



Local Government Administration on Mogadishu Municipal

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Abstract

Many federations are unfamiliar with the idea of autonomous local government with authority explicitly derived from the constitution, but recent events seem to point toward an expanding constitutional recognition of local government. The status and independence of local government are firmly established by constitutional recognition. It serves as a formal safeguard against the national or sub national authority's arbitrary removal of local governance in Somali Constitution and regulation.

Although some local government levels take pleasure in them, why do Banadir Rights apply? The purpose of this article is to examine if the Somalia Constitution establishes an independent local government or a decentralized local administration that acts as an executor for the national or regional states. The essay makes the case that local government in Somalia has some constitutional recognition, but the promise of an autonomous local government has been reduced to a pious dream due to a lack of clearly defined competencies and a disproportionate amount of financial dependency on regional administrations.

Introduction

In this study, the Researcher will examine to mention or going to discuss in this Article one the main point that researcher will talk about background of the study, Local Government: Banadir and Mogadishu, Administration in a public body, Representative or Council, Decentralization of Local Government and significance of the Legal study.

Historical of Local Government

The concept is also based on devolution of legal author it on territorial basis. It may also include cerise of administrative functions. The above is rooted in the premise that not everything can or should be done from the center. The rationale for such a belief appears to be" apart from practical difficulties of governance in far \$sung areas" it is necessary and desirable to ensure participation of local people through institutions in the process of governance. Typologies of territorial sharing of power in most countries depend on the structure of central government. %road" the structure ma either be federal or unitary or ami! ture of both. &SA and India are e!maples of federal structure.&nder this structure" the constituent states form part of the federal or central government. At the same time" the states have separate legislatures that form the centre of governance. These are not called local governments but are known as state governments. The sharing of responsibilities and authority for local governance are broad de'ned in the constitutions of a given countr.%elow the state governments lie the local government. They are generally elected councils that perform wide range of functions. The degree of autonomy en(oped bathe local governments depends on the countr)s heritage" administrative and political development. *enerall" it can be said that in developed countries localgovernments en(o□ lot of autonom□. The local governments also en(o powers ofta!ation in speci'c 'elds(2007 •

Hendra Yusran Siry)

Local government is a term that is used quite regularly here in South Australia and some of the other states as well. We simply use the term as an alternative to council, municipality or even shire. Local governments /councils etc. Most states in Australia have three forms of government. They are Federal Government, State government and local government (councils). Councils are areas of land that have been divided up within the state mainly due to size and population. In South Australia, I think we have 68. Councils/local governments look after the needs of

the people that live within their boundaries. They look after everything from rubbish collection through to rezoning of land, and many other things that their communities may want or need. Councils fund themselves by changing rates. The mayor and councilors are elected by the citizens within their boundaries. It is the only form of Government where it's NOT compulsory to vote.

What do you know about Banadir and Hamar

In this idea Researcher will examin deatals about these Banadir is broder Region announced in 1974 for the cercomestance to Differentiating Banadir from Mogadishu Banadir is a recent Region while Mogadishu is a well-known and long-standing metropolis hub of Somalia.

Banaadir (Somali: Banaadir, Arabic: بنادر, Italian: Benadir) is an administrative region (gobol) in southeastern Somalia.[3] It covers the same area as the city of Mogadishu, which serves as the capital. It is bordered to the northwest by the Shabelle river, and to the southeast by the Indian Ocean.[4] Although by far the smallest administrative region in Somalia, it has the largest population, estimated at 1,650,227 (including 369,288 internally displaced persons) in 2014.[1]

The territorial extent and scope of the term Benadir has varied in definition throughout its history, with medieval usage extending Benadir to huge swaths of coast adjacent to Mogadishu stretching as far as hundreds of miles. The early modern period which extended the meaning of Benadir to the interior midway towards the Hirshabelle region, to the contemporary period wherein sometimes the nonstandard misnomer of usage being interchangeable with the city of Mogadishu. This Banaadir municipality is bordered to the north by Hirshabelle and to the southwest by South West, and is the only Somali gobol (administrative region) which is both a municipality and a gobol known as a region.

Tradition and old records assert that southern Somalia, including the Mogadishu area, was historically inhabited by hunter-gatherers. These were later joined by Cushitic-speaking populations, who would go on to establish local aristocracies called Sarapion. During the medieval period, it served as the capital of the sultanate of Mogadishu in the 9th-13th century, which for many centuries controlled the Indian Ocean gold trade, and eventually came under the Ajuran Empire in the 13th century which was an important player in the medieval Silk Road maritime trade. Mogadishu enjoyed the height of its prosperity during the 14th and 15th centuries[7] and was during the early modern period considered the wealthiest city on the East African coast, as well as the center of a thriving textile industry.[8] In the 17th century, Mogadishu

After the Somali Republic became independent in 1960, Mogadishu became known and promoted as the White Pearl of the Indian Ocean. After the ousting of the Siad Barre regime in 1991 and the ensuing Somali Civil War..

An analysis of local government administration

The Banaadir consists of 17 de jure districts and 3 de facto districts. It also encompasses the entire land between the Balad and Afgoy borders, with Hamar or Mogadishu serving as the town center.

LAW L. 23, Tr. 18 July 1974. Appointment of Banadir Region.

THE CHAIRMAN REVOLUTIONARY SUPREME COUNCIL HE SAW THE 1ST AND 2ND PAPERS OF THE REVOLUTION;

HE SAW The laws are L. 13 issued on July 13, 1965, L. 52 issued on June 1972 and D. L. 121 issued on September 17. In 1972;

ACKNOWLEDGING that it is necessary to establish the city of Hamar in a new region, and name it as Banadir Region"; CONSIDER HIM. The decision of the Supreme Council of the Revolution and this The city of Hamar was made a province The city of Hamar was made into a region, named "Banadir region" and it consists of 14 districts.

Article 2

Governor of the State 1. The Mayor of Hamar is the Governor of Ba Nadir. 2. The Deputy Mayors of Hamar are members of the Revolutionary Committee of Banadir Region the Administrative Degree of the President Democratic Republic of Somalia

Article 2

(Juridical Personality). Local Administrations referred to in the previous article shall be autonomous bodies with juridical personality and shall have the powers provided by law.

This paper tries to examine the process of decentralization and district level decentralization program in Banadir regional state. The paper traced out the overview of decentralization process during imperial, and regimes. The depth and degree of decentralization in the consecutive regimes found to be different in

which the process of decentralization in current government meant to be deeper and extensive as it pushed powers, functions and roles to the district level of government. The process of decentralization in the current government had two phases. The first phases was evident since Political interests to exchange which moved out powers and functions to the regional State of the Banadir.

The second phases of decentralization were also realized since 20022 as it has transferred powers and functions to the districts. However there have been many challenges that were accompanied with the district level decentralization process. Article aspires to examine these challenges and to found out that unclear of powers and functions, executive domination at local level, top down the approach, absence of skilled manpower, limited participatory systems, it will be failure of the built Banadir council in holding the executive accountable, lack of adequate budget, low level of revenue mobilization capacity, challenges that intervened in the process of the Political domination.

Stricture of the Banadir Region Administration

The Banadir Region Administration is headed by a mayor, a governor, four deputies, a general secretary, and district commissioners, directories, and secretary sections and branches. The newest neighbor, who is in charge of 50 residences, is represented by an arrow.

Public Administration

The Administrative Activity: The activities of the executive power tend to realize the public ends of the state through the adoption or implementation of specific measures in the individual cases. In carrying out such activity (which is of a legal or material nature), in addition to the State, some minor public bodies also participate, and whose institutional purpose is coincident with one of the purposes of the state.

These bodies are considered by the law as the 'auxiliaries' of the State, and hence as part of the public administration. Both the legal and material activity of the public administration can be bound/mandatory or discretionary/optional. It is bound if it is imposed/forced by the legal system without leaving any reasonable margin to the competent administrative body about the opportunity to do so in a certain way.).

The autonomous regulations of public bodies can be divided into two categories:

- The Ordinary regulations that constitute the normal exercise of the Autonomy of the Entity, which is legally recognized by the law, (typical among others): staff regulations or organic regulations, which are subordinated not only to legislative acts but also to state regulations.
- Special regulations (or local ones) with which certain local government agencies (example municipalities) may implement in the adaptation of general legal rules to local requirements. The legislator sometimes does not regulate a given subject but attribute wide scope to the territorial authorities to adopt a discipline that is in accordance with their particular needs⁴ This type is, for example, the special power to regulate the Municipalities with regard to the application of taxes and municipal taxes, as per art. 30, 31 of the Law of 14 August 1963 no. 19

Public bodies:

1. Among the subjects of every relationship of administrative law should be considered the invested one of the administrative authority. Subject invested of such power is the state or other public bodies. Characteristics of public bodies are the legal personality, that is, the ability to become a legal entity and legal relationship.

The Hierarchy Relationship

1.The existence of a central office and local offices within the same branch of the administration, for the pursuit of the same ends, requires the first (central office) to be able to guide the action of the second (Local offices). Hence, it derives from that particular relation-ship of functional subordination characteristic of the administrative organization, which is called "hierarchy relationship". Coordination between the activities of the various Ministries is being done by the Prime Minister; while any internal conflicts of competence between different ministries find their solution in the Council of Ministers. 2.From the hierarchy relationship descends the subordination of the lower organ and the sup-remacy of the higher one; and consequently the power of the latter to issue directives concerning the administrative action to be taken, both by circulars and other acts of general scope (which must be classified under the so- called internal regulations) and with special orders.

3. In addition to subordination, which is the essence of it, derive from the hierarchy relationship other consequences. The hierarchically superior organ is normally invested in the following power of a general nature:

- It can decide on hierarchical actions proposed for any reason (legitimacy or merit) against acts of the inferior organ;
- It can resolve conflicts of competence between several subordinate organs;
- It may control the operation of the lower organs, by means of periodic or extraordinary inspections, of investigations, etc.;
- It can substitute itself for the lower organ in bringing about acts whose issuance was mandatory by law (bounded activity),

The last two categories of activity can be implemented either by central or peripheral organs of the state or by public bodies other than the State, but under its control. Political acts, however, are normally placed only the central organs of the State.

In the normative field, the Government, on the other hand, can approve "acts having legal force", which replace ordinary law and they have the same effectiveness.

a) **The Decree-Law** is issued by the Executive Power, in case of urgent necessity. These provisions (norme) have the force of law. Such provisions shall be issued by decree of the President of the Republic, on the proposal of the Council of Ministers, and shall, within strict limits of time (five days), be presented to the National Assembly for conversion into law; If in session, the Assembly shall decide on their conversion into law into law within thirty days of the date of presentation. If not in session, it shall decide within thirty days of its first subsequent meeting.

b) **Legislative decrees**, the assembly may delegate to the government, the power to issue, on specified subjects or matters and for a limited period of time, provisions having the force of law. In delegating authority, the Assembly may establish the policy and issue directives.

To maintain role and tasks of the bodies and office in administrative way Head of the Body Mayor and Governor and Four Deputies: Deputy of Finance and policy to maintain financial tasks to Revenue and Expenditure

This article aims to investigate the district-level decentralization program and decentralization process in the Banadir regional state. The study outlines the general decentralization process under imperial and other regimes. The process of decentralization in the current government is supposed to be deeper and more comprehensive since it has pushed authorities, duties, and roles to the district level of government, which was found to be distinct from the depth and degree of decentralization in successive regimes. There were two stages to the decentralization process in the present administration. Since political interests to swap transferred powers and functions to the Since political interests to swap shifted out powers and functions to the regional State of the Banadir, the first phases were immediately apparent.

Since 20022, the second phase of decentralization has also been accomplished, with districts now holding new responsibility and authority. However, the process of decentralization at the district level did not come without its share of challenges. This article aims to investigate these issues and discover that executive dominance at the local level, a lack of clarity regarding powers and functions, and a top-down approach are all problematic. Lack of competent labor, constrained participatory mechanisms, the unwillingness of the Banadir council to hold the administration accountable, inadequate budget, weak capacity for collecting donations, and obstacles that interfered with the process of political dominance all contribute to the collapse of the Banadir council.

President of Somalia it is not first time to elect and interested in decentralizing governmental functions at the departmental level, and the Mission has assisted the Ministry of Health's DE concentration efforts. As a result, the new local government program should include training and technical assistance to support the operation of the departmental council and assembly. To help them coordinate the line ministry delegations at the departmental level more actively, departmental delegates should also receive training and technical support. Lessons learned from the Ministry of Health's DE concentration effort by Banadir Region Administration and Local Municipality.

Role of the Mogadishu Municipal Council

Electoral events and relevant legislation in Somalia 1953-1969

Date Electoral event Applicable legislation Page

28 March 1954 Municipal councils(Italian Trust Territory)-
Ordinance no. 18 of 20 December 1953 529 February 1956 Territorial Council/Leg
islative Assembly(Italian Trust Territory)-Ordinance no. 6 of 31 March 1955-
Ordinance no. 5 of 30 March 1955-Decree no. 215 of 26 November
195519455420 October 1958 Municipal councils(Italian Trust Territory)-Law no.
15 of 25 June 1958-Decree Law no. 3 of 20 August 195859838 March 1959 and17
February 1960Legislative Council(British Protectorate)-Legislative Council
(Elections) Ordinance,1958878 March 1959 Legislative Assembly(Italian Trust
Territory)-
Law no. 26 of 12 December 1958 12326 November 1963 Local councils(Somali
Republic)-
Law no. 19 of 14 August 1963 14830 March 1964 National Assembly(Somali
Republic)-Law no. 4 of 22 January 1964 16624-
26 March 1969 National Assembly(Somali Republic)-Law no. 13 of 6 June 1968-
Decree Law no. 8 of 28 October 1968189219.

The Municipal Councils

Article

1 The number of councillors of the municipal councils is established as follows, ac
cording to thepopulation permanently resident in the municipality.- Six councillors
for each municipality with no more than 3,000 residents;-
With a population higher than 3,000 residents the number of councillors increase
s with aratio of 1 for each 10,00 residents or part thereof, up to 10,000 residents;-

With a population higher than 10,000 residents the number of councillors increase
s with aratio of 1 for each 2,000 residents or part thereof, up to 16,000 residents;-

With a population higher than 16,000 residents the number is invariably fixed at 20
councillors. Addition the fact that Mogadishu, the capital of Somalia, lacks an
assembly or representative status is one of the reasons why the Somali New
Government promotes a positive President Hassan Sheikh Mohamud. The
estimated 3 million residents of the Banadir area are accustomed to prestige and
representation. The researcher and investigations of the study are confident that it
will be necessary to gain office and representation in Mogadishu before the

Provincial Council because as soon as there is a lawmaker, let them come. Because you always receive your privileges when you have representation, the Benadin Region Legislature's role is to advocate for and discuss the future and membership of the Benadin Area. If this instance is given a nominated, it will

Decentralization of Local Government

Three elements should be part of the decentralization process:

- **Political decentralization**, when local governments are free to choose their own elected representatives. This aspect of decentralization increases the authority of the people or their elected representatives in the decision-making process.
- **Administrative decentralization** redistributes power and gives local governments the freedom to create their own administrative structures, hire their own personnel, and create and carry out development plans.
- **Financial decentralization** might be seen as the main component of decentralization. If local governments are to perform decentralized tasks, they must have the funds to do so—either raised locally or transferred by the federal government—as well as the freedom to choose their own spending priorities.

Nature of Decentralization

Local government is a decentralized political entity. You may recall in the First Unit how we identified what types of power local governments enjoys including constitutional-legal, political and administrative etc. The powers of local governments are subject to various forms of control by the cgeonvtrran lment etc. The balance of this control is the power enjoyed by local government (which is technically referred to as autonomy). It is therefore possible to say that e less the control on local government by the central government, the more autonomy conceded to these units. In this same vein, the tighter the control of local government affairs by the central government, the less the autonomy or local government powers.

Decentralization is a term that summarizes this spectrum of power relations or levels of institutional power. In some systems, local governments enjoys greater control over their affairs (especially Federal system) while in unitary system, the tendency is for greater control of local government. The concept of decentralization refers to the transfer of government functions and power to both agents and units of government in a given country. What

Deconcentration is the delegation of authority, adequate for the discharge of specified functions to staff of central departments who are situated outside the headquarter. Alderfer (1967) adds that is the transfer of powers to subordinate authorities, whether offices, individuals or field units.

Devolution is the legal instrument conferring of power to discharge specified or residual power upon formally constituted local authorities. Local governments can therefore be classified as a DE concentration (i.e DE concentrated units) or a devolution (units with substantial power). Local governments that enjoys devolution of powers are likely to be more This paper tries to examine the process of decentralization and district level decentralization program in Amhara regional state. The paper traced out the overview of decentralization process during imperial, derg, and EPRDF regimes. The depth and degree of decentralization in the three consecutive regimes found to be different in which the process of decentralization in current government meant to be deeper and extensive as it pushed powers, functions and roles to the district level of government. The process of decentralization in the current government had two phases. The first phases was evident since 1992-2001 which moved powers and functions to the regional governments. The second phases of decentralization were also realized since 2002 as it has tran_____ is nt complete this section

Legal prospective

Local Gov L 19. 14 August 1963

Article 2.

(Juridical Personality).

Local Administrations referred to in the previous article shall be autonomous bodies with juridical personality and shall have the powers provided by law.

Article 3.

(Classification of Local Administrations).

1. For the purpose of this law, Local Administrations shall be divided into the following classes:-Class A: Local Administration of Mogadiscio.

-Class B: Local Administrations whose offices are located in Regional Headquarters.

Class C: Local Administrations whose offices are located in District Headquarters.

Class D: Other Local Administrations

2 The Minister of Interior may, by decree, classify a Local Administration belonging to Class C or D in the next higher Class, where he ...

Local Gov L 19.

Article 4. (Local Councils).

1. The Local Councils elected under the provisions of the Annex to this law shall be the governing bodies of the Local Administrations.

2. The term of office of Local Councils shall be four years, beginning from the date of the elections. The Councils shall consist of: 25- Councilors in Class A Local Administrations.

21- Councilors in Class B Local Administrations.

15- Councilors in Class C Local Administrations.

11- Councilors in Class D Local Administrations

Local Government

The local government is a legitimate organization that operates independently.

One of the regions of the nation with distinct government and customs is LG. It accomplishes crucial tasks and lessens the state's burden in achieving self-supporting services.

One-on-one community service is a part of some L G jobs.

- ❖ to maintain park roads and sewers.
- ❖ to impose its laws across the area it controls.
- ❖ to issue birth, death, marriage, and divorce certificates.

Land Activities and Their Laws.

There are multiple tier of local government. It has two levels: a district level chosen by the whole country; and a regional level.

There are two types of local government: centralized and decentralized. Modern, industrialized nations set up mechanisms to administer the L G in order to carry out the L G's functions and operations in accordance with the Constitution's legal requirements. Decentralization It comes in two varieties: a- Decentralization is a method for L G to execute services on behalf of certain work units that are managed centrally. Most nations with a unitary system use this. b- Municipalities are in charge of managing a system of decentralized powers, administration, and services. This system features a division of labor and is based on the law. For its failures, the community is responsible to the District-level authorities. Representatives will be elected by person and vote. The local government in Hamar was the first to be established in Somalia, which has been through several periods in its history.

The first laws of Somalia were published in 1956.

Conclusion

Let's review the main topics we covered in this article.

The closest level of government to communities is the local government. They have dominance over politics, the law, the constitution, administration, finances, and territory. Local governments promote socio - economic growth in rural areas while assisting in the local enforcement of democracy.

On local government administration is interesting. You can view the subject matter from a theoretical, comparative, and case study viewpoint. It is intended to help you comprehend how local government functions and recognize its value as a level of government. Possibly when this course begins, those of you who were unaware of this institution will change your minds.

Reference

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-The Italian employees of the Italian Trusteeship Administration of Somalia and of the municipalities are not eligible.

Section II

– Qualifications of voters

Article

5 The voters are those Somalis who are registered in the voter lists and who have the following qualifications:-

being resident in the municipality for at least one year.(9/2/202)

