committees at the state level to cooperate with the federal commission is deemed crucial but it is not marked into this federal social contract. Therefore, there is the gap of constitutionally envisioned bodies to review state constitutions to connect to the federal committees mentioned in the above paragraphs. But fortunately, there is the constitutional articulation of the Inter-State Commission; this commission will be very useful body to accelerate the

possible joint cooperation between the two levels of the governments in Somalia³². Ideally, federal and member states constitutions are complementary documents which its coordination is compulsory to attain complete governmental constitutional law framework mechanism.

Obviously, a wider harmonization of the constitutions in both levels is a collective responsibility although constitutional review committees exercise the power of constitutional updates at the federal level in Somalia and from the other side states may have dedicated government organs to review their constitutions. Yet the need for coordination among the constitutional reviewing committees in both government levels is very vital and indispensable.

The finalization and updating of the constitution, the basic social contract, is an effective solution for a political unrest and to regain wide national accord. Somalia's federalism has come after prolonged conflicts through incomplete consultations; additionally Somaliland is outside of the whole process and does not recognize it. Hence, Somalia has long way to go to achieve political consensus and constitutional stability.

Notes

¹ Dr. J. N. Pandey and others p16-17 Katabaro, Jackson.
The Meaning and Functions of Constitution, p. 1

² Some examples of unitary states are Albania and Afghanistan where centralized governments are formed. Conversely, Australia, India and United States of America are good examples of countries where federalism is applied with unions of states.

³ Max Planck Foundation for International Peace and the Rule of Law,
Comparative Manual on Federalism in Somalia, p10.

⁴ Max Plank, Manuals on Constitution Building: Structures and Principles of a
Constitution, 2009, p8-9.

- ⁵ Max Planck Manual on the Structure and Principles of a Constitution, 2009, p.9.
- ⁶ Max Planck Manual *ibid*, p. 8.
- ⁷ From 2012, the two sides got political talks in London, Dubai, Ankara, Istanbul and Djibouti but none of these political dialogues resulted in a consensus to visualize the relations of the two parties. For more details refer to “The Somaliland-Somalia Talks in 2012-2015: A Critical Appraisal”, *Somali Studies: A Peer Reviewed Academic Journal for Somali Studies*, vol 4 (2019).
- ⁸ Dr. J. N. Pandey, *Constitutional Law of India*, 2004, p. 34
- ⁹ Library of Congress, (August, 2, 2012), <https://www.loc.gov/item/global-legal-monitor/2012-08-09/somalia-new-constitution-approved> accessed on 23 September 2021.
- ¹⁰ Library of Congress, (August, 2, 2012), <https://www.loc.gov/item/global-legal-monitor/2012-08-09/somalia-new-constitution-approved> accessed on 23 September 2021.
- ¹¹ Provisional Constitution of Galmudug state which is approved by the house of legislature, July 28 2015, p. 1.
- ¹² Garowe Online, (8th Nov 2014) <https://www.garoweonline.com/en/news/somalia/somalia-southwest-state-delegates-adopt-constitution-cherry-pick-capital-city>> accessed on 25/08/2021.
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- ¹⁵ For more details please refer to section 4 of this paper..
- ¹⁶ *Constitute*, (2008) <https://www.constituteproject.org> accessed on 12 May 2021.
- ¹⁷ *State Constitutions in the federal System*, Advisory Commission on Intergovernmental Relations, 1989. P 1.

- ¹⁸ Interpeace, (April 20 2012) <https://www.interpeace.org/2012/04/a-historic-moment-puntland-s-constitution-now-ratified/> accessed on 19/03/2022.
- ¹⁹ Puntland Constitution,(revised on June 2009) <http://www.ophrd.org/op/wp-content/uploads/2015/10/Puntland-Constitution-ENG.pdf> accessed on 19/03/2022.
- ²⁰ See article 54, provisional federal constitution of Somalia, p.16.
- ²¹ Puntland Constitution (revised 2009) <http://www.ophrd.org/op/wp-content/uploads/2015/10/Puntland-Constitution-ENG.pdf> accessed on 19/03/2022.
- ²² Dr. Mohamed Isse Hussein and others. Review of the Somali Provisional Constitution: Appraisal of Contentious Articles and Contested issues, SOSSENSA, Date: NA, pp. 29-30.
- ²³ Dr. Mohamed Isse Hussein and others, Review of the Somali Provisional Constitution: Appraisal of Contentious Articles and Contested issues, SOSSENSA. P. 31.
- ²⁴ Garowe Online (Nov 8 2014). <https://www.garoweonline.com/en/news/somalia/somalia-southwest-state-delegates-adopt-constitution-cherry-pick-capital-city>> accessed on 19/9/2021.
- ²⁵ Provisional Constitution of Jubaland (August 1, 2015).
- ²⁶ See article 109/1,2-provisional constitution of Somalia, 2012, p. 34
- ²⁷ See article 108/c, provisional constitution of Somalia,2012, p. 33-34
- ²⁸ See article 109C/d, provisional constitution of Somalia, 2012, p. 35
- ²⁹ Provisional federal constitution of Somalia, Article 109/3, The proceedings of the National Courts, p. 34
- ³⁰ The Roles and Functions of Somalia's Upper House, Somali Studies: A Peer Reviewed Academic Journal for Somali studies, Vol 4 (2019), p. 46
- ³¹ See article 121, provisional constitution of Somalia, p. 43
- ³² See article 111f, provisional constitution of Somalia, p. 39

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Published by Institute for Somali Studies

Hodan District, Near Km4 Square

Website: www.isos.so

Email: isos@mu.edu.so

Tel/Fax: +252 1 858118

Mogadishu, Somalia