



Puntland State of Somalia
Garowe

PRESS RELEASE

11 May 2012

Puntland Government Response to Draft Federal Constitution of Somalia

Puntland Government received a copy of the Draft Federal Constitution for Somalia on 30 April 2012, sent jointly by the Independent Federal Constitution Commission (IFCC) and the Committee of Experts (COE).

The Government appointed a six-member Review Committee consisting of Ministers and Parliamentarians to review the new Draft Federal Constitution.

The Committee's report concluded that the Draft Federal Constitution violates the fundamental principles of federalism. Furthermore, the Draft is both unrealistic and unsuitable for Somalia. The TFG executive branch shall bear the responsibility for being unable to present a reliable Draft Federal Constitution to Somali stakeholders in time (it has been 8 months since the Roadmap was signed by Somali stakeholders).

Puntland Government has played and continues to play an important and constructive role in advancing the Somali national peace and reconciliation process. Puntland has hosted two Somalia National Constitutional Conferences (Garowe I and II) and hosted Somali leaders in Galkayo for further discussions on the Roadmap and the constitutional process.

Currently, a delegation of Puntland traditional elders is in Mogadishu attending an Elders' Conference. However, it is regrettable to learn of the mismanagement and interference at the Somali Elders Conference by TFG officials.

Puntland Government noted, in numerous communications and public occasions, growing frustration with the process under which the Somali Federal Constitution was being carried out. For example:

- Letter to E.U. Special Envoy to Somalia and U.S. Ambassador to Kenya, dated November 13, 2010, whereby Puntland expressed its deep concerns about the TFG leadership's commitment to finalizing a Federal Constitution for Somalia;

- Letter to TFG leaders (copy SRSG), dated 26 September 2011, recommending Puntland nominees to join the Committee of Experts (COE), in accordance with the Roadmap, and this proposal was unanswered;
- Letter to TFG Prime Minister (copy SRSG) regarding addition of one Puntland nominee to the Committee of Experts (COE), dated 23 January 2012, which was also ignored;
- The Puntland President's speech at London Conference on 23 February 2012, calling for IFCC mandate to be terminated and the COE to be reformed, based on expertise, and calling for the COE to include constitutional experts from mature federal democracies.

Puntland Government warns this Draft Federal Constitution should not be presented to National Constituent Assembly (NCA) for adoption, unless major changes to the Draft are applied and agreed upon by Somali stakeholders, with the technical assistance of international partners.

Somalia needs a Federal Constitution that clearly defines the distribution of political power and resource between Federal and State institutions, in accordance with international federal standards, and defines competency in the delivery of public goods to citizens of Somalia, at Federal and State levels, as is defined in the Puntland State Constitution.

Moreover, this Draft Federal Constitution is seemingly designed for a country with a highly centralized system of government, and many articles of the Draft are confusing and contradictory.

Finally, Puntland Government believes that Somalia needs a well-tailored Federal Constitution that is suitable to political realities in the fragmented nation of Somalia, and which satisfies the people's aspirations for the restoration of an effective, efficient and accountable government in Somalia.

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