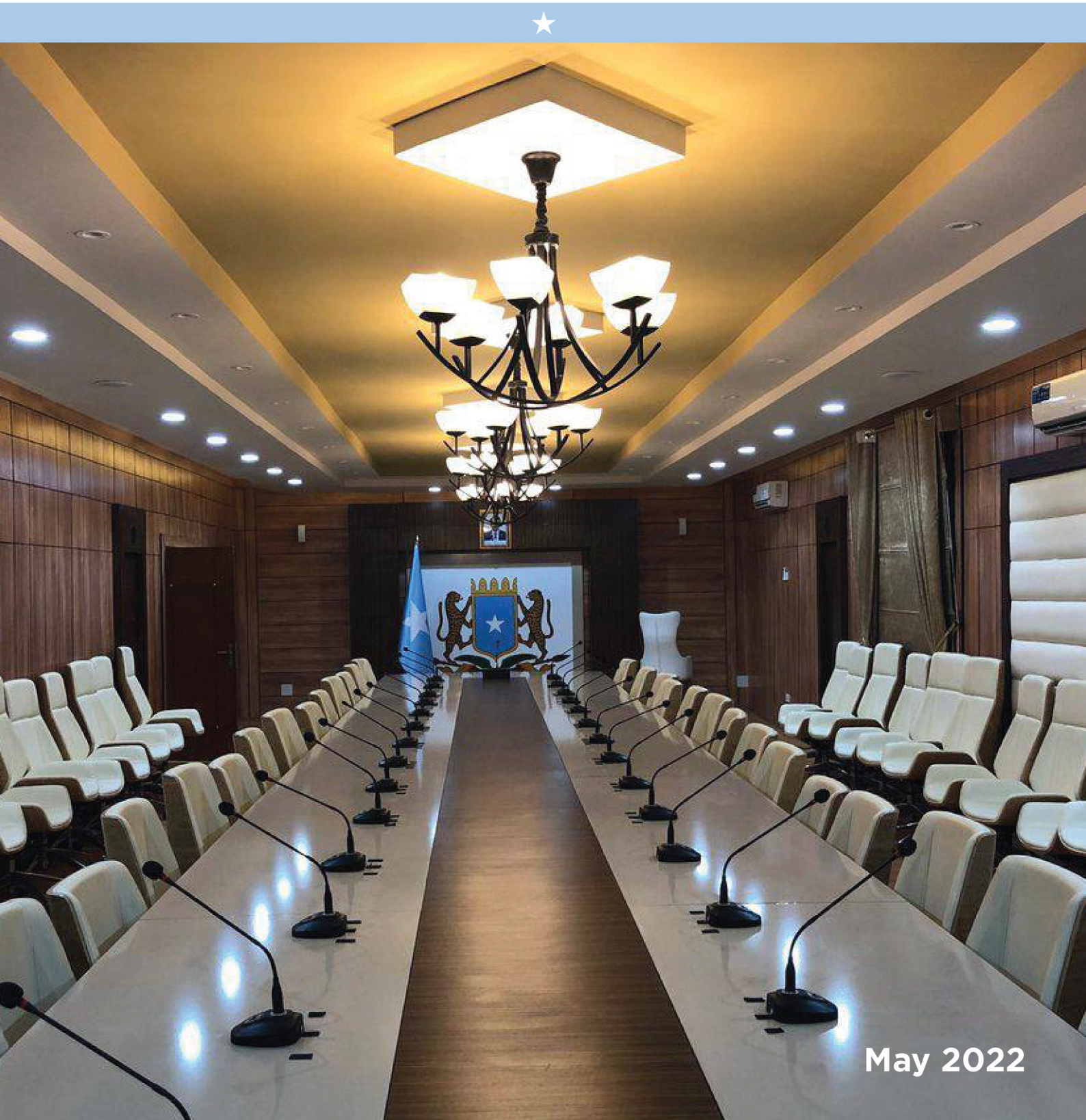


## **Somalia's Council of Ministers**

### **A Call for Competent and Rule-Based Cabinet**



May 2022

# Contents

<b>1. Executive Summary</b>	<b>3</b>
<b>2. Introduction</b>	<b>5</b>
<b>3. Methodology</b>	<b>5</b>
<b>4. Cabinet formation in Somalia: Historical background</b>	<b>6</b>
4.1 Military government's approach to cabinet formation	7
4.2 Post-Arta practice in cabinet formation	7
<b>5. Making sense of the formation of the cabinet</b>	<b>8</b>
5.1 Democratic governments in the 1960s	8
5.2 Cabinet formation practice: Post-Arta prime ministers	11
5.3 The 4.5 clan factor	13
5.4 Dysfunctional Council of Ministers	14
<b>6. Cabinet formation: Challenges and responses</b>	<b>16</b>
6.1 The Constitution: An essential, guiding document	16
6.2 Undefined federalism: The big elephant in the room	17
6.3 Presidents, prime ministers, cabinet and brokers: Where does power lie?	18
6.4 The secretariat: A forgotten organ within the cabinet	20
<b>7. Conclusion</b>	<b>21</b>
<b>8. Recommendations</b>	<b>22</b>
<b>9. Appendix</b>	<b>24</b>

# 1. Executive summary

After the conclusion of a turbulent political dispensation in Somalia, the newly selected parliament elected president Hassan Sheikh Mohamud on May 15, 2022 who will then appoint a prime minister within 30 days. The first task of the new prime minister is to appoint the members of the Council of Ministers. According to Article 97(2) of Somalia’s provisional constitution, “the Council of Ministers is the highest executive authority of the Federal Government and consists of the Prime Minister, the deputy prime minister(s), ministers, state ministers and deputy-ministers”.<sup>1</sup> This makes the Council of Ministers the forum where the deliberations are made and substantive decisions are reached.

Using key-informant interviews and document analysis, this study summarizes and analyzes the history, processes, and practices of forming Council of Ministers in Somalia. It finds that, during the democratically elected administrations of 1960 through 1969, the laws of the land defined the nature and work of the Council of Ministers and other government institutions. These laws explained in detail the number of ministries, the services they provided, and the powers vested in these state organs, describing their functions as well as key auxiliary offices that supported the cabinet and the ways office holders were to be held to account. For the twenty-one years of military government that followed, and then during the transitional and fragile governments of two post-civil war decades, Somalia’s cabinet formation processes and practices were mainly arbitrary and often problematic.

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body

The Council of Ministers is an essential organ of the state. The cabinet is as vital for the country as the brain is for the body. A lackluster approach toward cabinet formation has prolonged the fledgling nature of Somalia’s institution-building endeavors. Somalia’s seemingly perpetual fragility means the country will not be able to build a democratic, progressive, and efficient state unless its leaders correctly establish its most vital state organ – the Council of Ministers.

Since 2000, thirteen prime ministers have created a plethora of one-term cabinet posts without any legislation governing cabinet formation. Most ministries were formed to accommodate clans that demanded representation or to reward politicians who contributed to electoral successes. Some of the randomly created and abruptly discontinued cabinet portfolios of the past twenty years have included ministries responsible for national assets and procurement, science and technology, protection of the disabled and orphans, tourism and wildlife, diaspora affairs, and rehabilitation and retraining of militias.

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<sup>1</sup> The Federal Republic of Somalia, Provisional Constitution, Article 97(2)





*The first step should be the establishment of a fit-for-purpose council of ministers made up of competent technocrats. The cabinet formation process should be legally grounded and should comply with Somalia's governance model*

Drawing lessons from the past, the incoming prime minister – in consultation with other national leaders, such as the president and leaders of the parliament – must steer the country toward a rule-bound and needs-based governance system. The first step should be the establishment of a fit-for-purpose council of ministers made up of competent technocrats. The cabinet formation process should be legally grounded and should comply with Somalia's governance model.

The new prime minister should set an example in the way he/she forms the Council of Ministers. More than anything else, the president and the prime minister should spearhead the revival of laws that legislate the organization of Somalia's executive branch. Of particular interest to the prime minister and the national leaders should be the Law on the Organization of the Government.<sup>2</sup>

Over the past two decades, thirteen prime ministers have appointed hundreds of ministers who failed to rescue Somalia from a perpetual regression.<sup>3</sup> Therefore, credibility and competence in delivery of services should be the main criteria for the selection of the incoming cabinet. Past strategies of stacking the cabinet with parliamentarians were counterproductive as they stunted accountability. Therefore, the incoming cabinet should be made up of technocrats from outside the parliament. Insulating the Council of Ministers from the domination of parliamentarians will enhance accountability.<sup>4</sup> It will also put a workable checks-and-balance process in place.

This study finds that the root causes of Somalia's paralyzing and complicated governance-related challenges stem primarily from discrepancies within the provisional constitution. During cabinet formation, the prime minister should be mindful of the federal governance model – that is, federalism – adopted by Somalia. A fit-for-purpose cabinet would help to avoid duplication by both levels of the federal government.

More importantly, the new Council of Ministers should collectively internalize the understanding that the cabinet is the highest executive organ of the Somali state. It should be clear, from practice, that neither ministers nor any other entities or individuals – including the president and the prime minister – are above the law. The cabinet should therefore strive to ensure constitutionalism. Furthermore, to ensure that affairs of state are conducted professionally and in accordance with the constitution, the cabinet should restore and empower the permanent, bipartisan, and professional civil service–staffed secretariat used by the democratic governments of the 1960s. The era of power brokers, friends, financiers, and family members of senior leaders working in government institutions and wielding undue influence should end.



*The incoming cabinet should be made up of technocrats from outside the parliament*



*The era of power brokers, friends, financiers, and family members of senior leaders working in government institutions and wielding undue influence should end*

2. See Law No. 14, Organization of the Government, June, 1962. Official Bulletin...

3. We reviewed the council of ministers of the past 13 prime ministers and we have counted more than 970 ministers, vice ministers and state ministers.

4. In the recent past, MPs demand to be included in the cabinet and many often are not necessarily the best for the job but if the prime minister refuses to accommodate these MPs they will set out to impede the approval of the prime minister and his cabinet and when in cabinet many of them become enterprising and if the prime minister attempts to reign in on them or if he attempts to discipline them, they resist or leave cabinet and start fermenting problems for the in the parliament therefore for the prime minister to control and lead the cabinet the PM needs to enlist competent and non-MP ministers who are accountable to him and whom he could manage.

## 2. Introduction

This report has three sections. The first revisits ways the democratic governments of 1960–1969 approached the organization of the government and the cabinet’s core functions. The report then examines how the transitional and fragile governments of the past twenty-one years approached, and often bungled, cabinet formation and public administration. The study touches briefly on cabinets formed by the military regime. Then, the research scrutinizes cabinet formation styles and strategies of the post-Arta governments between 2000 and 2022. The report identifies myriad of external, internal, societal, informal, constitutional, and governance model factors that influence and stunt the state of cabinet formation in Somalia and its future trajectory. The report concludes with policy recommendations that could help Somalia break the cycle of an amateurish and lawless approach to public administration.

## 3. Methodology

We have used primary and secondary data collected from various sources, combining interviews and document analysis. To gain further insights into the way those who wrote the current and former constitutions intended to organize the government,<sup>5</sup> we reviewed constitutions, laws, cabinet decisions, presidential decrees, acts of parliament, news reports, and historical documents. Somalia’s Official Bulletin was particularly useful for this study.<sup>6</sup> We sought to understand the root causes of Somalia’s present-day problems with cabinet formation. Additionally, we conducted key informant interviews with some Somali leaders. We also sought insights on cabinet formation and the complications of such processes from senior officials and legal experts.

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5. For the government formation during the Third Republic, we reviewed Transitional National Charter 2000, which was made during the Arta Reconciliation Conference, and the Charter of 2004 from the reconciliation conference in Eldoret and Mbaghati. We also consulted the amended provisional constitution of 2009, which was adopted in Djibouti when the Transitional Federal Government (TFG) and the Alliance for the Re-liberation of Somalia (ARS) made peace, and the current interim constitution adopted in 2012 in Mogadishu.

6. We have relied on the Official Bulletin, also known by its Italian name *Bollettino Ufficiale*. All government decisions including regulations by ministries and other state organs are published in the *Bollettino Ufficiale*.

## 4. Cabinet formation in Somalia: Historical background

On 26 February 1956, the UN-mandated Italian trusteeship administration organized Somalia's first general election,<sup>7</sup> which led to the first Somali-led administration. Abdullahi Issa Mohamud<sup>8</sup> became prime minister of the trusteeship government on 17 May 1956. Before taking office, on 9 May 1956,<sup>9</sup> Abdullahi Issa formed Somalia's first cabinet, which consisted of the prime minister and five ministries, all led by male parliamentarians.<sup>10</sup>

After Somalia became independent, the new parliament (consisting of 123 members) elected Aden Abdulle Osman as president. On 12 July 1960, he appointed Abdirashid Ali-Sharmarke as the new and first post-independence prime minister.<sup>11</sup> Sharmarke created eleven ministries,<sup>12</sup> then appointed eleven ministers and a number of state ministers (or ministers without portfolio). Sharmarke's cabinet included a state minister – Abdi Hassan Boni – who also was the deputy prime minister and the first deputy prime minister appointed in Somalia.<sup>13</sup>

Aden Abdulle was re-elected president in 1961 (when the interim constitution was approved in a referendum) and he reappointed Sharmarke as prime minister. Sharmarke formed a coalition cabinet that included some who were not members of Somali Youth League (SYL).<sup>14</sup> In March 1964, the first post-independence, national election took place with SYL winning the election.<sup>15</sup> President Aden Abdulle appointed Abdirizak Haji Hussein as the new prime minister in 1964, replacing Sharmarke. The law that governed Prime Minister Hussein's approach to forming the cabinet established 12 ministries.<sup>16</sup>

In June 1967, Sharmarke became president and on 18 July 1967 he appointed Mohamed Haji Ibrahim Egal, the most senior politician from Somaliland, as prime minister.<sup>17</sup> In his first cabinet in 1967, Prime Minister Egal established 14 ministries.<sup>18</sup> Egal gave himself the foreign ministry portfolio while appointing Haji Farah Ali to the deputy prime minister and finance minister.<sup>19</sup> Premier Egal has appointed a number of state-ministers. In his second cabinet in 1969, Premier Egal created 15 ministries. He did not appoint a deputy prime ministers.<sup>20</sup>

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7. For Somalia's election experience from 1956 onward, see Heritage Institute's 2019 study titled *Somalia: In Search of a Workable 2020 Electoral Model*, [http://www.heritageinstitute.org/wp-content/uploads/2019/07/HIPS\\_report\\_english\\_version.pdf](http://www.heritageinstitute.org/wp-content/uploads/2019/07/HIPS_report_english_version.pdf). For comprehensive historical account of major events in Somalia recent political and legal history, see Mohamed Issa Trunji. *Somalia: The Untold History 1941-1969*. Loooh Press, 2015.

8. Abdullahi Issa, a long-term member of SYL, also represented Somalia at the United Nations discussions of Somalia's independence. Premier Issa was a one-term premier; after independence he served various cabinet posts such as foreign minister (1960–64) and as Somali ambassador to Belgium in the 1970s.

9. Bollettino Ufficiale, May 1956, "Decreti Amministrativi Governo Della Somalia", Decreto Amm.vo 17 maggio 1956 n. 1 Rep. (Segreteria Particolare n. 1-C) Nomina del Primo Ministro.

10. Ibid. The ministries were: interior, social affairs, economic affairs, financial affairs and general affairs. Each minister was deputized by an Italian expert with the title "adviser to the minister".

11. Bollettino Ufficiale, 30 July 1960, Decree Administrative Office, 22 July 1960, n. 2 rep Appointment of Deputy Dr. Abdirasid Ali Scermarke as prime minister.

12. Somali News (weekly), 8 July 1961. The ministries are: Finance, Defense; External Affairs; Interior; Communication, Information; Justice and Grace; Education; Health, Veterinary and Labor; Industry and Commerce, Agriculture and Animal Husbandry; and General Affairs.

13. Bollettino Ufficiale, 30 July 1960, Decree Administrative Office, 22 July 1960, n. 3 rep

14. Abdi Ismail Samatar and Ahmed I. Samatar. "Somalis as Africa's First Democrats: Premier Abdirazak H. Hussein and President Aden A. Osman." *Bildhaan: An International Journal of Somali Studies* 2, no. 1 (2008): 4. P. 32

15. New York Times, 5 April 1965, "Somali Vote Won by Ruling Party", [www.nytimes.com/1964/04/05/archives/somali-vote-won-by-ruling-party-69-of-123-assembly-seats-go-to.html](http://www.nytimes.com/1964/04/05/archives/somali-vote-won-by-ruling-party-69-of-123-assembly-seats-go-to.html).

16. See Bollettino Ufficiale, Della Repubblica Somalia, Anno V Mogadiscio, 8 Febbraio 1965, Suppl. N. 1 al N. 2; Decree Law to Law No. 7, 14 February of 3 June 1965, 1962 No. on 1 the Organization Amendments of the Government.

17. Reuters, Somalia: Members of Somalia's New Cabinet Are Sworn In, 19 July 1967, <https://reuters.screenocean.com/record/635765>

18. Bollettino Ufficiale, "Decreto Del Presidente Della Repubblica," 23 July 1967, 18 Luglio 1967, n. 108–126. [Degree law, n. 108–126].

19. See Somali News, July 21, 1967.

20. See Somali News, May 16, 1969.

## 4.1 Military government's approach to cabinet formation

Somalia's military regime between 1969 and 1991 suspended the constitution and often issued decrees. However, the military government's cabinet creation process was more logical than the erratic practice that followed it. President Mohamed Siyad Barre had between fifteen and twenty-six ministries. These ministries, which were mostly permanent and functional, provided services.<sup>21</sup> During a span of twenty-one years, Barre only once created a one-time ministry, the Ministry of External Trade established in 1973 (and subsequently renamed the Ministry of Domestic and Foreign Trade); this ministry lasted five years until the end of 1977.<sup>22</sup> Barre's cabinet started with the fifteen ministries he inherited from the government he overthrew in 1969. When his government was about to collapse in the late 1980s, Barre began appointing prime ministers. His first prime minister was Mohamed Ali Samatar<sup>23</sup> who created twenty-six ministries in 1987. Mohamed Hawadle Madar, who replaced Samatar had eighteen ministries.<sup>24</sup>

## 4.2 Post-Arta practice in cabinet formation

After 1990, a decade of statelessness gave way to two decades of transitional and fragile governments. Between 2000 and 2021, Somalia's prime ministers created between ten and forty-two ministries – some with more than ninety ministers, state ministers and vice ministers.<sup>25</sup> Most of these ministries existed without budgets and provided no services to citizens.<sup>26</sup> Many were one-time ministries and appeared in no successive government.<sup>27</sup> Somalia's post-Arta governments created close to twenty ministries that existed either for only months or a year. Convenience-based rather than needs-based, these were ministries for local government, tourism and wildlife protection, regional cooperation, technology and innovation, national assets and procurement, and reconciliation and conflict resolution, as well as a ministry for the disabled and rehabilitation.

Somalia has had thirteen prime ministers over the last twenty-two years. All presidents fought publicly with their appointed prime ministers. Prime ministers Ali Khalif Galaydh (2000), Hassan Abshir Farah (2002), Ali Mohamed Ghedi (2007), Nur Hassan Hussein (2008), Omar Abdirashid Ali-Sharmarke (2010) and Hassan Ali Khaire (2020) were all ousted by the presidents in open, acrimonious ways.<sup>28</sup>

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21. Mukhtar, Mohamed Haji. Historical Dictionary of Somalia, [https://shcas.shnu.edu.cn/\\_upload/article/files/f4/e2/4c0522234a98a0a7ed66aec4d4e2/7b2a673e-fa6e-4c1b-835d-2eb34c65098e.pdf](https://shcas.shnu.edu.cn/_upload/article/files/f4/e2/4c0522234a98a0a7ed66aec4d4e2/7b2a673e-fa6e-4c1b-835d-2eb34c65098e.pdf)

22. Ibid. p. 275.

23. General Mohamed Ali Samatar, was among the leaders of the coup in 1969 and served from there onwards as number two holding the posts of vice president, minister of defence and commander of the armed forces. .

24. Ibid.

25. In the past twenty years, there have been nearly a thousand ministers, state-ministers and deputy ministers; each year an average of fifty new individuals become ministers.

26. In January 2005, Prime Minister Ali Mohamed Ghedi formed the largest cabinet consisting of forty-two ministries with ninety-one ministers, state ministers and vice ministers; see Dowladdii Soomaliya oo la magacaabay," [www.bbc.com/somali/news/story/2005/01/050107\\_government](http://www.bbc.com/somali/news/story/2005/01/050107_government). On 5 November 2012, Premier Abdi Farah Shirdon formed the smallest cabinet consisting of ten ministries; see Al Jazeera, "Somalia Prime Minister Unveils Leaner Cabinet," <https://www.aljazeera.com/news/2012/11/5/somalia-prime-minister-unveils-leaner-cabinet>.

27. This includes ministries for rural development, the disabled and orphans, regional cooperation, tourism and wildlife or rehabilitation and retraining of militias,

28. Ahmed, Mohamed. "Somali PM Resigns after Feud with President," *Globe and Mail*, 29 October 2007 <https://tgam.ca/3Gi8ISp>; *New York Times*, 29 October 2001; Associated Press, "Somali Leader Out After Brief Tenure," *New York Times*, <https://www.nytimes.com/2001/10/29/world/somali-leader-out-after-brief-tenure.html>; AFP, "Somalia Prime Minister Hassan Ali Khaire Axed in No-Confidence Vote," 25 July 2020, <https://www.news24.com/news24/africa/news/somalia-prime-minister-hassan-ali-khaire-axed-in-no-confidence-vote-20200725>; Sheikh, Abdi and Feisal Omar, "Somalia's PM Accuses President of 'Coup Attempt' after Powers Suspended, Reuters, 27 December 2021, <https://www.reuters.com/world/africa/somalias-president-suspends-prime-minister-over-corruption-probe-2021-12-27/>.

Only five prime ministers – namely Mohamed Abdi Yusuf (2004), Nur Hassan Hussein (2009), Abdiweli Mohamed Ali-Gaas (2012), Omar Abdirashid Ali-Sharmarke (2016) and Mohamed Hussein Roble – finished their mandates, though one could argue that the system crumbled over the first two.<sup>29</sup> Only Prime Minister Gaas (2012), Prime Minister Sharmarke (2015-2017) and prime minister Mohamed Hussein Roble (2020-2022) finished their mandate and organized a political dispensation (inside Somalia) that resulted in a peaceful transfer of power.<sup>30</sup> As such, for twenty-two years, Somalia’s politicians were not able to create a functioning state. During these two long decades, and despite billions of dollars from the international community,<sup>31</sup> the control of Somalia’s national/federal government did not reach most of the country.

## 5. Making sense of the formation of the cabinet

In the sections below, we analyze the approaches that Somali leaders adopted in the formation of the country’s Council of Ministers. We begin by explaining the approach of the democratic governments in the 1960s. Then we discuss the factors behind the post-Arta government organization.

### 5.1 Democratic governments in the 1960s

In the 1960s, Somalia’s leaders, when forming the council of ministers, benefited from a complete legal system. The legislation that organized the government stated the number and functions of ministries that could be established. The constitution and other laws governed the operation of the council of ministers. Moreover, in discharging their duties, Somalia’s political and public administration leaders benefited from the training and experience provided by the Italian government and the United Nations.

Articles 77 to 87 of the constitution discuss in detail the organization of the government and the powers of the council of ministers. Further, in June of 1962 Somalia’s parliament enacted Law No. 14 on the Organization of the Government. This law defines the council of ministers and states the council’s general, financial, and personnel powers in detail. Moreover, Law No. 14 defines the powers of the prime minister and, more importantly, clearly states that only eleven ministries can be established. The names and functions of these ministries are spelled out in legislation.<sup>32</sup> In the event a new ministry should be needed, the parliament must amend the law. As such, this law was amended in 1964 and 1967.<sup>33</sup>

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29. Mohamed Abdi Yusuf was appointed after Prime Minister Hassan Abshir Farah joined the Mbaghati conference in 2003 at the end of the mandate of the Transitional National Government (TNG). Premier Nur Hassan Hussein joined the 2008 peace and reconciliation dialogue with the Alliance of the Re-liberation of Somalia, which was battling with the fledgling transitional federal government (TFG) of Somalia propped up by the Ethiopians.

30. Two dark-horse candidates, President Hassan Sheikh Mohamud, a local civil society leader and educator, and the diaspora-based former prime minister Farmaajo, carried the day.

31. According to a report titled Aid Follows in Somalia published by the Ministry of Planning, the country received \$2 billion in official development assistance (ODA) annually in 2017 and 2018. This marked a 57 percent increase in total ODA compared with the previous five years (2012–2016), which averaged \$1.3 billion per year. <https://bit.ly/3v9Fy5Z>

32. See Law No. 14, Organization of the Government, June, 1962. Official Bulletin.

33. The Law No. 14 was amended several times between 1964 and 1969



Somalia's 1960 constitution outlined the type of government for the new Somali republic: a unicameral, semi-presidential, centralized state.<sup>34</sup> The new state was based on laws and emulated the Italian governance system. Consequently, laws, regulations, processes, and procedures were in place related to the formation of the government and to the roles and responsibilities of each of the three branches of the state (the parliament, the executive, and the judiciary). The constitution broadly prescribed the interaction of state organs, and laws and regulations detailed many aspects of the working of state organs.

For instance, Part 1, Article 5 (Supremacy of the Law) of the 1960 constitution states: "The organization of the State and the relationships between the State and other persons ... shall be governed by law." Article 47 unequivocally requires that: "Every person shall loyally observe the Constitution and the laws of the State."<sup>35</sup> Further to this point, Article 81(1), states that: "... the number and the functions of the Ministries shall be established by law." Also, paragraph 1 of Article 62, Delegation of Legislative Power, states that the Assembly (parliament) "may delegate to the Government the power to issue, on specified subjects or matters and for a limited period, provisions having the force of law." The subsequent paragraph of Article 62 states: "Provisions made under a delegated power shall be issued by decree of the President of the Republic on proposals approved by the Council of Ministers."<sup>36</sup>

Article 63 of the 1960 constitution elaborates further on how the temporary decree laws, made by the Council of Ministers and signed into law by the president, should be converted to permanent law. Paragraph 1 explains: "In a case of urgent necessity, the Government may issue temporary provisions having the force of law. . . . and shall, within five days from the date of their publication,"<sup>37</sup> be submitted to the parliament for conversion into law. Article 63, continues by saying that, parliament if in session, should approve such a law within thirty days and if not, should pass it within thirty days of resuming work.

Though this constitution grants the government full executive powers to manage the affairs of the republic, it provides strict safeguards. Article 5 requires public administrators to act within the constitution stating, "administrative acts contrary to law and legislative acts contrary to the Constitution may be invalidated on the initiative of the interested party in accordance with the provisions of the Constitution."<sup>38</sup> Article 39 also accords the judiciary the power to provide recourse to citizens for government overreach.

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34. Constitution of Somalia, Articles 1(1), 49, 70, 75 and 77, among others. <https://bit.ly/35t4ric>

35. Constitution of Somalia: <https://www.wipo.int/edocs/lexdocs/laws/en/so/so001en.pdf>

36. Ibid.

37. In the 1960s, to ensure government was working transparently, laws and government decisions were required to be published in the Official Bulletin

38. Constitution of Somalia, Article 5

Article 39, Protection against Acts of the Public Administration, reads, “Judicial protection against acts of the public administration shall be allowed in all cases, in the manner and with the effects prescribed by law.” Article 94(1) expressly states that the Supreme Court is the highest judicial organ of the republic and “shall have jurisdiction over the whole territory of the State in civil, criminal, administrative and accounting matters”.<sup>39</sup>

Other articles of the 1960 constitution outline how the cabinet’s executive powers – given by the constitution or delegated by the parliament – could cascade into ministries so these institutions can act lawfully and get on with public administration. In paragraph 2 of Article 81, titled “Presidency of the Council of Ministers and Ministries”, the functions of the presidency of the Council of Ministers are outlined, specifying that “subordinate offices shall be laid down in regulations issued by decree of the President of the Republic”. Article 85, titled “Power to Issue Regulations”, states: “Regulations shall be issued by decree of the President of the Republic on proposals approved by the Council of Ministers. The power to issue regulations on specific matters may be given by law to other organs of the State and to public bodies.”<sup>40</sup>

As stated earlier, Article 77 states: “the executive power shall be vested in the Government,” which is defined in Article 78 as the prime minister and ministers. Article 76(2) shields the president from any fallout of the laws, acts and regulations by the government. It reads: “The responsibility for acts of the President shall rest with the Prime Minister and the competent Ministers who subscribe to them.” Interestingly, the research shows that, in the last twenty years, it was the presidents rather than their prime ministers or cabinet ministers who made the most monumental decisions.<sup>41</sup>

Finally, in addition to the Law on the Organization of the Government and a complete system of laws and procedures that regulated the council of ministers, Somalia’s leaders have benefited from the training and guidance of international experts. From 1950 to 1960, the Italian-led trusteeship was required by the United Nations with helping Somalis to self-govern. The Italian administrators and experts coached Somali politicians and civil servants to assume the management of the new republic.<sup>42</sup> The Italians and the UN experts also provided expertise that the officials of the new Somali state lacked in such critical areas as the judiciary and public administration.<sup>43</sup>

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39. Article 4 of the current constitution explains that the Constitutional Court ensures that laws are in line with the Constitution. Articles 108 and 109b discuss the mandate and how the Constitutional Court should be created. The two previous presidents failed to create the Court, which would have had the legal responsibility to sort out differences between state organs and their leaders, such as the president and the prime minister.

40. This is important. Each ministry should have an establishment act that creates it.

41. Often cabinets were used as rubberstamps, if and when needed. In February 2022, Somalia’s minister of petroleum signed an agreement with an oil company one year after the government’s mandate ended. Also BBC reported that the outgoing Somali prime minister accused the president of an attempted coup.

42. United Nations. Treaty Series: Treaties and International Agreements Registered or Filed and Recorded with the Secretariat of the United Nations, No. 381. Trusteeship Agreement for the Territory of Somaliland under Italian administration, p.255–279. <https://treaties.un.org/doc/publication/UNTS/Volume%20118/v118.pdf>.

43. In 1962, Haji N.A. Noor Muhammad, an Indian national, was vice president of the Supreme Court. *Journal of African Law*, Spring, 1966, Vol. 10, No. 1 (Spring, 1966), p. 9; Also see *Journal of African Law*, Volume 7, Issue 2, Summer 1963, p.109 regarding Dr. Haji Noor Muhammad’s delivery in March 1963 of the judgment of the Somalia Supreme Court in the case of *Suleban Elmi versus The State*. <https://treaties.un.org/doc/publication/UNTS/Volume%20118/v118.pdf>.



*Mistrust and a toxic political atmosphere followed the civil war, and the charters and the subsequent provisional constitution did not provide detailed guidance, which made the process of cabinet formation haphazard*

## 5.2 Cabinet formation practice: Post-Arta prime ministers

After a long and deadly civil war, Somalia's leaders came together to establish the Third Republic in Djibouti in 2000. In the transitional charters of 2000 and 2004, the leaders opted to create a new constitution. Mistrust and a toxic political atmosphere followed the civil war, and the charters and the subsequent provisional constitution did not provide detailed guidance, which made the process of cabinet formation haphazard. Over the past twenty years, Somalia's prime ministers formed cabinets that varied in terms of size significantly. That fact alone sheds light on the haphazard nature of cabinet formation practices. There are many examples of arbitrary government organs devoid of legal foundation or service-provision rationale.

The first prime minister after the state collapse was Dr. Ali Galaydh. In his cabinet, some ministries, such as the environment ministry, existed as standalone portfolios while at other times they were part of another ministry. This was the case during Ghedi's first cabinet in December 2004 when the environment was part of the ministry of tourism and environmental protection. In contrast, during the terms of Hassan Ali Khaire (2017) and Mohamed Hussein Roble (2020), the environment was no longer a ministry but a directorate within the prime minister's office.

Prime Minister Hassan Abshir (2002) introduced ministries responsible for reconciliation and conflict resolution as well as ministries for the disabled and rehabilitation and ministry for diaspora and refugee affairs. Sometimes a ministry housed another as the case was with the ministry of petroleum, which was merged with the energy portfolio. However, during Premier Khaire's cabinet (in 2017), energy was made a standalone ministry and water was added to it. Sometimes several ministries were brought under one mega ministry. Prime Minister Shirdon created ten ministries in 2012 and gave Dr. Maryam Qassim the development and social affairs portfolio made up of the ministries of education, higher education, health, women's affairs, youth, and sports as well as labor. Under Prime Minister Farmaajo's cabinet in 2010, tourism, telecoms, information and post were under one ministry.<sup>44</sup>

Some prime ministers had a single deputy prime minister while others had three deputies. In some cases, deputy prime ministers had ministerial portfolios while in other instances they had none.<sup>45</sup> In most cases, prime ministers appointed only a few state ministers, but one had twice as many state ministers as vice ministers.<sup>46</sup> Sometimes, the prime minister formed the cabinet and they were all sworn in at once. Sometimes, the prime minister alone was required to seek parliamentary approval and only then allowed to form his cabinet. At times the cabinet was given a confidence vote collectively. Alternatively, parliament threatened to force ministers to seek a confidence vote individually.<sup>47</sup>

44. Hiiraan Online, "Somali Prime Minister Unveiled His Cabinet," 12 November 2010, [https://www.hiiraan.com/comments2-news-2010-nov-somali\\_prime\\_minister\\_unveiled\\_his\\_cabinet.aspx](https://www.hiiraan.com/comments2-news-2010-nov-somali_prime_minister_unveiled_his_cabinet.aspx)

45. Deputy prime ministers managed ministries in the Ghedi and Nur-Adde governments as the Mbaghati constitution required. Later on, prime ministers appointed by Sharif Sheikh Ahmed had three deputy prime ministers and the prime minister appointed by Hassan Sheikh Mohmud had one; these deputy prime ministers also had ministerial responsibilities. Prime ministers appointed by presidents Abdiqasim and Farmaajo had deputies who did not have ministerial portfolios.

46. This was Prime Minister Mohamed Abdi Yusuf in 2003.

47. This was the case during Prime Minister Abdiweli Sheikh Ahmed's tenure when he reappointed ministers who had served in the cabinet of his deposed predecessor, Shirdon.

Politics rather than law influenced all of these steps and any particular move depended largely on the political climate of the country and the relationships between the president, prime minister and the parliamentary leadership.

Some ministries had a single vice minister while, at other times, a single ministry had a minister, two vice ministers and a state minister.<sup>48</sup> In some administrations, vice ministers had voting privileges while in others they had none. In some cases, vice ministers had no voting rights at cabinet meetings but in others, after they protested, they were given partial votes on national issues.<sup>49</sup>



## Post-Arta Ministers 2000 - 2022

PRIME MINISTERS	APPOINTED	TERMINATED	# OF MINISTRIES
Ali Khalif Galaydh	2000	2001	25
Hassan Abshir Farah	2002	2003	31
Mohamed Abdi Yusuf	2003	2005	38
Ali Mohamed Ghedi	2004	2007	42
Nur Hassan Hussein (Nur Adde)	2007	2009	31
Omar Abdirashid Ali Sharmarke	1st Mandate 2009	2010	36
Mohamed Abdullahi Mohamed (Farmaajo)	2010	2011	18
Abdiweli Mohamed Ali (Gaas)	2011	2012	18
Abdi Farah Shirdon	2012	2013	10
Abdiweli Sheikh Ahmed	2013	2014	25
Omar Abdirashid Ali Sharmarke	2nd term, 2015	2017	25
Hassan Ali Khaire	2017	2020	26
Mohamed Hussein Roble	2020	2022	26

48. Prime Minister Galaydh incorporated a number of Mogadishu-based faction leaders into his government in 2001. He appointed more vice ministers from those factions and placed them into ministries that had a vice minister.

49. During Farmaajo's initial tenure as prime minister, only ministers voted. Vice ministers, most of whom were MPs, said they represented the community and should be allowed to vote. Farmaajo conceded that they could vote when the issue was important. In Khaire's cabinet, only ministers voted and vice ministers participated in weighty issues in accordance with the cabinet procedure manual, which was reviewed by Heritage researchers.



Sometimes it was illegal for MPs to be in the cabinet, as was the case during Ali Galaydh's cabinet in 2000. Other times, cabinets consisted primarily of parliamentarians.<sup>50</sup> Recently, cabinets dominated by parliamentarians have become the norm, particularly in toxic political climates.<sup>51</sup> At times, there have been conflicts and power contestations between ministries. A good example is the placing of security agencies under the interior ministry (first established in the 1960s) and the national security ministry (first created by Ali Ghedi in 2004).<sup>52</sup> Some prime ministers had others manage a ministry whose designated minister was away<sup>53</sup> while, in other instances, the vice minister automatically became the acting minister. Sometimes, the state minister filled in for absent ministers. In short, these examples support the finding that cabinet formation was often erratic and lacked any legal basis.

### 5.3 The 4.5 clan factor

The unwritten, but strictly followed, formula for sharing clan power known as the 4.5 rule has influenced who has become prime minister in Somalia. The thirteen Post-Arta prime ministers and the five most recent presidents who appointed them came exclusively from two clans, Hawiye or Daarood. The two key posts have continuously rotated between politicians from these communities. Each of these two clans has sixty-one MPs in the House of the people of the parliament. Dir and Digil/Mirifle clans each have 61 MPs.<sup>54</sup> The Digil and Mirifle communities have always assumed the speakership of the parliament.<sup>55</sup> Dir clans have held the posts of senate speaker and chief justice, as well as the deputy premiership. An amalgamation of unarmed clans have received posts such as the deputy parliamentary speakership. When these main seats are distributed, women, who comprise 50 percent of society, often do not enter the equation.<sup>56</sup>

Except for Hassan Ali Khaire and Ali Ghedi, the remaining eleven premiers held their posts for a year on average.<sup>57</sup> Except for five prime ministers who held on to their positions because their government's mandate had ended and they served as caretaker government or were weak and a fledgling faction claiming to be in charge; most had problems with their presidents and were ousted against their will.

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50. Prime Minister Mohamed Abdi Yusuf's cabinet (2002/3) was mostly MPs and same was true for PM Khaire's and Sharmarke's cabinet and mostly when the political environment is toxic is when PM's are forced to accommodate as much MPs as possible to ensure there is no vote of no confidence against him and his government.

51. In the second largest cabinet ever appointed, Mohamed Abdi Yusuf's Council of Ministers consisted exclusively of members of parliament. The same was true of Roble's cabinet.

52. The first minister appointed to this post was the late MP Mohamed Qanyare Afrah who was also a former Mogadishu faction leader. Qanyare requested the job after he helped Abdullahi Yusuf defeat Abdullahi Ahmed Adow in the 2004 presidential election. Qanyare was the third candidate in the contest.

53. That was the norm in the 1960s. Later on, vice ministers or the state minister began standing in for traveling ministers.

54. Somalia's lower house, also known as the House of the People, has 275 MPs and each of the four main clans has 61 MPs. An amalgamation of 'smaller' clans has thirty-one seats.

55. In the 2012 and 2016 presidential elections, politicians from the southwest state attempted to no avail to help a politician from outside their clan obtain the position of speaker of parliament – which is elected before the president – so a member from their clan could contest the presidency or be appointed to the premiership.

56. In 2012 Prime Minister Shirdon appointed the first female deputy prime minister who also was the foreign minister. Also, on April 28, the Somali parliament elected the country's first-ever female deputy speaker of parliament

57. These two premiers lasted a few years but they and the presidents who appointed them were accused of rolling back the democratic gains that preceded them and of overseeing autocratic administrations.



*All in all, none of the prime ministers or their cabinets achieved much noteworthy success in state building, stabilization, security, institution building, or service delivery to citizens. Future prime ministers should learn from these experiences and mistakes*

Moreover, all cabinet portfolios were doled out strictly on the basis of clan. The four main clans (Digil/Mirifle, Dir, Darood, and Hawiye) received equal numbers of cabinet posts whereas the amalgamation of smaller clans were allotted half as many in the Council of Ministers. Winning parliamentary confidence played a key role in determining who was invited to serve on the Council of Ministers. All in all, none of the prime ministers or their cabinets achieved much noteworthy success in state building, stabilization, security, institution building, or service delivery to citizens. Future prime ministers should learn from these experiences and mistakes.

## 5.4 Dysfunctional Council of Ministers

An overview of the cabinets of the last thirteen prime ministers reveals structural challenges that have held back Somalia's state-building project. The dysfunctional nature of the relationship between presidents and prime ministers, and their inability to share power and reconcile differences, is palpable. The absence of constitutional governance and disregard for the nurturing of nascent institutions at the highest levels of Somalia's leadership has been documented repeatedly. Other issues that stand out include: the astoundingly short tenures of prime ministers' mandates and their unceremonious ousters; the disenfranchisement of women from the Council of Ministers; the obliviousness to constitutional requirements in the formation of cabinets; the uncondusive environment/time limitation for premiers while forming cabinets; and the overbearing presidents and avaricious parliamentarians who wanted to be in the cabinet, not to mention the role of enterprising power brokers.<sup>58</sup>



*The continual clashes between Somalia's presidents and prime ministers have paralyzed the executive organ that was tasked with resuscitating the state. Somalis need to discuss whether the country should have a presidential or a parliamentary system*

It is evident that the constitutional design calling for both a president and a prime minister is problematic. It is immaterial whether the reason is administrative impracticality, legal ambiguity, or the inability of politicians to share power. The continual clashes between Somalia's presidents and prime ministers have paralyzed the executive organ that was tasked with resuscitating the state. Somalis need to discuss whether the country should have a presidential or a parliamentary system. A positive byproduct of a universally elected president or prime minister may mitigate the actual or assumed fears of federalism weakening the national or central government. Currently, regional leaders claim they are protectors of their regions' interests. When citizens elect the president, a national leader will have a mandate to represent citizens across the country.

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58. Power brokers emerged in the form of friends of the presidents. In the recent past, individuals who were friends or associates of the president or prime minister became more powerful than the ministers and were super influential, though they were not accountable to anyone and their informal but powerful roles in the affairs of the state were extra-constitutional.

The Council of Ministers is the highest executive authority of the federal government per Article 97(2) of the provisional constitution. The constitution and convention dictate that cabinet decision-making is a collective responsibility.<sup>59</sup> The Council of Ministers has judicial and fiduciary responsibility in discharging their duty according to the law and the best of their ability. The oath taken by cabinet members underscores the solemn nature of their job. It reads: “I swear in the name of Allah that I will perform my duties honestly and in the best interest of the Country, People and Religion, and that I will abide by the Constitution and the other Laws of the Country.”<sup>60</sup>

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The Council of Ministers has been relegated to a supporting role, rubber-stamping predetermined decisions. At times, the presidents’ financiers or those who recruited the prime minister had more power and influence than members of the cabinet

However, it is presidents and prime ministers who have been the primary decision-makers over the past twenty years, with the president being the dominant actor in national politics. The Council of Ministers has been relegated to a supporting role, rubber-stamping predetermined decisions. At times, the presidents’ financiers or those who recruited the prime minister had more power and influence than members of the cabinet.

The majority of prime ministers have, on average, served only about one year. Given Somalia’s multifaceted challenges, it is evident that this is inadequate time for a prime minister to have any impact or outcome while in office. During the past two decades, the presidents and prime ministers who held the highest political offices in the country appointed hundreds of ministers, vice ministers, and state ministers.<sup>61</sup>

Over the years, rarely have cabinet ministers resigned for national, legal, or ethical reasons.<sup>62</sup> Some quit, claiming that the portfolio was unbecoming for them or for their clan, and many were fired because they showed independent thinking.<sup>63</sup> Most council members watched quietly while their boss (the prime minister) and his boss (the president) faced off publicly and engaged in partisan power struggles. Often cabinet ministers remained subdued spectators when either the prime minister or president usurped their exclusive powers, such as by appointing senior government or security officials without meaningful cabinet input or oversight.<sup>64</sup> Similarly, the cabinet has habitually rubber-stamped decisions made by either the prime minister or the president, no matter how destructive such decisions were for the state, for peace, or for institution building. Cabinet impotence memorably manifested itself in 2017 when members acquiesced to President Farmaajo and Prime Minister Khairé’s extradition of Abdikarim Sheikh Muse to Ethiopia and their branding of the Ogaden National Liberation Front (ONLF)<sup>65</sup> as a terrorist organization. Only a single minister, Dr. Maryan Qasim, voted against the motion.<sup>66</sup>

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Most council members watched quietly while their boss (the prime minister) and his boss (the president) faced off publicly and engaged in partisan power struggles

59. Constitution of Somalia, Article 99, <https://bit.ly/3LORyZA>

60. Ibid, Article 104.

61. Current and previous constitutions required ministers to have a university degree or equivalent experience. Most had a B.A., an M.A., or a Ph.D.

62. Minister Maryan Qasim claimed that she resigned from Khairé’s cabinet over disorganization. See Goobjoog News, “Confusion and Disorder in Government Forced Me Out—Dr. Qasim,” <https://bit.ly/3LQOpzE>. Others – such as Mohamed Abdullahi Oomaar, Hassan Moallim, and Hussein Halane – quit during Sheikh Sharif’s government.

63. Interior Minister Abdi Farah Juxaa and Foreign Minister Ahmed Awad were among the independent-minded cabinet ministers sacked by Premier Khairé for not toeing the line.

64. Interviews with ministers from different cabinets revealed that almost all major decisions were made by the president, prime ministers or their senior advisers.

65. ONLF is a nationalist organization in Ethiopia which fights for self-determination rights of the Somali region in Ethiopia. Trunji, Mohamed I. “Today in History: February 28, 1955 - The Disposal of the Haud and “Reserved Area”,” Hiiraan Online, 28 February 2021, [https://www.hiiraan.com/op4/2021/feb/181827/today\\_in\\_history\\_february\\_28\\_1955\\_the\\_disposal\\_of\\_the\\_haud\\_and\\_reserved\\_area.aspx](https://www.hiiraan.com/op4/2021/feb/181827/today_in_history_february_28_1955_the_disposal_of_the_haud_and_reserved_area.aspx). Also see: Yusuf, Abdulqawi A., “The Anglo-Abyssinian Treaty of 1897 and the Somali-Ethiopian Dispute,” Horn of Africa, vol. 3. no.1, 1982, <https://bit.ly/3HuxNtY> and

66. Universal TV, Dowladda Somaliya oo goaan ka gaartay Kiiska Qalbi Dhagax ONLF ku tilmaamtay argagixiso, 6 September 2017, <https://bit.ly/3JE3W3J>



*The Council requires a prime minister who is predisposed to respect the role of the cabinet and who is committed to ensuring that his or her superior, such as the president, uphold the constitution*

The constitution has given the Council of Ministers all the legal tools they need to act as decision-makers. However, it takes principled and courageous individuals to make the hard calls. More importantly, a credible cabinet that discharges its duty and upholds the law needs a prime minister who is willing to abide by the constitution. The Council requires a prime minister who is predisposed to respect the role of the cabinet and who is committed to ensuring that his or her superior, such as the president, uphold the constitution. This has not happened in Somalia over the past two decades and is why almost every prime minister was either ousted or co-opted into breaking or bending the law.

## 6. Cabinet formation: Challenges and responses

The constitution established and empowered the Council of Ministers. However, several internal and external factors impact the creation and work of the Council. The following section further expands on four challenges: a confusing constitution; undefined federalism; power struggles between the president and prime minister; and the often unaccountable power brokers as well as the absence of professional cabinet secretariat.

### 6.1 The Constitution: An essential, guiding document

This study finds gaps and contradictions in the constitution regarding the Council of Ministers. Confusion about Somalia's governance system (including about cabinet formation processes and responsibilities) largely stems from contradictions and a lack of clarity about the current and previous interim constitutions and charters. The new prime minister and federal and regional political leaders need to be cognizant of how a lack of clarity in the constitution positively and negatively impacts the establishment of a functioning government. A cursory review of the Arta Charter, the Mbaghati interim constitution, and the current provisional constitution makes clear the impact a mangled or well-designed constitution could have on cabinet making.

Article 25 (2) of the Arta Charter states that the Council of Ministers is to consist of the prime minister and a maximum of twenty-five ministers.<sup>67</sup> It also says that as many vice ministers as needed could be created. This means that vice ministers are not members of the Council of Ministers.<sup>68</sup>

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67. Axdiga Qaranka Ee Ku-Meel Gaarka Ah, 2000, Article 25(1).

68. In the 1960 constitution, vice ministers – known as undersecretaries – attended cabinet meetings but had no voting rights.



The Arta Charter also states that the position of deputy prime minister or deputies could be appointed if needed; each Arta government (three in total) had one deputy prime minister. Paragraph 4 of Article 25 also states that MPs could be appointed as ministers but they would lose their parliamentarian seats once they join the Council of Ministers.<sup>69</sup> The Arta Charter did not say whether the deputy prime minister needed to manage a ministry. Cabinet members were also required to obtain the confidence of parliament within thirty days of the cabinet's formation and were then to take the oath of office.

The Transitional Federal Charter adopted in Mbaghati in 2004 was very different from its predecessor and introduced, for the first time, a federalism model of governance.<sup>70</sup> The content of the new charter contained many contradictions.<sup>71</sup> For instance, Article 46 (5) stated that cabinet members could be drawn from “inside and outside of parliament”. Article 47(1b), which immediately followed, stated that “cabinet members should be members of the parliament.” Article 46(3) also said the prime minister should have three deputies and that each should lead a ministry.

Additionally, article 97 of the current provisional constitution clearly affirms that “the Council of Ministers ... consists of the Prime Minister, the deputy prime minister (s), ministers, state ministers and deputy-ministers.” Article 104 also states that the cabinet should first be established, should collectively seek the legislature's confidence, and then should be sworn in.

## 6.2 Undefined federalism: The big elephant in the room

Another key finding that surfaced in this study is the impact of unresolved power-sharing arrangements on cabinet formation in the constitution. Somalia's federal governance system is unsettled and is routinely debated and contested.<sup>72</sup> For instance, Article 50(b) of the current provisional constitution states that “power is given to the level of government where it is likely to be most effectively exercised.” Article 51(3) calls for the two levels of government to confer annually “in order to ensure the existence and development of cooperative federal relations”. Article 52 calls for regular meetings of executive heads of the federal government and federal member states to discuss issues, which include: water sources; agriculture; animal husbandry; pasture and forestry; prevention of erosion and the protection of the environment; health; education; relations and dialogue among traditional leaders, and the protection and development of traditional law; relations among religious scholars; and youth.

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69. See Transitional National Charter of 2000, Article 25(4).

70. Article 1, Interim Charter of 2004, <https://www.moca.gov.so/wp-content/uploads/2016/06/Axdiga-ku-Meelgaarka-ah-ee-Soomaaliya-2004.pdf>, p. 7.

71. Axdigaku Meelgaarka Ah Ee Jamhuuriyadda Federaalka Soomaaliya, 2004, <https://www.moca.gov.so/wp-content/uploads/2016/06/Axdiga-ku-Meelgaarka-ah-ee-Soomaaliya-2004.pdf>, p. 1.

72. At times external states acted as mediators and facilitators between the federal and regional governments. UNSOM, International Community Welcomes Landmark Agreement on 2016 Electoral Process, 4 April 2016, <https://bit.ly/34XLcxj>; Agreement between the Federal Government of Somalia and Jubba Delegation: <https://bit.ly/33DpP3S>.

Article 53(1) indicates that the federal government and regional governments are both stakeholders and need to consult on certain matters, stating: “In the spirit of inter-governmental cooperation the Federal Government shall consult the Federal Member States on negotiations relating to foreign aid, trade, treaties, or other major issues related to international agreements.” Article 54 again makes clear only four areas as the sole jurisdiction of the federal government; the remaining responsibilities should be negotiated with member states, stating: “The allocation of powers and resources shall be negotiated and agreed upon by the Federal Government and the Federal Member States (pending the formation of Federal Member States), except in matters concerning: (A) Foreign Affairs; (B) National Defense; (C) Citizenship and Immigration; (D) Monetary Policy, which shall be within the powers and responsibilities of the federal government.”

A case in point is that the Constitution Review Committee of the 9th parliament, in 2016, submitted recommendations to the political leaders; these recommendations included that the federal government should have jurisdictions over twenty-one core national functions while seven mandates should be allotted for regional or state governments.<sup>73</sup> The committee/commission also suggested eleven shared responsibilities between the two levels of government.<sup>74</sup> The Constitution Review Committee of the 10th parliament submitted different recommendations in 2020,<sup>75</sup> which have provided significant powers to the federal member states. Therefore, when determining the type and number of ministries Somalia needs, the upcoming prime minister should keep in mind the different proposals that have been tabled.

This study advocates for a government that is organized as rule-bound and needs-based. Our analysis highlights the constitution as an essential guiding document for cabinet formation and as a document that needs immediate review and finalization.

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### 6.3 Presidents, prime ministers, cabinet and brokers: Where does power lie?

Prime ministers’ decisions when forming the Council of Ministers are influenced and undermined by a number of internal and external factors. For one, prime ministers have only thirty days to form a cabinet. In the context of Somalia, this is not enough time for a prime minister to make an informed decision. When appointed, most past prime ministers were new to politics, and many came from the diaspora. Prime ministers were appointed after the previous administration had faltered or after their predecessors had been ousted in acrimonious entanglements involving both the president and parliament.

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73. Warbixinta guddiga la-socodka, dib-u-eegista iyo dhaqangelinta dastuurka ee wax-ka-beddelka dastuurka ku-meel-gaarka ah xulashada 1aad luuiyo, 2016 muqdisho, soomaaliya, p. 77.

74. Ibid.

75. See the Oversight Committee Report that was submitted to the parliament in 2021.

Such a volatile situation further complicates a prime minister's plans for forming a cabinet. More importantly, presidents have often appointed individuals they expected would be easy to work with or who would be amenable to their agenda. The ability of the premier-designate to handle the hard work of being Somalia's prime minister is rarely any president's priority when choosing someone for this position.

The clan factor in Somalia also creates appointee expectations and stereotypes. By default some politicians may oppose a new prime minister from a purely clan perspective. Other individuals or clan-oriented politicians may have expectations that are at times unreasonable. The ongoing insecurity in Somalia further impact decision-making processes, mobility, access to information, and how others interact and interface with the prime minister during the thirty days within which a Council of Ministers must be nominated. Then, there is the reality of crude Somali politics and the brazen, interest-driven Somali parliamentarians. Often, MPs tie up their votes by either obtaining a cabinet post for themselves or securing it for a relative.



*Considering the plethora of built-in challenges, prime ministers seem to be set up for failure from day one. Nonetheless, the hindrances premiers face from presidents eclipse the challenges mentioned above*

Considering the plethora of built-in challenges, prime ministers seem to be set up for failure from day one. Nonetheless, the hindrances premiers face from presidents eclipse the challenges mentioned above. The constitution makes the president's approval a prerequisite for the appointment of the members of the Council of Ministers. As the president appoints the prime minister, anyone chosen instantly becomes indebted to the president and is predisposed to comply with his wishes. In practice, all post-Arta presidents have assumed a hands-on role in formation of the cabinet and in its management, control, and often its future disenfranchisement.



*Proponents of the interventionist presidency argue that presidents are elected politicians, unlike prime ministers who are appointed. The president is the head of state and the executive branch leader*

Proponents of the interventionist presidency argue that presidents are elected politicians, unlike prime ministers who are appointed. The president is the head of state and the executive branch leader. Such proponents also note that presidents made political deals to get elected and should have a say in who is rewarded with a cabinet post. They argue that prime ministers are often novice politicians who do not fully understand all the extenuating circumstances surrounding national politics in general and cabinet formation in particular. In addition to the president, other actors – often financiers of presidential campaigns or recruiters of the new prime minister – become involved or interject themselves into the cabinet-making process.

## 6.4 The secretariat: A forgotten organ within the cabinet

A review of historical documents from the 1960s reveals that the secretariat was responsible for smooth operations within the cabinet. Unfortunately, over the past twenty years, each prime minister brought in his own core team when he took office.<sup>76</sup> After each prime minister was ousted, his political appointees moved on and only a few low-level functionaries were retained. Such leftovers were rarely trusted or considered as part of the new prime minister's core team. This has cemented a culture of personalized politics in the country. Even when a department existed that was meant to serve such functions, people served their prime minister rather than the state or the Council of Ministers. Productivity and professionalism suffered. This is not how the work of the cabinet was envisioned by the founding fathers.

Between 1960 and 1969, a critical organ for the smooth operation of the cabinet's work was that of the presidency of the Council of Ministers. The prime minister was also known as the president of the Council of Ministers. Incidentally the leader of national assembly (the parliament) was also referred to as the president of the national assembly.<sup>77</sup> However, the same law tasked the secretariat a lesser-known but essential function. The same presidential decree that defined the roles of the prime minister and the council of ministers also detailed the secretary's work and by extension, that of the secretariat.

The Law on the Organization of the Government, as amended on 11 December 1967, explained what the role of the secretariat and how it supports the prime minister and the cabinet.<sup>78</sup> Article 2 of that decree explains that the secretariat is the executive organ of the council and that it will



*Neither the constitution nor best practices were spared by the military rule or by the two decades of fragile governments that followed. Since 2000 there has been a continuous travesty in the organization of the government*

receive documents sent by Ministers for consideration by the Council of Ministers, convene the meetings of the Council and prepare the agenda ... draw up the records of the meetings of the Council and keep the relevant documents; communicate the decisions adopted by the Council to the various Ministries or organs concerned; issue, as directed by the President, communiqués and press notes concerning the meetings and decisions of the Council to the press, radio or other means of communication.<sup>79</sup>

Neither the constitution nor best practices were spared by the military rule or by the two decades of fragile governments that followed. Since 2000 there has been a continuous travesty in the organization of the government.

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76. No single chief of staff served two prime ministers. No senior officials for one prime minister continued to serve his successor. As the politics of the transitional and fragile government were based on trust and personalized relations, there was no professional secretariat that served the cabinet in a nonpartisan fashion.

77. See Article 55 of the Constitution of 1960: <https://www.wipo.int/edocs/lexdocs/laws/en/so/so001en.pdf>

78. Bollettino Ufficiale, Della Repubblica Somala Mogadiscio 27 Dicembre 1967, Suppl. n. 6 al n. 12, Presidency of the Council of Ministers D.P.R. No. 242 of 11 December 1967, Rules of Procedure of the Council of Ministers.

79. Ibid.



## 7. Conclusions

Twenty years of a military dictatorship, followed by ten years of a collapsed state and another two decades of fragile governments have made the Somalia of today a far cry from the country of the 1960s. Wanton disregard for the basic tenets of constitutional governance epitomizes politics in present-day Somalia. In contrast, between 1960 and 1969, government officials dutifully followed the direction the constitution laid down and the legal requirements of cabinet formation, the role of the Council of Ministers, and the overall management of the affairs of the state. The constitution and laws made governance processes easy to implement. The Somali state of the 1960s was lawful and politicians followed the letter and spirit of the constitution when conducting public administration.

The incoming prime minister and other national leaders, including the president, have a responsibility to establish a rule-bound and needs-based Council of Ministers. They also have ample opportunity to learn from the processes with which past premiers formed their cabinets. The new leaders need to abide by the core principles outlined in the constitution and the laws of the land. The prime minister also needs to be cognizant of how previous interim charters and the current provisional constitution contributed to the freewheeling approach to public administration by his predecessors.



*The president must accept and internalize the fact that his most important job is to appoint a premier who can steward the Somali government*

Challenges impeding the establishment of a competent and credible Council of Ministers could be mitigated. The president must accept and internalize the fact that his most important job is to appoint a premier who can steward the Somali government. The president should allow the designated premier to assemble a cabinet that will deliver on the massive responsibilities, encourage deliberations of the Council and respect its decisions. That is what the constitution envisages.

The president must ensure all state organs abide by the constitution. That is why every important decision in the country – be it a legislative act, the appointment of officeholders, or the establishment of the cabinet – requires the president's signature. Prime ministers must also accept that they must uphold the law. They should neither usurp the cabinet's role nor acquiesce to presidential overreach.

If Somalia's leaders want to avoid the unproductive governance and the unsuccessful state-building experience of the past twenty-plus years, members of parliament should not join the Council of Ministers. Parliamentarians should allow prime ministers to choose members of their cabinet.

In short, Somalia can only break the cycle of ineptness if all relevant individuals and institutions agreed to abide by the constitution. To get the work of the new government on the right footing, the prime minister, while consulting with the president and other actors, must appoint competent, needs-based, and forward-looking members to the Council of Ministers.

## 8. Recommendations

- Reviewing and finalizing the constitution must be prioritized and expedited. The Council of Ministers should make the finalization of an inclusive, citizen-centric, and permanent constitution a priority within the first eighteen months of its mandate. The constitution sets parameters for the work of all state organs, particularly the cabinet. Somalia adopted a federalism governance model that needs an agreed-upon definition. A national political settlement is required regarding what responsibilities the national /federal government should assume and what regional governments should be assigned. Such demarcations will inform the type and size of the future Council of Ministers.
- Somalia must enact a new law or amend the previous Law on the Organization of the Government. A law that regulates the number and functions of the ministries is long overdue. Such a law will help the parliament to create a new establishment act for each ministry or to revise existing one. We strongly recommend that the new Council of Ministers to prepare the Law on the Organization of the Government and present it to the parliament so such law guides cabinet formation in the future.
- Somalia must have a needs-based cabinet. Cabinet formation is the supreme responsibility for any premier. The new prime minister should not take a haphazard or erratic approach to the process and should not outsource this solemn duty to brokers or anyone else. The country needs a dedicated, competent, and principled cabinet to deal with Somalia's monumental challenges. The premier should form a cabinet that the country needs rather than creating special posts for individual politicians or clans as has happened for the past two decades.
- Somalis must debate on the suitability of the presidential or parliamentary systems. The country should have a one unified and stable executive, either presidential or a parliamentary, with strong party discipline. The best option should be negotiated over the next four years and enshrined in a new, finalized constitution. Streamlining the executive's responsibilities will end the ineffective and inefficient governance arrangement that has taken place over the past two decades. Moreover, a universally elected president or a parliamentary system under the leadership of a prime minister could blunt the actual or assumed fears of weakening the national government by the federalism model.

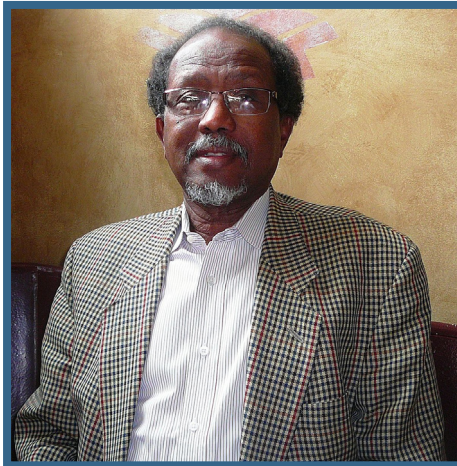
- This study has shown that Somali women have been short-changed since the state was established in 1960 and have had minimal leadership presence in the Council of Ministers. There are tens of thousands of competent Somali women who are cabinet material. As women represent 50 percent of society and have about 20 percent of parliamentary seats, Somali Women should have a fair share of the power and influence in the public decision-making. Entrusting leadership roles to competent female technocrats would be good for Somalia.

The Council of Ministers must spearhead constitutionalism in Somalia. Wanton disregard for the constitution stands out amid the mis-governance of Somalia during the past two decades. The president and the prime minister must understand and accept that the executive organ is the Council of Ministers. The prime minister must also internalize the concept that he/she is the leader of the cabinet and its coordinator, and should abide by the powers the provisional constitution assigned to a premier, the power allotted to the cabinet, and the authority given to other state organs. It is the Council's responsibility to ensure that constitutionalism, or a government run according to the constitution, becomes the norm in Somalia. Thus, the Council of Ministers must be the deliberation and decision-making platform.

- A cabinet dominated by parliamentarians did not help Somalia overcome its failed and fragile status. Competent ministers should be appointed from outside parliament. This will also enhance parliament's oversight function and will enable parliament to focus on its constitutional responsibility of legislating and overseeing the work of the executive. Therefore, the prime minister should appoint all of the ministers from outside the parliament.
- Cabinet ministers should understand that they are obliged to follow the constitution and other laws of the land. They should not accept illegal acts by their superiors. Being docile in the face of a domineering president or a prime minister has been the hallmark of past cabinets and this must end. This has to change and anyone privileged to serve in the Council of Ministers must take his/her fiduciary responsibility seriously and insist on a government by the constitution.
- The Council of Ministers should empower a permanent and nonpartisan cabinet secretariat that is filled by a professional civil service, not with political appointees. As indicated by the good practice of the democratic governments in the 1960s, the main responsibilities of the secretariat should be to ensure that the cabinet stays true to the constitution and national interests, rather than to political interests. A technocratic secretariat also ensures professional and technical skills are readily available to the prime minister and cabinet. The era of prime ministers filling their office with family members, friends, and loyalists must end. Such actions are the antithesis to good governance, betray their oath of office, and undermine the confidence and trust of citizens.

## 9. Appendix

### Post-Arta Governments



#### Ali Khalif Galaydh (2000-2001)

The first government formed after 10 years of statelessness was the administration of President Abdiqasim Salad Hassan and Dr. Ali Khalif Galaydh. Both Hassan and Galaydh were former ministers in Siyad Barre's government.<sup>1</sup> Hassan was elected<sup>2</sup> on 26 August 2000 in Arta, Djibouti and he appointed Galaydh as the prime minister of the Transitional National Government (TNG) on 8 October 2000.

Somali delegates, at the Arta conference, decided to use the 4.5 power-sharing formula to share power. Since then, the country has been using this model to facilitate stability and inclusive politics.<sup>3</sup>

As per the Transitional Charter requirement, Prime Minister Galaydh created 25 ministries. On 20 October 2000, Galaydh appointed one deputy prime minister, 25 ministers, 25 vice-ministers and five state ministers.<sup>4</sup> Later on Galaydh's government negotiated with some local Mogadishu faction leaders accommodated them in the government with five or so vice ministers.<sup>5</sup> All ministries were led by men. Galaydh appointed one female state minister and two vice ministers, one at the health ministry and the other at the Ministry of Labor and Sports.<sup>6</sup> Galaydh was ousted by the parliament on 28 October 2001 after falling out with the president.<sup>7</sup>

Former Prime Minister Ali Khalif Galaydh has passed away on 8 October 2020 in Jigjiga (Somali region in Ethiopia). He was 78.

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1. Washington Post, 15 October 2000, Somali President Travels to Capital to Re-establish Government: <https://wapo.st/3lynqqc>

2. New York Times, 31 August 2000, Somalis Get Leader; Now They Need a Nation: <https://www.nytimes.com/2000/08/31/world/somalis-get-leader-now-they-need-a-nation.html>

3. Somalia's so-called minority clans (they may be larger than asserted as no census has been conducted) dislike being referred to as .5. However, although the designation sounds negative and their 31 seats is fewer than others have received, minority clans had less representation in Siyad Barre's government as well as those elected in a democratic way before Arta.

4. Magacyada Golaha Wasiirada Iyo Beelhooda; SomaliNet 7 November, 2000; [https://www.somalinet.com/forums\\_archives/5566/11047.html](https://www.somalinet.com/forums_archives/5566/11047.html)

5. Interview with Galaydh's Secretary to the cabinet in 2000/21

6. The Minister of State was Khadijo Osoble Ali and the two vice Minister were Dr. Hawo Abdi Dhiblawe and Asha Ahmed Abdalle.

7. BBC NEWS, 29 October, 2001, Somali prime minister sacked: [news.bbc.co.uk/2/hi/africa/1624582.stm](https://www.bbc.com/news/2/hi/africa/1624582.stm)

## Hassan Abshir Farah (2002-2003)



On 12 November 2001, President Abdiqasim Salad Hassan appointed Hassan Abshir Farah as the new TNG Prime Minister. Premier Abshir began the longest consultation period for a cabinet formation. On 18 February 2002, Prime Minister Hassan Abshir established 31 ministries.<sup>8</sup> Establishing the cabinet took about 100 days rather than the 30 days mandated by the interim constitutions and the 30 days allowed to secure a confidence vote from parliament.

Abshir's created new ministries such as women's and family affairs, tourism and wildlife, local government, monetary affairs, reconciliation and conflict resolution, disabled and rehabilitation, energy, diaspora and refugee affairs, culture and heritage, reconstruction and resettlement, environment and constitution and federalism.

By creating the constitution and federalism ministry, it seemed that Abshir was signalling to both Puntland and the Rahanweyn Resistance Army (RRA) which controlled Baydhabo that he was willing to accommodate their demand for federalism.<sup>9</sup> The RRA represented the Digil and Mirifle clans who had advocated for the creation of a federal Somalia as far back as the 1940s and 1950s.<sup>10</sup> The mandate of the TNG ended on 13 August 2003 and Abshir and speaker of parliament Abdalla Derow Isak joined the IGAD-convened Mbaghati Conference in Kenya. Their participation was in defiance of the TNG President Abdiqasim Salad Hassan who opposed it. Abshir and Isak were dismissed by the TNG parliament on 10 August 2003. Hassan extended the mandate of all TNG institutions through the defunct parliament appointed Abshir's replacement.<sup>11</sup>

Former Prime Minister Hassan Abshir Farah has passed away in Ankara on 12 July 2020. He was 75.

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8. IRIN NEWS, 18 February 2002, The prime minister of the Transitional National Government (TNG) of Somalia, Hassan Abshir Farah, has named the members of his cabinet: <https://www.thenewhumanitarian.org/fr/node/208201>

9. On October 2002, the IGAD-led Somali National Reconciliation Conference in Eldoret began. Prime minister Hassan Abshir represented the TNG and all of Somalia's warlords and factions attended. The New Humanitarian, 15 October 2002, Peace talks underway in Kenya: <https://www.thenewhumanitarian.org/fr/node/203732>. After two years of protracted talks, the conference gave birth to Somalia's federalism model of governance.

10. Cleophus Thomas, III; FEDERALISM IN SOMALIA: OBSTACLES, ASPIRATIONS, AND OPPORTUNITIES IN JUBALAND [http://mars.gmu.edu/bitstream/handle/1920/11232/ThomasIII\\_gmu\\_0883E\\_11637.pdf?sequence=1&isAllowed=y](http://mars.gmu.edu/bitstream/handle/1920/11232/ThomasIII_gmu_0883E_11637.pdf?sequence=1&isAllowed=y); page 38

11. Abshir ignored his ouster. He said the mandate of the TNG had ended and the assembled Somalis in Eldoret/ Mbaghati would establish a government of national unity and he would be the caretaker prime minister until then. The New Humanitarian, 12 August 2003, TNG hangs in the balance as mandate ends: <https://www.thenewhumanitarian.org/report/45453/somalia-tng-hangs-balance-mandate-ends>



## Mohamed Abdi Yusuf (2003-2005)



President Abdiqasim Salad Hassan appointed Mohamed Abdi Yusuf on 8 December 2003. Yusuf has created 38 ministries and he formed the second-largest cabinet of 92 members, consisting of 38 ministers, 38 state ministers and 16 vice ministers.<sup>12</sup> Yusuf was appointed during an acrimonious time after the three-year mandate of the TNG created in Arta ended in August that year.

Prime Minister Mohamed Abdi Yusuf's cabinet had a huge and unusual number of state ministers.<sup>13</sup> Both successor and preceding council of ministers, the vice minister posts matched the total number ministers, and state ministers were always handful.<sup>14</sup> It was probably the weakest council during the transition era – as the mandate of the TFG ended in August – months before Yusuf was appointed<sup>15</sup> and Somalia's key political actors and the international community were invested in the Mbaghati conference. Hassan and Yusuf agreed to participate the conference in January 2004.<sup>16</sup> Somalia's faction leaders, warlords, civil society, elders and independent politicians participated in the Eldoret/Mbaghati conference under the auspices of IGAD.<sup>17</sup>

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12. Somalia: TNG faction rejects new appointments: <https://reliefweb.int/report/somalia/somalia-tng-faction-rejects-new-appointments>

13. Ra'iisul Wasaaraha Dowladda Ku-Meel-Gaarka Maxamed Cabdi Yuusuf Oo Shalay Magacaabay Wasiiru-Dowlayaal Iyo Wasiir Ku Xigeen: [web.archive.org/web/20040701073233/http://www.somaliatalk.com/2004/feb/10feb804.html](http://www.somaliatalk.com/2004/feb/10feb804.html)

14. The prime minister with the fewest state ministers (four) was Ali Khalif Galaydh (2000-2001). Most prime ministers had around 12. In the 1960s, prime ministers Abdirashid Ali Sharmarke Abdirisaq, Haji Hussein and Mohamed Haji Ibrahim Egal had state ministers to lead key tasks but they did not have ministries. For example, the state minister for Somali Affairs (in the 1960s) did not have a ministry but managed the portfolio (issues of unification). In Siyad Barre's government there were some state ministers. The best known was Mohamed Ali Hamud, the state minister for foreign affairs.

15. International Crisis Group, *Biting The Somali Bullet*, 4 May 2004: <https://d2071andvip0wj.cloudfront.net/79-biting-the-somali-bullet.pdf>, pg 5.

16. AP, <https://www.youtube.com/watch?v=xiU8vi0TBBg>

17. United Nations, 15 October 2002, Secretary-General Welcomes Opening Of Somali National Reconciliation Conference In Kenya.

## Ali Mohamed Ghedi (2004-2007)



On 10 October 2004, Abdullahi Yusuf Ahmed, the leader of the autonomous state of Puntland and a staunch advocate of federalism, was elected as president.<sup>18</sup> On 4 November 2004, he appointed Ali Mohamed Ghedi as the new prime minister.<sup>19</sup> Ghedi was a former veterinary professor at the Somali National University.

On 1 December, Prime Minister Ghedi has created 34 ministries. Then, he has appointed a cabinet consisting of 34 ministers, 34 vice ministers and eight state ministers. There was only one female minister and one vice minister.<sup>20</sup> Ghedi's cabinet also had three deputy

prime ministers.<sup>21</sup> Ten days later, on 11 December, parliament sacked the prime minister and his government on procedural grounds.<sup>22</sup> Parliament argued the prime minister-designate should first have come to the legislature to seek a confidence vote before being sworn in by the president.<sup>23</sup> Yusuf reappointed Ghedi a day later and on 23 December 2004, he received parliament's approval.<sup>24</sup>

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18. New York Times, 11 October 2004, Chaotic Somalia Picks a President; 14th Effort to End Lawlessness: <https://www.nytimes.com/2004/10/11/world/africa/chaotic-somalia-picks-a-president-14th-effort-to-end.html>

19. The Associated Press, 4 November 2004, New President Appoints Prime Minister: <https://www.nytimes.com/2004/11/04/world/world-briefing-africa-somalia-new-president-appoints-prime-minister.html>

20. Somalitalk.com, Magacyada Golaha DFKMG: <http://www.somalitalk.com/2004/dec/wasiiro.html>

21. As required by the constitution.

22. BBC Somali, Baarlamaanka Soomaalida oo riday dowladda: [https://www.bbc.com/somali/news/story/2004/12/041223\\_dowlad](https://www.bbc.com/somali/news/story/2004/12/041223_dowlad)

23. Article 49 states the cabinet will be sworn in only after they receive a confidence vote from parliament.

24. BBC Somali, Baarlamaanka oo ansixiyey Cali M. Geedi: [https://www.bbc.com/somali/news/story/2004/12/041223\\_dowlad](https://www.bbc.com/somali/news/story/2004/12/041223_dowlad)

On 7 January 2005, Ghedi established 42 ministries. Then, he appointed a cabinet consisting of 93 members which included most of the country's faction leaders.<sup>25/26</sup> Thirty-two percent were totally of the ministries were new including the ministry of cooperative development, the ministry of supporting the disabled and orphans, the ministry of land and settlement, the ministry of rural development, the ministry of regional cooperation, the ministry of national assets and procurement, the ministry of heritage and culture, the ministry of tourism and wildlife, the ministry of reconciliation and relations with diaspora communities, the ministry of rehabilitation and retraining of militias and the ministry of national security.<sup>27</sup>

The ministry of national security was new to Somalia. A ministry by the same name existed in Kenya where it controlled both the police and security services.<sup>28</sup> Ghedi appointed Mohamed Qanyare Afrah, an outspoken Mogadishu faction leader, to this portfolio. Qanyare had spent time in Kenya and had also helped Abdullahi Yusuf defeat other contenders for the presidency. It seemed this new but powerful ministry was the reward for his support.<sup>29</sup>

The interim charter said the new government was to renew the confidence of parliament if it failed to spread federalism throughout the country within two years.<sup>30</sup> On 20 August 2006 Ghedi's government fell and he was asked to form his third cabinet. In the letter that accompanied his cabinet announcement, Ghedi wrote that he "concurred with the president's recommendation that the council of ministers be 31 ministries as opposed to the 42 ministries in the past"<sup>31</sup> A year-long power struggle between Yusuf and Ghedi amid brutal civil war, insurgency and Ethiopian occupation ended on 29 October 2007 when Ghedi resigned.<sup>32</sup>

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25. BBC Somali, Dowladdii Soomaliya oo la magacaabay: [https://www.bbc.com/somali/news/story/2005/01/050107\\_government](https://www.bbc.com/somali/news/story/2005/01/050107_government)

26. Ibid.

27. Ibid.

28. Security minister comes from long line of 'generals' ; <https://nation.africa/kenya/blogs-opinion/opinion/security-minister-comes-from-long-line-of-generals--1056914>

29. BBC Somali, 10 October 2004, Waxa socda wareegii labaad ee doorashada: [https://www.bbc.com/somali/news/story/2004/10/041010\\_elections](https://www.bbc.com/somali/news/story/2004/10/041010_elections)

30. Article 11(9).

31. Al Jazeera, 21 August 2006, Somali PM names new cabinet: <https://www.aljazeera.com/news/2006/8/21/somali-pm-names-new-cabinet>;

MAGACYADA WASIIRADA UU MAGACAABAY CALI MAX'ED GEEDDI: [www.somalitalk.com/2006/aug/21aug016.html](http://www.somalitalk.com/2006/aug/21aug016.html)

32. NBC, 29 October 2007, Somali premier resigns amid power struggle: <https://www.nbcnews.com/id/wbna21535744>

## Nur Hassan Hussein (Nur Adde) (2007-2009)



President Abdullahi Yusuf Ahmed appointed Nur Hassan Hussein (Nur Adde) on 22 November 2007,<sup>33</sup> one month after his predecessor Ali Mohamed Ghedi was forced from office. On 2 December 2007, Prime Minister Nur Adde has created 31 ministries. Then, he has appointed 31 ministers, 11 state ministers and 31 vice ministers, mostly parliamentarians.<sup>34</sup> His tenure coincided with the conflict between the Ethiopia-backed TFG and the Islamist-led opposition throughout south-central Somalia.<sup>35</sup> Nur Adde promised to engage with the opposition and made reconciliation a priority for his government.

By June 2008, the government and the opposition were meeting in Djibouti for peace negotiations backed by the United Nations. Nur Adde's negotiations with the armed insurgency paid off and by August 2008 a comprehensive peace accord that included power sharing and the withdrawal of Ethiopian forces from Mogadishu was signed.<sup>36</sup>

President Yusuf, however, disagreed with the Prime Minister. The conflict between the president and the prime minister resulted in the resignation of half of the cabinet in August.<sup>37</sup> Yusuf and Nur Adde flew to Addis Ababa for mediation sessions.<sup>38</sup> The political temperature reached a boiling point. In September, Nur Adde faced a parliamentary confidence vote which he survived,<sup>39</sup> Then Yusuf fired the prime minister which parliament called unconstitutional. In late December, Yusuf himself resigned.<sup>40</sup> Despite the implosion of the TFG, the UN-backed negotiations between Nur Adde and opposition continued at a fast pace. A peace deal was signed that authorized Ethiopian withdrawal and also gave the opposition an equal number of parliamentary seats (275) as in the TFG. Sharif Sheikh Ahmed was elected as president on 21 January 2009.<sup>41</sup>

Former Prime Minister Nur Hassan Hussein (Nur Adde) has passed away in London on 1 April 2020. He was 82.

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33. REUTERS, 22 November 2007, New Somali PM nominee Nur Hassan Hussein: <https://www.reuters.com/article/us-somalia-conflict-hussein-idUSL2261597020071122>

34. Somalitalk.com, 2 December 2007, Col. Nuur Cadde oo Magacaabay Golihisa Xukuumadda oo ka kooban 73 xubnood: [www.somalitalk.com/2007/dec/wasiiro.html](http://www.somalitalk.com/2007/dec/wasiiro.html)

35. Al Jazeera, 9 June 2008, UN-backed Somalia peace talks open: <https://www.aljazeera.com/news/2008/6/9/un-backed-somalia-peace-talks-open>

36. These were the key demands of the ARS, the Islamist-led insurgency.

37. Reliefweb, 2 August 2008, Somali ministers quit as government rift deepens: <https://reliefweb.int/report/somalia/somali-ministers-quit-government-rift-deepens>

38. REUTERS, 24 August 2008, Estranged Somalia gov't leaders agree to cooperate: <https://www.reuters.com/article/idUSLQ184583>

39. News24, 1 September, Somali PM survives vote: <https://www.news24.com/news24/somali-pm-survives-vote-20080901>

40. 29 December 2009, Somali President Abdullahi Yusuf resigns: <https://www.reuters.com/article/us-somalia-president-yusuf-factbox-sb-idUSTRE4BS1US20081229>

41. Somali MPs elect new president: Sheikh Sharif Sheikh Ahmed faces challenge to restore stability after election win; AlJazeera <https://www.aljazeera.com/news/2009/1/31/somali-mps-elect-new-president>

## Omar Abdirashid Ali Sharmarke (2009-10/2014-2017)



President Sharif Sheikh Ahmed has appointed Omar Abdirashid Ali Sharmarke as his prime minister. He was appointed at the end of a brutal conflict between the government and the Islamist-led alliance. In 2009, Prime Minister Sharmarke appointed a government of national unity consisting of members of Yusuf's government and members of the Alliance of the Re-Liberation of Somalia. He created 36 ministries with many new ministries such as the constitution, women and family affairs, rehabilitation and disability, humanitarian affairs, research and technology, diaspora affairs, rural development, national resources

and equipment, culture and higher education, tourism and wildlife and environmental protection. Sharmarke made the ministry of constitution a stand-alone ministry and lumped federalism in with the interior ministry. After a short-lived conflict with Sharif in 2010, Sharmarke resigned in September 2010.<sup>42</sup>

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42. BBC News, 21 September 2010, Somalia's Prime Minister Sharmarke resigns: <https://www.bbc.com/news/world-africa-11380701>



## Mohamed Abdullahi Mohamed (Farmaajo) (2010-2011)



President Sharif Sheikh Ahmed appointed Mohamed Abdullahi Mohamed (Farmaajo) as prime minister on 14 October 2010, replacing Sharmarke who resigned a month earlier.<sup>43</sup> Prime Minister Farmaajo established 18 ministries, reducing Sharmarke's 36-ministry cabinet by half. He also appointed three deputy prime ministers who were each in charge of a ministry. There was one female minister who was responsible for family affairs and women's development.<sup>44</sup> Prime Minister Farmaajo appointed 18 vice ministers and 9 ministers of state, including two female state ministers.<sup>45</sup>

Farmaajo's term lasted about eight months. He was forced to resign on 19 June 2011 as a result of a political arrangement known as the Kampala Accord.<sup>46</sup> As the mandate of Sharif-Farmaajo administration ended, and as the required election was not practical, term extension become inevitable. The speaker of parliament, Sharif Hassan Sheikh Adan, and other opposition politicians pressured Sharif to drop the then popular prime minister in exchange for a one-year extension for his government. Farmaajo was assured that he would be replaced by his deputy prime minister, Abdiweli Mohamed Ali (Gaas), and the rest of his cabinet would continue to serve.<sup>47</sup>

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43. RFI, 14 October 2010, Somali-American first-time politician named as new PM: <https://www.rfi.fr/en/africa/20101014-somali-american-first-time-politician-named-new-pm>

44. Maryam Qassim, a medical doctor, is the only politician in the recent past who was appointed to cabinet posts by three different prime ministers - Farmaajo (2010); Shirdon (2012); and Khaire (2017).

45. R/wasaare Farmaajo oo Maanta Ku Dhawaaqay 19 Wasiir Ku Xigeen iyo 9 Wasiiru-dowlayaal u Badan Wajiyo Cusub; <https://bielbienne.wordpress.com/2010/11/18/rwasaare-farmaajo-oo-maanta-ku-dhawaaqaya-19-wasiir-ku-xigeen-iyo-9-wasiiru-dowlayaal-u-badan-wajiyo-cusub/>

46. BBC NEWS, 19 June 2011, PM Mohamed Abdullahi Mohamed resigns: <https://www.bbc.com/news/world-africa-13830470>

47. Hiiraan Online, 19 June 2011, Somali Prime Minister Resigns, a Minister Takes Over Temporarily: [https://hiiraan.com/news4/2011/Jun/19139/somali\\_prime\\_minister\\_resigns\\_a\\_minister\\_takes\\_over\\_temporarily.aspx](https://hiiraan.com/news4/2011/Jun/19139/somali_prime_minister_resigns_a_minister_takes_over_temporarily.aspx)

## Abdiweli Mohamed Ali (Gaas) (2011-2012)



On 23 June 2011, four days after Mohamed Farmaajo resigned, President Sharif Sheikh Ahmed appointed deputy prime minister Abdiweli Mohamed Ali (Gaas) as Somalia's new prime minister.<sup>48</sup> On 21 July 2011, Prime Minister Gaas has established 18 ministries, same number as that of his predecessor.<sup>49</sup> He also appointed 9 state ministers and 24 vice ministers, and he appointed two vice ministers for some of the ministries in addition to the minister and the state minister.<sup>50</sup>

Sharif and Gaas got along at the beginning but by late 2011 their interests had diverged as both wanted to run for president in the upcoming election. That, however, did not stop the necessary collaboration on governance issues particularly wooing the Turkish government to help with the famine.<sup>51</sup> Near the end of their mandate in late 2012, the two leaders' disagreement became more pronounced over the selection of members of parliament.<sup>52</sup> Gaas had more leverage in the day-to-day management of the election and the finalization of the constitution. Hassan Sheikh Mohamud defeated both Sharif and Gaas on 12 September 2012.

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48. New York Times, 23 June 2011, Harvard-Educated Technocrat Chosen as Somalia Premier: <https://www.nytimes.com/2011/06/24/world/africa/24somalia.html>

49. People's Daily Online, 21 July 2011, Somali PM names new cabinet: [en.people.cn/90001/90777/90855/7447064.html](http://en.people.cn/90001/90777/90855/7447064.html)

50. Wasiiro kuxigeenada Iyo Wasiiru-dawlayaasha Dawlada Soomaaliya oo lagu dhawaaqay; <https://dayahnet.wordpress.com/2011/07/22/wasiiro-kuxigeenada-iyo-wasiiru-dawlayaasha-dawlada-soomaaliya-oo-lagu-dhawaaqay/>

51. BBC News, 19 August 2011, Somalia famine: Turkish PM Erdogan visits Mogadishu: <https://www.bbc.com/news/world-africa-14588960>

52. Two dozen appointed MP-designates (former faction leaders) who were considered to be Sharif's potential supporters were barred by technical committees appointed and backed by Gaas; Somali Swiss Media, 29 August 2012, Hogaamiyaashii Kooxaha oo la siiyay Waraaqadaha Aqoonsiga Xildhibaanimo Maantana la Dhaarin doono: <https://somaliswisstv.com/2012/08/29/hogaamiyaashii-kooxaha-oo-la-siiyay-waraaqadaha-aqoonsiga-xildhibaanimo-maantana-la-dhaarin-doono/>

## Abdi Farah Shirdon (2012-2013)



President Hassan Sheikh Mohamud, an academic and a civil society leader, won the first election held inside the country for over decades in a landslide victory on 10 September 2012, defeating the incumbent president Sharif Sheikh Ahmed.<sup>53</sup> He appointed Abdi Farah Shirdon on 6 October 2012.<sup>54</sup> Prime Minister Shirdon has created only 10 ministries - the smallest number of ministries since 1956.<sup>55</sup> The new prime minister also appointed the first female deputy prime minister in Somalia's history – Fowzia Yusuf Haji Adan who also held the prestigious foreign ministry post.

Shirdon also broke the 4.5 clan formula, where 'smaller' clans were assigned an equal number of cabinet portfolios as their counterparts from larger clans. In justifying this decision, Prime Minister Shirdon said, "I created this cabinet, because the government coffers were empty and I want a cabinet we could afford, a cabinet that could get the job done and as an outsider I did not owe anybody anything and I felt I had a chance to get it right and create the cabinet the country needed not the cabinet politicians wanted," said Shirdon.<sup>56</sup> On 13 November 2012, Shirdon was approved by 219 out of 255 parliamentarians.<sup>57</sup> On 2 December 2013, Shirdon lost the confidence of parliament after a year in office. An overwhelming majority of MPs voted for his ouster and only 65 MPs sided with him.<sup>58</sup> In hindsight, politics trumped the good intentions and progressive agenda of the prime minister Shirdon.

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53. Agence France-Presse, 10 September 2012, Somalia: Hassan Sheikh Mohamud elected as president: <https://theworld.org/stories/2012-09-10/somalia-hassan-sheikh-mohamud-elected-president>

54. Reuters, 6 October 2012, Somali president names political newcomer as PM, urges unity: <https://www.reuters.com/article/us-somalia-politics-idUSBRE89508B20121006>

55. Premier Abdullahi Isse was a prime minister before independence (1956-60). He appointed a six member cabinet (five ministers and the prime minister).

56. Interview with HIPS, 20 January 2021.

57. BBC Somali, 13 November 2012, Xukuumadda cusub ayaa la ansixiyay: [https://www.bbc.com/somali/war/2012/11/121113\\_golaha\\_xukuumadda](https://www.bbc.com/somali/war/2012/11/121113_golaha_xukuumadda)

58. The Wall Street Journal, 2 December 2013, Somalia's Parliament Ousts Prime Minister: <https://www.wsj.com/articles/SB10001424052702304579404579234042305349688> ;VOA Somali 2, December 2013, Barlamaanka oo Kalsoonida kala Noqday R/W Saacid: [https://www.bbc.com/somali/war/2012/11/121113\\_golaha\\_xukuumadda](https://www.bbc.com/somali/war/2012/11/121113_golaha_xukuumadda)

## Abdiweli Sheikh Ahmed (2013-2014)



President Hassan Sheikh Mohamud appointed Abdiweli Sheikh Ahmed as a prime minister on 12 December 2013 to replace Shirdon.<sup>59</sup> Shirdon's ouster had created a toxic political environment.<sup>60</sup> Prime Minister Ahmed has created 25 ministries and he has appointed 25 ministers, 25 vice ministers, five state ministers and a deputy prime minister.<sup>61</sup> Ahmed's cabinet was dominated by parliamentarians of all stripes. The president's close allies also secured prestigious positions.<sup>62</sup> Women were given two less prestigious ministries than in the previous government and lost the post of deputy prime minister.<sup>63</sup>

The disagreement between the president and prime minister was an open secret by mid-summer. The political atmosphere was so toxic. By September, when the prime minister fired the director of the intelligence agency NISA, a close associate of the president, the conflict was in the public domain.<sup>64</sup> By October, it was a crisis level and when the prime minister made a mini cabinet reshuffle and moved a close ally of the president from the ministry of constitution to the ministry of livestock the president called it an illegal act and instructed ministers to ignore the prime minister and stay in their positions.<sup>65</sup> By November, Ahmed was fighting for his political life. The prime minister's allies and the majority of pro-president MPs were facing off at the parliament, forcing the adjournment of session as commotions prevented debate.<sup>66</sup> Internally, a cabinet revolt was unleashed as 14 of Ahmed's ministers asked him to resign.<sup>67</sup> On 6 December 2014, Ahmed was voted out by 153 parliamentarians.<sup>68</sup>

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59. National Post, 12 December 2013, Abdiweli Sheikh Ahmed, a Somali-Canadian economist, named Prime Minister of Somalia: <https://nationalpost.com/news/abdiweli-sheikh-ahmed-a-somali-canadian-economist-named-prime-minister-of-somalia>

60. Most Somali presidents had a small clique of friends, colleagues, campaign managers and financiers who wielded a disproportionate amount of influence and they often had a hand in recruiting prime ministers. Political rivals, media and social media also amplified and often exaggerated the influence of friends and allies of presidents which at times became a self-fulfilling prophecy and led to unknown individuals gaining unexpected notoriety.

61. Mareeg.com, 18 January 2014, List of the new Somali Cabinet revealed by Prime Minister Abdiweli Sheikh Ahmed: <https://mareeg.com/list-of-the-new-somali-cabinet-revealed-by-prime-minister-abdiweli-sheikh-ahmed/>

62. One took the national security ministry and the other constitution and justice.

63. They were: ministries of women's affairs and human rights and public works and reconstruction.

64. Garowe Online, 8 September 2014, President Hassan opposes sacking of National Intelligence Boss: <https://www.garoweonline.com/en/news/somalia/somalia-president-hassan-opposes-sacking-of-national-intelligence-boss>

65. Reuters, 26 October 2015, Somali president, prime minister spar over cabinet reshuffle: <https://www.reuters.com/article/us-somalia-politics-idUSKBN0IF0LM20141026>

66. 11 November 2014, Shouting match, whistles halt debate on sacking Somali PM: <https://www.reuters.com/article/uk-somalia-politics-idAFKCN0IV0V120141111>

67. Reuters, 17 November 2014, Embattled Somali PM tells ministers to resign if they are unhappy: <https://www.reuters.com/article/ozatp-uk-somalia-politics-idAFKCN0J11N320141117>

68. Al Jazeera, 6 December 2014, Somali MPs vote out prime minister: <https://www.aljazeera.com/economy/2014/12/6/somali-mps-vote-out-prime-minister>



## Omar Abdirashid Ali Sharmarke (2015-2017)



President Hassan Sheikh Mohamud appointed Omar Abdirashid Ali-Sharmarke as his third prime minister on 17 December 2014. On 11 January, Prime Minister Sharmarke created 25 ministries. Then, he has appointed 25 ministers, 25 vice ministers and four state ministers.<sup>69</sup> Parliament was up in arms and threatened not to approve the cabinet as there were 10 ministers from the previous government (mostly President Hassan Sheikh Mohamud's allies). Parliamentarians argued they had been deposed for lack of productivity and should not be recycled.<sup>70</sup>

Many MPs also wanted to be in the council of ministers, hence their objections. The PM was forced to revisit the cabinet he appointed.

While keeping the 25 ministries, Omar Abdirashid Ali-Sharmarke appointed 25 ministers, nine state-ministers and 25 vice ministers.<sup>71</sup> The controversial ministers who had served in the governments of the past two prime ministers, and who also happened to be the president's allies, were missing from the new line up. There was a deputy prime minister who was also assigned to a ministry.<sup>72</sup> The cabinet again faced strong resistance from the parliament and the prime minister went back to the drawing board. Sharmarke finally formed an inclusive cabinet –including president's allies - which parliament approved on 9 February 2015.<sup>73</sup> Sharmarke co-managed the election processes and ran for president, competing against his boss, President Hassan Sheikh Mohamud. Both lost the election to Mohamed Farmaajo on 8 February 2017.

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69. Halgan.net, 11 January 2015, Ra'iisulwasaare Dr. Cumar Cabdirashiid oo magacaabay golihisa Wasiirada: <https://halgan.net/2015/01/raaisul-wasaare-dr-cumar-cabdirashiid-oo-magacaabay-golahiisa-wasiirada-dhagayso/>  
70. Ibid.

71. Somalitalk.com, 27 January 2015, RW. Cumar oo caawa ku dhawaaqay xukuumad ka kooban 20 Wasiir: [somalitalk.com/2015/01/27/rw-cumar-oo-caawa-ku-dhawaaqay-xukuumad-ka-kooban-20-wasiir/](https://somalitalk.com/2015/01/27/rw-cumar-oo-caawa-ku-dhawaaqay-xukuumad-ka-kooban-20-wasiir/)

72. Ibid.

73. Reuters, 9 February 2015, Somali parliament approves cabinet after weeks of wrangling: <https://www.reuters.com/article/cnews-us-somalia-government-idCAKBN0LD1GG20150209>



## Hassan Ali Khaire (2017-2020)



President Mohamed Abdullahi Farmaajo appointed Hassan Ali Khaire on 23 February 2017. At 3.5 years, Prime Minister Khaire was the longest serving prime minister in the past 20 years, followed by Ali Ghedi who served almost three years between 2004 and 2007. Khaire created 26 ministries. He then has appointed a deputy prime minister, 26 ministers, 26 deputy ministers and 2 state ministers.

Khaire and President Farmaajo worked closely and without open conflict for almost three years. He was one of the most powerful prime ministers of the last two decades in terms of

control of his cabinet and ability to push the government's agenda inside the country and with the international community.<sup>74</sup> When he expressed his political ambitions, Khaire was suddenly and unceremoniously ousted by parliament in July 2020 at the instigation of the president with an overwhelming vote of no confidence<sup>75</sup> There were over 30 ministers who were also MPs and most of them voted against Khaire.<sup>76</sup>

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74. An energetic orator and veteran of the NGO world, Khaire made a good first impression, said the right things and came across as an effective prime minister. However, some cabinet members accused him of being domineering and controlling.

75. DW, 25 July 2020, Somalia: Prime minister ousted after resounding vote of no confidence: <https://bit.ly/3v6HxId>

76. Al Jazeera, 25 July 2020, Somalia's parliament votes to remove PM Hassan Ali Khaire: <https://www.aljazeera.com/news/2020/7/25/somalias-parliament-votes-to-remove-pm-hassan-ali-khaire>

## Mohamed Hussein Roble (2020-2022)



President Mohamed Abdullahi Farmaajo appointed Mohamed Hussein Roble on 18 September 2020 after his predecessor Hassan Ali Khaire was sacked.<sup>77</sup> It took two months for the president to appoint the new prime minister and that was by design. President Farmaajo used the time to negotiate with regional leaders about the modalities of the delayed indirect election process which he planned to contest. Right before the announcement of Roble's appointment on 18 September 2020, the election agreement between Farmaajo and regional leaders was also signed.<sup>78</sup>

Prime Minister Roble was presented as a caretaker prime minister to implement that agreement. He created 26 ministries on 20 October 2020.<sup>79</sup> Then, he has appointed a deputy prime minister, 26 ministers, 17 state-ministers and 26 vice ministers. Most of the appointed council were members of the House of the People of the Parliament.<sup>80</sup> Roble also appointed four female ministers.

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77. Anadolu Agency, 18 September 2020, Somalia's president appoints new prime minister: <https://www.aa.com.tr/en/africa/somalia-s-president-appoints-new-prime-minister/1977274>

78. AFP via Al Arabia News, 18 September 2020, Somalia names political newcomer as new PM, announces plan for national elections: <https://english.alarabiya.net/News/world/2020/09/18/Somalia-names-political-newcomer-as-new-PM-announces-plan-for-national-elections->

79. A list of the cabinet can be found here: <https://twitter.com/HarunMaruf/status/1318257118768697344/photo/1>

80. @HarunMaruf BREAKING: PM Mohamed Hussein Roble has announced a new Cabinet consisting of a Deputy Prime minister and 26 ministries with 4 female ministers. 15 of the ministers (over 50%) are from the outgoing cabinet: <https://bit.ly/3tohyra>

President Farmaajo and Prime Minister Roble collaboration ended within seven months when the prime minister suspended a close Farmaajo ally, the director of the spy agency NISA. In return, Farmaajo suspended the prime minister.<sup>81/82</sup> By the end of 2021, the president (whose term ended in February) and the prime minister were in full conflict.<sup>83</sup> Roble was able to hold together his cabinet and even passed a condemnation of what he said was a presidentially-orchestrated coup attempt.<sup>84</sup> However, other state organs such as the army and security agencies were not taking orders from the prime minister. In early 2022, the army was deployed, possibly at the president's behest, to Baladweyne, a city in central Somalia, without consulting PM Roble. The prime minister ordered the return of the soldiers which was ignored by commanders.<sup>85</sup>

First four months of 2022, Prime Minister Roble focused on completing the election process which he succeeded on 15 May. The selection of the parliamentarians has taken a long time. But, the selected MPs were sworn in on April 14, 2022. Subsequently, the members of Somalia's bicameral parliament Hassan Sheikh Mohamud as president. Mohamud defeated the incumbent, President Mohamed Abdullahi Farmaajo and dozens of other candidates

President Hassan Sheikh Mohamud's first order of business is to appoint a Prime Minister. We hope this study serves as lessons learned for the new president and the new prime minister when they embark on their upcoming cabinet formation.

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81. BBC News, 16 September 2021, Somalia political rift intensifies amid row over missing spy: <https://www.bbc.com/news/world-africa-58584625>

82. Al Jazeera, 27 April 2021, Somalia president to address nation as PM rejects term extension: <https://www.aljazeera.com/news/2021/4/27/somalia-president-to-address-nation-as-pm-rejects-term-extension>

83. BBC News, 27 December 2021, Somalia PM Roble defiant after President Farmajo suspends him: <https://www.bbc.com/news/world-africa-59800515>

84. Hiiraan Online, 31 December 2021, Somali cabinet condemn "failed coup attempt" by Villa Somalia: [https://www.hiiraan.com/news4/2021/Dec/184960/somali\\_cabinet\\_condemn\\_failed\\_coup\\_attempt\\_by\\_villa\\_somalia.aspx](https://www.hiiraan.com/news4/2021/Dec/184960/somali_cabinet_condemn_failed_coup_attempt_by_villa_somalia.aspx)

85. 27 January 22, Golaha wasiirada oo amray in lasoo celiyo ciidanka Baledweyne la geeyay: <https://www.youtube.com/watch?v=SI3JObmbF2E>

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