



GUDDIGA MADAXABANNAAN
EE DIB-U-EEGISTA IYO HIRGALINTA DASTUURKA

اللجنة المستقلة لمراجعة وتنفيذ الدستور

Independent Constitutional Review
and Implementation Commission



YOUTH CONSULTATION REPORT:

Amendments to Chapters 5-9 of the
Provisional Constitution

10/08/2024

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CONSULTATIVE MEETING REPORT FOR YOUTH ON THE REVIEW OF CHAPTERS 5-9 OF THE PROVISIONAL CONSTITUTION

This report provides a summary of consultative meeting with youth that were conducted in Mogadishu on August 2024 to gather different opinions on the proposed amendments to chapters five through nine of the Provisional Federal Constitution. These consultations were organised jointly by the Independent Constitutional Review and Implementation Commission (ICRIC), Oversight Committee of the Parliament (OC) and Ministry of Justice and Constitutional Affairs (MoJCA) – the three institutions mandated for the constitutional review process. In total, 150 youth (*male: 108 and female: 42*) participated representatives from the Benadir region. We want to take this opportunity to thank the United Nations Development Programme (UNDP) for the invaluable financial support, which made these consultations possible.

The main purpose of organising consultation with youth was to solicit a wide range of opinions, and recommendations from diverse stakeholders on how to strengthen the constitution and enhance its relevance to the changing needs of the Somali people. During these consultations, the proposed amendments to Chapters five to nine were discussed thoroughly and participants debated prepared questions on these chapters regulating the following topics:

- Chapter Five on the distribution of governmental power in the Federal Republic of Somalia;
- Chapter Six on the Federal Parliament;
- Chapter Seven on the President of the Federal Republic of Somalia;

- Chapter Eight on the Executive branch; and
- Chapter Nine on the Judiciary.

This report describes the consultations, outlines discussions, recommendations, and main themes that emerged from the consultations. It provides a platform for understanding the diverse perspectives on the proposed amendments to the constitution and serves as a valuable resource for institutions mandated to review the constitution.

Introduction

The Independent Constitutional Review and Implementation Commission, along with the Constitutional Oversight Committee of the Parliament and the Ministry of Justice and Constitutional Affairs, held a consultative meeting with the youth of the Banadir region on August 10, 2024. The primary objective of the meeting was to engage the youth in the review of Chapters 5-9 of the Provisional Federal Constitution. These chapters address the distribution of governmental powers, the Federal Parliament, the President, the Executive branch, and the Judiciary. The meeting provided the Banadir youth with the opportunity to express their opinions on these chapters and participate in the constitutional review process. The meeting was attended by youth from various segments of Banadir society.

Opening Remarks



The Chairperson of the Independent Commission for the Review and Implementation of the Constitution, Avv. Burhan Adan Omar, began the consultative meeting by highlighting the previous contributions of the youth in the successful review and approval of the first four chapters of the Constitution. He emphasised the importance of their continued involvement in the ongoing review of the remaining chapters. Mr. Omar also assured the youth that this meeting was not their only opportunity to participate, as similar consultations would be conducted with youth from all Federal Member States. Furthermore, he went on to inform the participants that provisions have been made for youth who are unable to attend these meetings to submit their views electronically, ensuring that their voices are heard in the constitutional review process.



The Minister of Justice and Constitutional Affairs, Mr. Hassan Moallin Mohamud, also addressed the gathering, underlining the critical role of youth in the constitutional review. He emphasised that youth participation is essential in shaping their future, as they represent the backbone and strength of Somali society. The minister then officially opened the consultative meeting.

Presentation of the Issues Pertaining to Chapters 5 to 9



Mr. Osman Haji, a member of the Independent Commission for the Review and Implementation of the Constitution, provided an overview of the preparation and drafting process for Chapters 5-9, which were developed in alignment with the agreements reached by the National Consultative Council.

The areas covered by these chapters include, distribution of governmental powers between different levels of the government, the federal parliament, the president of the federal republic of Somalia, the executive branch and the judiciary.

Mr. Osman Haji explained to the participants that the Independent Commission initiated the process of amending these chapters after they were transferred from the Parliamentary Oversight Committee. He further detailed that the constitutionalising of the agreements made by the National Consultative Council was carried out in accordance with the procedures set forth in Articles 63 of the Constitution. These proposed amendments to be approved require both houses of Parliament to follow the process outlined in Chapter 15 of the Constitution when making constitutional amendments. The agreements impacting Chapters 5-9 include:

- The agreement on the distribution of governmental powers, reached in December 2022.
- The agreement on the federalization of the judiciary, reached in December 2022.

Presentation of Questions

The constitutional review bodies prepared 33 multiple-choice questions related to Chapters 5-9, which were presented to the participants. The youth were asked to choose the options they found satisfactory, and they were also given the opportunity to submit written feedback on any issues where they had differing views. Additionally, the participants were encouraged to discuss the questions verbally.

Presentation of Research on the Role of Youth in the Constitutional Review



During the meeting, a youth organisation named "Ogaal Legal Syndicate" was given the opportunity to present their research on the role of youth in the constitutional review process. The organisation emphasised the importance of youth involvement in the constitutional review and noted

that their research provided a foundation for increasing youth participation in this national effort. They also expressed gratitude to the Independent Commission for supporting their research initiatives.

Topics Discussed and Participants' Feedback



During the meeting, the structure of the government was a primary focus of discussion. Participants widely agreed that the government should be organised into three distinct levels: The Federal Government, the State Governments, and the Local Governments. The debate on the Federal Parliament concentrated on

the minimum age requirement for candidates seeking to be elected as the Speaker of each house. After a thorough discussion, most participants concurred that the minimum age

should be set at 35 years. Additionally, there was significant debate on the issue of dual citizenship, with the majority of participants expressing the view that candidates for the highest offices in the country should neither hold dual citizenship nor have a foreign spouse.

The role and responsibilities of the President of the Federal Republic of Somalia were also critically examined. The discussions touched on the President's duties, especially in circumstances where the President is out of the country. Participants further explored the President's leadership role, the implications of dual citizenship, the potential impact of having a foreign spouse, and the appropriate term of office for the President.



When discussing the Executive Branch, participants extensively considered whether the Prime Minister should be permitted to hold dual citizenship. The prevailing opinion was that the Prime Minister should not hold dual citizenship and should not be married to a foreign national. Furthermore, the conversation

delved into the structure of the Federal Government, including the inclusion of Deputy Prime Ministers, with most participants agreeing on the necessity of such roles.



The Judiciary was the final topic of discussion, where the focus was on the structure of the judicial system and the eligibility criteria for the Chief Justice and the President of the Constitutional Court. The participants suggested that the judiciary should adopt an integrated model to ensure effectiveness.



Feedback from participants highlighted various perspectives on the discussed topics. Some participants proposed a two-level government structure comprising the Federal and State Governments, while also suggesting that the Speaker of the Federal Parliament's joint sessions should be co-chaired by

the Speaker of the House of the People and the Speaker of the Upper House, with the minimum age for the Speaker being set at 40 years. Others emphasised the need for both houses of Parliament to have the authority to hold the government accountable and proposed that members of the Federal Parliament should not be eligible for other government positions.



The idea of a three-level government structure was also supported by participants who believed that individuals holding the highest offices should not have dual citizenship or a foreign spouse. There were also suggestions that the judiciary should be structured into two courts: The Supreme Court and the Constitutional

Court, and that the capital city should be considered an entity within a State Government. Finally, some participants recommended that the title for State Parliament members be changed to "State Representative" to better reflect their roles.

Conclusion



The consultative meeting with the youth of the Banadir region on the review of Chapters 5-9 of the Provisional Federal Constitution was a significant initiative aimed at ensuring that the voices of Somali youth are included in the constitutional review process. The discussions covered essential topics

such as the distribution of governmental powers, the structure of the Federal Parliament, the role of the President, the organization of the Executive branch, and the Judiciary.

Participants underscored the importance of youth involvement in shaping the future of Somalia, given their role as the backbone and strength of society. The meeting highlighted the necessity of increasing opportunities for youth participation in decision-making processes and ensuring that their views are respected and incorporated into the constitutional reforms. The active engagement of the youth in this consultative process is a testament to their commitment to contributing to the nation's governance and development.

The outcomes of this meeting will be carefully considered as the constitutional review progresses, ensuring that the perspectives of the Somali youth are reflected in the final Constitution. This engagement marks a critical step in promoting an inclusive approach to constitutional review, one that recognises the contributions of all segments of Somali society, particularly its youth.

Appendix

1. <https://www.facebook.com/sntvnews/videos/871932091526580/?mibextid=JKhxCcgn07XyEHyd>.
2. <https://www.facebook.com/OfficialSomaliCableTV/videos/1186376742632914/>
3. <https://www.facebook.com/ArlaadiMnetwork/videos/1031306795153769/?mibextid=JKhxCcgn07XyEHyd>.
4. <https://icric.gov.so/SHIRKA-LATASHIGA-D/>
5. <https://www.youtube.com/watch?v=PiCrks0s-rI>
6. https://www.youtube.com/watch?v=Ws_YTEhWhow

Annex

- 1) List of participants;
- 2) Consultation questions; and
- 3) Consultation answers.

Endorsement of the Report

(The report should be officially certified by the supervisor/focal person)

This Report is Endorsed by:

Name: Abdulkadir Mohamed Hassan

Title: Secretary General of Independent Constitutional Review and Implementation Commission

Date: August 10, 2024

Signature: _____



