



Puntland Government of Somalia

The Puntland Government's Proposal on the Solutions to the Challenges Surrounding the State Building in Somalia

Garowe, June 15, 2023

Introduction

Puntland Government of Somalia acknowledges the positive trajectory progress that the Somalia Statebuilding process has fruited since the Federal mechanism was accorded in Mbagathi, Kenya in 2004, which Puntland has put remarkable investment to realize a peaceful, united and democratic Federal Government of Somalia. However, Puntland has had raised numerous of serious concerns over the periods regarding the lack of political will and systematic delays in reaching negotiated political settlements that would foster the completion of the provisional Federal Constitution.

The existential challenge is that Mogadishu has been failing to implement all the previous political and legal agreements between Puntland and the Federal Government because the FGS is always circumventing its constitutional mandates and curbs the roles of the FMS. It is also worth mentioning that the FGS had, on 27 May 2023, issued a non inclusive statement aiming to abolish the constitutional Government structure, which could risk both the Federal Government and the FMS to collapse.

Puntland Government believes that NCC is an adhoc, not a legally binding platform and not meant to settle the national contentious issues. The platform has failed to posit inclusive agenda of the statebuilding, and it has recently proposed unconstitutional and non inclusive initiatives. Therefore, Puntland Government has decided to bilaterally negotiate with the Federal Government of Somalia.

The National Contentious Factors

In addition to the fact that the general process of state building in Somalia has constantly grappling with political, security, financial and technical challenges, the following issues have become the integral challenges that Somalis have yet to achieve full resolution. Thus, the Puntland Government is providing herewith its perspective regarding the solutions to the following nation-wide challenges.

1. The Process of Reviewing and finalizing the Provisional Federal Constitution

The Puntland government based on the challenges surrounding the completion of the Provisional Constitution, posits the solution to the successful completion of the Provisional Constitution as follows:

- 1.1. The Federal Government and the Puntland Government should first agree on the provisions of the fate of the State Building, especially those contained in the following statements, and then harmonize the Federal and Puntland Constitutions as per to the Constitution of Puntland, article 4, paragraph 2, and then finalize the Federal Provisional Constitution with public referendum.

2. Delineation of Governmental Powers (Power sharing formula)

Puntland government believes that finding a solution to the devolution of political and administrative powers will lead to a lasting solution to the process of finalizing the Provisional Constitution, in order to achieve this, Puntland government is committed to negotiate separately with the FGS as soon as possible and agree on the process of sharing the powers at the federal government level and Puntland state level. Puntland government believes that the delimitation of government powers should be as follows:

- 2.1. The Federal Republic Government of Somalia must, through consultations, exercise the powers that are enshrined in Article 54 of the Provisional Federal Constitution. These powers are:

- a) Foreign Affairs
- b) Immigration and Naturalization
- c) Monetary Policy
- d) National Defense

- 2.1 The Government of Puntland believes that any other powers and jurisdictions of government, other than those of the Federal Government as stated above in letters a), b), c) and d) shall be under the exclusive constitutional jurisdictions of the Federal Member States to ensure that FMS have complete executive powers enabling them to provide public services for the communities. In regards to the PL and FGS Constitutions, the powers to provide public services such as health, education, water, internal security, judiciary and environmental protection services and foreign trade and investment should be fully under the Jurisdiction of Puntland.

- 2.2 In accordance to Article 4 of the Constitution of the Puntland Government and Article 142, Paragraph 1 of the Provisional Constitution of the Federal Government of Somalia, until the Federal Consitution is finalized with harmonization to the Constitution of the Puntland Government. The FGS and PL must consult regularly and reach consensus on the implementation of the four powers of the Federal Government as mentioned above.

3. Distribution of National Resources and International Development Aid

- 3.1. The Government of Puntland believes that each Member State within the Federal system has full rights over the production, management and utilization of the different types of natural and non-natural resources within its borders. According to the Federal Provisional Constitution Article 142, paragraph 1 and the to Article 54 of the Puntland Constitution, paragraphs 1, 2 & 3, Puntland Government has full rights to exploit its natural resources.
- 3.2. The Government of Puntland views that the Federal Government of Somalia and each Member State of the Federal Government should negotiate separately and should reach an agreement on allocation of resources.
- 3.3. For resources beyond the borders of one Federal Member State, the concerned Federal Member States shall negotiate a resource sharing mechanism. The Federal Government may have a monitoring role and ensure the implementation of the agreement between the parties.
- 3.4. In order to prevent abuse of powers and maximize the benefits of development projects, the Government of Puntland requires that donors from international community to directly engage, allocate and deliver grants for Puntland with the allocation based on the scope, land mass, delivery of the scale of public services, transparency of public institutions, capacity to implement projects and accessibility to the projects beneficiaries.

4. Administration of Revenue and National Fiscal policy

- 4.1. After the collapse of the Somali Central Government, each locality became responsible for the infrastructure and other public assets that belonged to the Central Government, and the Member States of the Federal Government were established to streamline the government processes. Therefore, the Government of Puntland believes that each Member State of the Federal Government is responsible for the development, management and utilization of economic infrastructures in its area such as ports, airports, roads, telecommunication, electricity as well as the responsibility and independence in the collection and management of the revenues from various income sources.

5. The issue of North West Regions of Somalia (Somaliland)

- a) Puntland Government underscores that the North West Regions of Somalia (Somaliland) has already full representation in the 4.5 power distribution in the Federal Government postings. Nonetheless, the Government of Puntland welcomes that the concerns of the people and the administration of the North West Regions be resolved through dialogue, to ensure the territorial integrity and unity of Somalia are preserved and to foster a fullfledged federal system throughout the Country.

- b) In accordance with Article 53, paragraph 2 of the Provisional Federal Constitution, the Puntland Government must be part of the Somaliland dialogue process.

6. Status of Capital City of Somalia

- 6.1 The Government of Puntland welcomes that, in order to complete the Provisional Constitution, a consensus agreement has to be reached on the status of capital City of the Federal Government of Somalia.

7. The Introduction and Implementation of Federal Government Regulations

- 7.1 Puntland government reiterates its decision not to recognize and implement the regulations that are prepared without consultation and passed by the Federal Government agencies until they are renegotiated and agreed upon.

8. Implementation of Democratic Elections

- 8.1 Elections at the Federal Member State level shall be in accordance with the Federal Provisional constitution Article 120 and as per the respective member states constitutions.
- 8.2 Puntland Government is responsible for the preparation, scheduling, implementation and monitoring of its elections and has the mandate to conduct of elections for the representatives joining to the Chambers of the Federal Parliament.
- 8.3 The implementation of elections at all levels of the country must be democratic and in the process of universal suffrage [1P1V], and the competing political parties must be the parties that emerge from the elections of the local councils of the Federal Member States.

9. Building National Security Forces

- 9.1 Despite the Federal SNA, Somalia has the Darawish and Police forces in all the Member States of the Federal Government, responsible for internal security and the fight against terrorism. Therefore, Puntland Government proposes:
- a) Reviewing the 2017 National Security Architecture Agreement
 - b) The formation, mandate, roles and responsibilities of the Somali Military Forces should be agreed through consensus and in respect to the scope and the scale of the need for the respective Member States
 - c) The military equipment/gear support from the international community must be distributed fairly
 - d) Puntland calls that the priority should be given to the establishment, training and equipping of the Darawish and police forces at FMS level.

10. Conflict in Laascaanood

Puntland Government sincerely commends the recent UN Security Council Statement that called to the Somaliland administration to withdraw its forces from Laascaanood. We also condemn, in the strongest terms, to the Somaliland's five months long indiscriminate shelling and attacks to the civilians, killing hundreds of people including children and mothers, and forcing more than two hundred thousand residents of Laascaanood to flee and displaced who are now facing a deteriorating humanitarian crisis.

The forces of the Somaliland administration have committed human rights violations in Laascaanood and infringed the International instruments of human rights and humanitarian laws. Puntland Government is determined to continue providing humanitarian assistance for the victims of the conflict.



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