

SOMALIA

Is Set to
Establish its
**First-Ever Bar
School of Law**



Contents

INTRODUCTION.....	3
National Policy on Establishing the Higher Institute for Legal Training and Development.....	3
General and Specific Objectives of the Policy.....	3
Essential Duties of the Ministry in Implementing the 2025 National Policy.....	4
Institutional Structures of the Policy.....	4
A.The Board of Directors	
B.The Executive Directorate of the Somali School of Law	
Policy-Based Admission Procedures for Legal Practitioners in Somalia.....	5
Criticism of the Policy: Misalignment with Regional Best Practices.....	6
The Recommended Policy Reform.....	7
REFERENCE.....	8



INTRODUCTION

For the first time in its history, Somalia is set to establish a Bar School of Law,¹ marking a significant milestone in the country's legal and judicial system. Since gaining independence in 1960, Somalia has lacked a formal institution dedicated to training law graduates for professional legal practice, a gap that has long hindered the development of a well-structured and standardized legal profession. The institution will also serve as a crucial step in strengthening the rule of law, enhancing access to justice, and improving the overall legal framework in Somalia.

National Policy on Establishing the Higher Institute for Legal Training and Development

Mogadishu, Sunday, 23 February 2025 – The Council of Ministers of the Federal Republic of Somalia held a special session to deliberate on various matters of national importance, including the National Policy for the Establishment of the Higher Institute for Legal Training and Development. This policy was developed under the direction of the Minister of Justice and Constitutional Affairs, who initiated the process in 2023. Following that, legal experts from the Ministry were actively involved in drafting and formulating the policy over an extended period.

The existing practice in Somalia requires individuals aspiring to become legal practitioners to first obtain a Bachelor's degree in Law or Sharia Law. They must also undergo legal training at Somali law firms and successfully pass an examination administered jointly by the Ministry of Justice and Constitutional affairs, in collaboration with the Somali Bar Association and Supreme Court (**Ahmed Kheir, 2021**).

The responsibilities and the role of the aforementioned authorities are intricate and occasionally lead to significant challenges due to the multifaceted nature of governance. These challenges include jurisdictional overlaps, Institutional and legal ambiguities, public distrust, bureaucratic influence, and the absence of clear administrative standards, among other issues.

General and Specific Objectives of the Policy

- » Address the critical need for establishing a Higher Institute for Legal Training and Development to enhance the skills, knowledge, and capacity of legal professionals.
- » Standardize legal training for graduates from both domestic and international students.
- » Align Somalia's legal framework with the East African Community (EAC) by harmonizing national laws, policies, and regulations following the country's accession to the EAC.
- » Develop a legal framework for the creation, growth and administration of Higher Institute for Legal Training and Development (MSTHSH).
- » Reform, unify or amend, and establish policies related to legal education and the legal profession.
- » The policy guarantees that the Institute functions as a legally recognized entity, operating independently in fulfilling its assigned duties and responsibilities, with its own official logo and seal.

1 This policy regards the Somali School of Law and the Higher Institute for Legal Training and Development as synonymous. Throughout our discussion, we will consider them to have the same meaning. The abbreviation MSTHSH represents the Somali version, which stands for **Machadka Sare ee Tababarka iyo Horumarinta Sharciga**.

- » It reinforces the rule of law and the Constitution to enhance and promote state-building, foster economic growth, and strength conflict resolution.
- » It promotes partnerships with private, international, and academic institutions.

Essential Duties of the Ministry in Implementing the 2025 National Policy; -

- » The Ministry of Justice and Constitutional Affairs of Somalia will establish the Higher Institute for Legal Training and Development (MSTHSH). to train future legal professionals and support the continuous development of the Institute.
- » The Ministry will standardize, unify, and oversee legal education programs, national curriculum, and operational procedures to achieve regional recognition and enable Somali-trained lawyers to gain international accreditation.
- » The Ministry will enact legislation governing the Somali Bar Association while also ensuring the approval and supervision of advocates and paralegals in the country.
- » Disciplinary measures for lawyers and advocates to handle instances of professional misconduct.
- » The Institute (Bar School of Law) operates under the authority of the Ministry of Justice and Constitutional affairs of Somalia.

Institutional Structures of the Policy

The administrative structure of the **Somali School of Law**² consists of two primary governing bodies, which are outlined in detail below.

A.The Board of Directors

Initially, Eight members were presented to the Council of Ministers, including the Permanent Secretary of the Ministry as Chairperson, along with representatives from the Office of the State Attorney General,³ the Somali Bar Association, the Criminal Investigation Department (C.I.D), the Discipline and Rehabilitation Service, the Somali Notaries Association, the Faculty of Law at Somali National University and Law faculties from Private Universities.

The Council recommended an expansion and made some changes to its previous members who represented various ministries. The current composition includes eleven (11) members, with the Permanent Secretary of the Ministry of Justice and Constitutional Affairs serving as Chairperson. Other members include the Director General of the Ministry of Education, Culture, and Higher Education, the Director General of the Ministry of Finance, representatives from the Office of the State Attorney General and the Office of the Attorney General, as well as members from the Somali Bar Association, the Somali Notaries Association, the Supreme Court, the Faculty of Law at Somali National University, law faculties from private universities, and the Executive Directorate of the Somali School of Law. Notably, the Council removed representatives from the Discipline and Rehabilitation Service and the Criminal Investigation Department (C.I.D.).

² *Ibid* (note no, 1 above).

³ The office of State Attorney was established under the law no. 18 of 1976. The major role and function of the State Attorney in Somalia is to act as the principal legal advisor for the national government

These setup of the Bar School of Law in Somalia appears quite unusual when compared to most Bar Schools in the region and around the globe. The structure and system of the Bar School of Law seem to be significantly different from standard models, suggesting a shift away from traditional methods of institutional governance.⁴

B. The Executive Directorate of the Somali School of Law

The policy recommends that the Ministry appoint an Executive Director who will serve as the Director of the Higher Institute for Legal Training and Development (MSTHSH) and concurrently hold the position of Secretary of the Somali School of Law. The Director of the Institute and their deputies are appointed by the Minister of Justice and Constitutional Affairs for a renewable five-year term. This system allows the Ministry to oversee the leadership of the Somali School of Law (or the Higher Institute for Legal Training and Development) While granting the Minister the authority to appoint and reappoint the Executive Director, Deputy Director, Secretariat, or any other staff deemed necessary by the Ministry.

Policy-Based Admission Procedures for Legal Practitioners in Somalia

1. This policy defines and regulates the admission process for legal professionals or advocates, ensuring compliance with the procedures established by the regional organizations to which Somalia is affiliated. This compliance aligns with the laws and regulations enforced by these organizations. Consequently, the institution will implement an efficient procedure to manage these requirements effectively.
2. To qualify as a legal professional, an individual must hold a first degree in Sharia or LLB, from a recognized Universities.
3. Must complete six (6) months of training at a law firm and demonstrate good morals and ethics, with no history of significant misconduct.

According to the policy, once approved by the Council of Ministers, the Minister of Justice and Constitutional Affairs will oversee administrative and management directives for the Institute until the law governing the MSTHSH is enacted. This means that during this period, the Minister of Justice and Constitutional Affairs is tasked with overseeing the following responsibilities: Establishing temporary or permanent regulations to ensure smooth operations, providing guidance on administrative matters such as staffing, budgeting, and institutional development, defining roles and responsibilities for key personnel, including the Executive Director, deputies, and secretariat

⁴ See, The Kenya School of Law Act Cap. 16c as Amended 2012, Published the National Council for Law Reporting available at <https://new.kenyalaw.org/akn/ke/act/2012/26/eng@2022-12-31>. Accessed 27/2/2025 (see also, LDC-Uganda and the rest of the EAC National Bar Associations).

Criticism of the Policy: Misalignment with Regional Best Practices

Although the policy seeks to oversee the admission of legal practitioners and create a framework for the Higher Institute for Legal Training and Development (MSTHSH), it does not fully conform to regional and international standards. Several critical issues can be identified that could hinder the policy's effectiveness and credibility within the legal community of the country. The policy actually performs far worse than the set standards. It claims to align with best practices within the East African Community (EAC), in which the term EAC is referenced and used over nine times. However, its implementation fails to meet the required benchmarks. It is devoid of important components like independent governance of the Somali School of Law,⁵ stringent training, open admissions procedures, and the absence of strong ethical supervision among others.

1. **Lack of Independence in the Appointment Procedure:** Within various regional and global legal systems, the organizations responsible for legal education and the assessment of professional qualifications operate independently, without direct oversight from the government. For example, the East African Law Society (EALS)⁶, the American Bar Association⁷, the International Bar Association, and numerous National Bar Associations across East African Community operate independently, without direct control by any single government. They function as autonomous bodies, advocating for legal matters across borders without being directly accountable to any specific authority. According to the policy, the Executive Director, Deputy Directors, and other important staff may only be appointed by the Minister of Justice and Constitutional Affairs. This contradicts international standards that stipulate that independent boards or councils within legal institutions should make such appointments based on qualifications and professionalism. Political interference could undermine the integrity of the legal profession, as well as accountability and transparency.
2. **Short Legal Professional Training Requirements:** Before being allowed to practice law, most regional and international legal systems require substantial legal education. Among the examples are: A one-year Advocates Training Program (ATP) and bar exam are required by the Kenya School of Law. An internship and a year of legal education are prerequisites for the Uganda Law Development Center (LDC). Compared to regional standards, the policy's requirement of only six months of training in a law firm is inadequate. A comprehensive legal education program ought to comprise: organized bar tests to evaluate proficiency.
3. **Weak Ethical and Disciplinary Oversight:** Strict ethical guidelines and disciplinary procedures are necessary for a robust legal profession. However, the policy mentions good morals and ethics as a requirement but does not define a clear vetting process for legal professionals. There is no independent disciplinary body to investigate misconduct, which risks weakening public

5 Ibid, (No 1, above)

6 **East African Law Society (EALS)** annual report 2018-2019 available at <https://ealawsociety.org/wp-content/uploads/2020/12/EALS-Annual-Report-2018-2019.pdf>.

7 American Bar Association (ABA), is an independent organ or organization 'Section of Legal Education and Admissions to the Bar' https://www.americanbar.org/groups/legal_education/about_us/#:~:text=The%20Section's%20Council%20and%20Accreditation,graduates%20of%20ABA%2Dapproved%20schools. Accessed 27/2/2025

trust in the legal profession. The policy lacks the enforcement mechanisms, leaving room for unqualified or unethical individuals to practice law. To align with best practices, the policy should establish: An independent disciplinary committee with the authority to investigate complaints, a professional code of conduct aligned with regional standards, Regular ethical training for all legal professionals.

4. **Absence of a Transparent Admission System:** Regionally, the admission of legal professionals follows a transparent, standardized process. For example; Rwanda requires law graduates to complete the Institute of Legal Practice and Development (ILPD) and pass the bar exam. While Tanzania also mandates an entry exam before enrolling in legal training programs. Conversely, the policy does not specify a standard examination or evaluation for admitting legal professionals. Without a bar exam, there is no objective way to assess legal knowledge, ethics, and practical skills and the lack of transparency could lead to favoritism, undermining the credibility of Somalia's legal profession.

The Recommended Policy Reform

To ensure the Somali School of Law or the Higher Institute for Legal Training and Development (MSTHSH) meet regional and international legal standards, the policy must undergo significant structural and procedural reforms. The following recommendations address key areas where the policy falls short and propose necessary changes to align Somalia's legal education and professional admission process with best practices in the East African Community (EAC) and beyond. The existing policy aims to govern the legal profession in Somalia; However, it falls short of adhering to best practices in several essential aspects as discussed above.


The Ministry of Justice and Constitutional Affairs of Somalia which is responsible for the legal fraternity and the administration of justice, should revise the policy and legislation to enable the Somali Bar School to function as an Independent Legal Regulatory Body, charged with the oversight of appointments and the management of disciplinary actions.

The Minister should remove direct Ministerial control over appointments, ensuring a merit-based selection process and grant this body the authority to oversee legal training, administer bar exams, and regulate admission into the legal profession.

Create a Transparent Admission Process with Standardized Evaluations: A well-regulated and transparent admission process is crucial for ensuring that only qualified individuals enter the Somali legal profession. The current policy lacks clear admission criteria, standardized evaluations, and an independent oversight body, making the system vulnerable to favoritism, corruption, and inconsistencies.

Extend the training period and introduce structured bar examinations. The government should extend the six-month training to a minimum of one year to match regional standards. Without these reforms, the policy risks isolating Somali legal professionals from the regional and international legal community, ultimately weakening the credibility of the country's legal system.

To improve, the policy should introduce among others include, the national bar exam aligned with regional standards. A merit-based admission system with clear requirements. Standardized



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Opinion may be submitted online from the web site of Legal Archives Centre- Somalia info@lac.so.



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American Bar Association (ABA), is an independent organ or organization 'Section of Legal Education and Admission to the Bar' https://www.americanbar.org/groups/legal_education/about_us/#:~:text=The%20Section's%20Council%20and%20Accreditation,graduates%20of%20ABA%2Dapproved%20schools. Accessed 27/2/2025

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SOMALI NATIONAL LAW

The Federal Republic of Somalia: Provisional Constitution 2012

National Policy for the Establishment of Higher Institutions for Legal Training and Development