

The Supervisory Conundrum in Somalia's Legal Sector: A Comparative Analysis



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Executive Summary

This study examines the regulatory framework governing the legal profession in Somalia, with particular emphasis on corporate legal services, professional fees, and regulatory governance, assessed within a comparative East African Community (EAC) context. It responds to growing concerns that recent regulatory reforms especially the Registration of Legal Services Companies Regulations (2026) have introduced significant financial and institutional barriers that may undermine access to the legal profession and, by extension, access to justice.

The analysis adopts a comparative approach, drawing on regulatory practices in Kenya and Uganda to evaluate Somalia's fee structures, registration requirements, and professional governance mechanisms. It highlights notable disparities in entry costs, firm-level registration fees, annual renewals, and continuing professional development obligations. While Kenya and Uganda employ graduated, experience-based fee systems and institutionalized professional self-regulation through established bar associations, Somalia's framework places comparatively heavier financial burdens on individual advocates and legal services companies, often without corresponding safeguards or graduated relief mechanisms.

The study further assesses the institutional architecture of professional regulation in Somalia, including the establishment and role of the Somali Bar Association, the scope of ministerial authority in regulation-making, and the implications of centralized oversight for professional independence. It finds that fragmented regulatory authority and ministerial dominance risk weakening transparency, accountability, and professional autonomy.

The study concludes that, although regulatory reform is necessary to standardize legal services and ensure professional integrity, the current framework requires recalibration. It recommends the adoption of proportionate and graduated fee structures, clearer statutory mandates for professional self-regulation, strengthened oversight mechanisms, and harmonization with regional best practices within the EAC. Such reforms are essential to promoting equitable access to the legal profession, safeguarding professional independence, and supporting the rule of law in Somalia.

I. INTRODUCTION

In January 2026, the Council of Ministers of the Federal Republic of Somalia issued the ***Regulations on Legal Services Companies, 2026***. These Regulations establish the regulatory scope applicable to legal services providers operating in Somalia. In particular, ***Article 4*** provides that the Regulations apply to legal services companies that are duly registered within the Federal Republic of Somalia as corporate entities and that engage in activities related to the provision of legal services. This Regulation makes reference to legislation enacted in 1986¹, which in substance is no longer fully compatible with several of its own provisions. In practice, a number of ***articles including Article 6*** states that the maximum level of advocates fees shall be determined by ***Presidential Decree, upon the proposal of the Minister of Justice***.

Grounding a contemporary regulatory framework in a 1986 statute becomes problematic where the act allocates core professional-regulatory powers to **political offices** in a way that is difficult to justify under modern rule-of-law and professional-independence standards. The **Law No. 3 of 1986** effectively places the pricing of legal services an area normally governed by the profession and market conditions among others.

Neither the existing legal framework nor the earlier statutory instruments establish a mandatory regime for determining the fees payable by law firms as corporate entities. The historical legislation governing the legal profession focuses exclusively on individual advocates rather than legal services companies. In particular, ***Article 3 of the Advocates (Amendment) Law No. 3 of 1986*** provides only that a legal practitioner who has been authorized to practice as an advocate shall be entered in the Register of Advocates upon payment of a fixed admission fee of Shs. 5,000.

II. Overlapping Ministerial Regulation of the Legal Profession

The regulation of the legal profession in Somalia is characterized by the involvement of several State institutions exercising regulatory authority through separate legal instruments. Different ministries and public bodies have issued regulations governing legal or an advocate fees. This overlapping ministerial regulation has resulted in parallel compliance obligations for legal

¹ Law No. 3 of 13 January 1986: Amendment to the Law Governing Advocates.

practitioners and law firms, raising questions about coherence, coordination, and regulatory clarity within the governance of the legal profession.

In 2023, the Minister of Finance, the Ministry of Justice and Constitutional Affairs, the Supreme Court of Somalia acting in its dual capacity as the Constitutional Court and the Judicial Service Commission and the Somali Bar Association jointly issued the **Regulations on Court Fees and Advocates' Fees**. These Regulations introduced an annual fee structure applicable under the court fees regime.

Under *paragraph 44 of the 2023 Regulations*, an advocate is required to pay an initial fee of USD 300 for admission and the issuance of a practicing certificate, followed by an annual renewal fee of USD 150 for the practicing certificate.

In parallel, the Ministry of Commerce and Industry has imposed a separate financial obligation on legal practice through its implementing regulations issued under **Companies Law No. 18 of 26 December 2019**. In accordance with the Industrial Classification Code (ICC), legal services are classified as a regulated commercial activity and are subject to an annual licensing fee of USD 300, payable at the firm.

III. Registration of Legal Services Companies in Somalia (2026)

By contrast, the **Regulations on Legal Services Companies of 2026** introduce a distinct and parallel regulatory regime aimed at the corporate provision of legal services. *Article 7 establishes* mandatory registration as a precondition for the lawful operation of legal services companies, prohibiting any company from commencing activities unless it has been duly registered with the competent of the Ministry of Justice and Constitutional affairs.

Article 7 further vests registration authority in the Ministry's Department of Judicial Affairs and conditions registration on compliance with documentary requirements set out in Article 8. Through this mechanism, the Regulation institutionalizes ministerial supervision over market entry for legal services companies, marking a shift from profession-based regulation toward administrative and corporate regulation.

A. Company Registration Fees

Applicants	Fee	Duration
Local legal services company	USD 300 or the equivalent in Somali Shillings	3 working days
International (foreign) legal services company	USD 1,000 or the equivalent in Somali Shillings	5 working days

To place the issue in its proper context, the regulatory regime creates parallel and cumulative financial obligations for legal practitioners operating through legal services companies. Under the *2026 Regulations issued by the Council of Ministers*, legal services companies are subject to corporate registration and compliance requirements, while individual advocates remain regulated separately under the *Regulations on Court Fees and Advocates' Fees of 2023*. Together, these instruments establish a dual regulatory structure that governs both the professional licensing of advocates and the administrative regulation of legal services companies.

B. National Advocates and Legal Services Companies

The table below summarizes the fees payable by individual advocates under the 2023 Regulations and by legal services companies under the 2026 Regulations, illustrating their respective financial obligations.

Category	Service Description	Fee (USD)	Frequency
National Advocates Of 2023	Issuance and registration of a practicing certificate	300	One-time (initial)
National Advocates Of 2023	Annual renewal of practicing certificate	150	Annual
Legal Services Companies (Local) 2026	Registration of a local legal services company	300	Annual

IV. Financial Barriers to Accessing the Legal Profession in Somalia within the East African Community Context

In practical terms, a newly admitted advocate who establishes a legal services company is required to incur entry-level costs approaching almost **800 dollars**. This cumulative financial burden arises in a legal services market that remains economically constrained and, in many cases, does not generate commensurate financial returns, particularly for new entrants. **When viewed comparatively, this level of upfront cost is among the highest within the Africa**, specially EAC notwithstanding the fact that in several EAC Partner States the legal profession is relatively well remunerated and supported by more mature legal markets.

In late 2025, the author held informal professional discussions with practicing advocates in Uganda and Kenya regarding patterns of legal practice within their respective jurisdictions. In Uganda, Matia Habyalimaana, an advocate based in Masaka City a secondary urban center with a population of approximately 294,000 residents according to the most recent national census.² indicated that law firms operating in that locality typically handled between 300 to 500 legal matters annually. Comparable trends were reported in Kenya. In separate discussions, Mohamednur, an advocate of the High Court of Kenya, indicated that law firms based in Nairobi managed between 400 and 600 matters annually. Although anecdotal in nature, these accounts provide comparative insight into case volumes and market capacity within the East African legal services sector.

In both Kenya and Uganda, individuals are not required to pay any entrance or admission fee when joining the law society. This position is expressly provided for under Article 11 of the Kenya Law Society framework³ and Article 7 of the Uganda Law Society Act,⁴ which guarantee access to membership without the imposition of an initial financial barrier.

² Masaka City Population Page available electronically at https://www.citypopulation.de/en/uganda/admin/buganda/127_masaka/. Accessed 2/2/2026

³ Laws of Kenya, 'The Law Society of Kenya Act Chapter 18' (2023), Published by the National Council for Law Reporting with the Authority of the Attorney-General, available at <https://lsk.or.ke/wp-content/uploads/2024/06/Law-Society-of-Kenya-Act-21of-2014.pdf>. accessed 2 February 2026.

⁴ Uganda Law Society, 'The Uganda Law Society Act, Chapter 276, <https://uls.or.ug/wp-content/uploads/2022/11/UGANDA LAW SOCIETY ACT.pdf>. accessed 2 February 2026.

By contrast, advocates in Somalia are required to pay a comparatively high fee of USD 300 upon admission.

According to ***Garnaqsi Advocates and Legal Consultants***, a law firm based in Mogadishu, the firm handled more than 198 legal matters during the relevant period.⁵ Mogadishu, as the capital city of Somalia, is also the country's most densely populated urban center. Notwithstanding this demographic advantage, the case volume reported by a Mogadishu-based law firm remains markedly lower than that observed in comparable East African jurisdictions, such as Uganda and Kenya, where law firms commonly manage several hundred matters annually. This divergence highlights underlying structural and market-based constraints shaping legal practice in Somalia, despite the existence of broadly comparable professional obligations and regulatory cost frameworks.

V. Comparative Case Volumes of Law Firms in Somalia, Kenya, and Uganda (2025)

In 2025, law firms in Mogadishu operated with substantially lower caseloads than their counterparts in Uganda and Kenya, reflecting the more limited scale and market capacity of legal practice in Somalia despite the existence of broadly comparable professional and regulatory obligations across the region as shown below;

Country	City	Law Firm Context	Approximate Annual Case Volume (per firm)	Source / Basis
Somalia	Mogadishu	Garnaqsi Advocates and Legal Consultants	150-200 matters	Firm disclosure
Uganda	Masaka City	Law firms outside the capital	300-500 matters	Professional exchange
Kenya	Nairobi	Urban law firms	400-600 matters	Professional exchange

⁵ Garnaqsi Advocates and Legal Consultants, *Garnaqsi Advocates and Legal Consultants: Matters Handled in 2025* (Facebook post, 2025) https://www.facebook.com/Eliteadvocate.co?locale=id_ID, accessed 2 February 2026.

The total annual financial contributions payable by law firms in Uganda including the Uganda Law Society (ULS) annual subscription, ULS identification fees, contributions to the ULS House Fund, the Benevolent Fund, and the East Africa Law Society (EALS) subscription amount to approximately **USD 220 per year**.⁶ However, a clear distinction is made between junior members of the Bar (*with one to five years of practice*) and senior advocates who have been in practice for more than five years. These categories are subject to **differentiated fee structures**, with subscription amounts increasing progressively based on years of professional experience.

VI. **Annual Practicing Contributions and CPD Obligations for Advocates in Kenya 2024**

According to *The Kenyan Times*, the updated annual subscription fees are applied on a tiered scale based on length of professional practice. Advocates with over five years' experience are required to pay **USD 58 (KES 7,300)**, while those with more than three but not exceeding five years of practice pay **USD 35 (KES 4,500)**.⁷ Practitioners with between two and three years' experience are charged **USD 24 (KES 3,000)**, those with more than one year but not exceeding two years pay **USD 16 (KES 2,000)**, and advocates with less than one year of practice are subject to a reduced fee of **USD 8 (KES 1,000)**.⁸

The Law Society of Kenya (LSK) mandates that all practising advocates obtain a minimum of five Continuing Professional Development (CPD) units annually, covering the period from 1 January to 31 December. Administered by the LSK CPD Committee, the programme is designed to ensure ongoing competence through accredited seminars, workshops, and training courses on legal developments, ethics, and professional skills. The trainings may be undertaken either virtually or in person.

⁶ Uganda Law Society, 'How to Become a Member' (2025), available at <https://uls.or.ug/how-to-become-a-member/#:~:text=Every%20Advocate%20who%20qualifies%20to,FEES%20FOR%20RENEWAL%20OF%20MEMBERSHIP>. Accessed 2/2/2026

⁷ Tajeu Shadrack Nkapapa, 'LSK Announces Reduction In Practicing Certificate Fees For New Advocates' (2024), KUTVnews, available at <https://kutv.co.ke/lsk-announces-reduction-in-practising-certificate-fees-for-new-advocates/>. Accessed 2/2/2026

⁸ The Kenyan Times, 'Win for Lawyers as MPs Approve Fee Reduction for Practicing Certificate' (2024), <https://thekenyatimes.com/latest-kenya-times-news/win-for-lawyers-as-mps-approve-fee-reduction-for-practicing-certificate/>. Accessed 2/2/2026

CPD fees are set at KES 4,500 (**35 dollars**), for a one-day seminar and KES 8,000 (**62 dollars**), for a two-day seminar. Advocates with 0-3 years of practice benefit from reduced rates of **KES 3,500 (27 dollars)** for a one-day seminar and KES 6,500 (**50 dollars**) for a two-day seminar, unless otherwise specified. In addition, attendance at an Induction Course is mandatory for all newly admitted advocates, who are required to complete at least one such course within their first year of admission at a subsidized fee of **KES 1,500 (12 dollars)**.⁹

VII. **Pre-Existing Legal Services Companies Registration in Somalia**

Article 10 addresses the transitional regulatory status of legal services companies that were already operating prior to the entry into force of the Regulations. It imposes a mandatory obligation on all such entities to regularize their legal status by registering with the Ministry **within sixty (60) days** from the date on which the Regulations take effect. This transitional period is intended to ensure continuity of legal services while bringing existing providers within the formal regulatory framework.

The provision further establishes the legal consequences of non-compliance. Any company that fails to complete registration within the stipulated timeframe is deemed to be operating unlawfully and is consequently exposed to disciplinary sanctions in accordance with the Regulations. In this manner, Article 10 reinforces regulatory compliance while providing a clear legal basis for enforcement against unregistered legal services providers.

VIII. **Firm-Level Registration Costs in Kenya, Uganda and Somalia**

Notwithstanding the absence of a formal law firm registration fee in both Kenya and Uganda, the two jurisdictions adopt different administrative approaches to oversight. In Kenya, the establishment of a law firm entails limited procedural costs, such as business name registration through the e-Citizen portal KES 1,000 (**8 dollars**) for a sole proprietorship and KES 25,000 (**194 dollars**) for a partnership or limited liability partnership alongside tax registration and the issuance of a letter of no objection by the Law Society of Kenya, which is not subject to a fee. Regulatory

⁹ Law Society of Kenya (LSK), 'Continuing Professional Development (CPD) Events Calendar' (2025), Advancing Professional Excellence, available at <https://lsksebranch.co.ke/cpd-calendar/>. Accessed 2/2/2026

control remains focused primarily on the licensing of individual advocates rather than on recurring firm-level charges.¹⁰

In Uganda, while there is likewise no formal firm registration fee, law firms are required to pay an annual inspection and chambers certification fee of approximately UGX 102,000 (**29 dollars**) to the Law Council.¹¹

From a regional comparative perspective, requiring separate registration and annual renewal for legal services companies apart from the licensing of individual advocates is uncommon within the East African region. Regulation in neighboring jurisdictions typically centers on individual advocates through bar associations, making the Somali approach a notable departure that raises concerns about proportionality and regulatory alignment in a constrained legal market.

IX. Annual Renewal of the Registration Status in Somalia

Article 12 governs the duration and renewal of registration for legal services companies. It stipulates that registration granted under the Regulations remains valid for one year from the date of issuance, unless it is suspended or revoked in accordance with the law. The registration certificate must clearly indicate its expiry date, thereby promoting legal certainty and administrative transparency.

The provision further imposes an obligation on legal services companies to seek renewal of their registration within thirty days following the expiry of the registration certificate. Renewal is not automatic; rather, it is contingent upon compliance with the procedural and documentary requirements applicable to initial registration, as prescribed under Article 8. Through this mechanism, Article 12 reinforces ongoing regulatory oversight and ensures continued compliance with professional and administrative standards governing the provision of legal services.

From a regional comparative perspective, requiring separate registration and annual renewal for legal services companies apart from the licensing of individual advocates is uncommon within the East African region. Regulation in neighboring jurisdictions typically centers on individual

¹⁰ Yakazi Business Opportunities Forum, 'Law Firm Business: Requirements to Open a Law Firm in Kenya' (2025), available at <https://yakazi.com/business/article/law-firm-business/>. Accessed 2/2/2026

¹¹ Uganda Law Society, 'Message to Uganda Law Society Membership Regarding Stamp Duty On Professional Certificates/Licenses' (2023), https://uls.or.ug/wp-content/uploads/2024/01/Message-to-ULS-Members-Concerning-SD-on-Professional-Certificate_0001.pdf. Accessed 2/2/2026

advocates through bar associations, making the Somali approach a notable departure that raises concerns about proportionality and regulatory alignment in a constrained legal market.

X. Establishment of the Advocates Association (Somali Bar Association)

At present, there is no effective institutional umbrella providing collective protection or representation for advocates in Somalia. Although recent efforts were made by a group of Mogadishu-based advocates to establish a Somali Bar Association, this initiative was subsequently halted through judicial intervention by the Supreme Court of Somalia.

On **10 August 2025**, the Chief Justice of the Supreme Court of Somalia issued **Circular Ref: MS/XG/631/2025**, establishing a supervisory committee composed of judicial and administrative members to oversee the electoral process of the Somali Bar Association (UQS). The circular mandated the committee to supervise and guide the elections, support the Electoral Committee, address electoral disputes, and report on the process to the judicial leadership.

Notwithstanding this, *Article 1 of the Law Governing Advocates (Law No. 85 of 21 October 1975)* provides that the legal profession in the Republic of Somalia is to be formally organized through the establishment of an Advocates Association, commonly known as the Somali Bar Association. The Law provides that all advocates of the Republic collectively constitute this Association, thereby creating a unified professional body representing the legal profession.

The principal purpose of establishing the Advocates Association is to regulate and organize the legal profession while safeguarding the rights and interests of Somali citizens. In this respect, the Association serves both a professional regulatory function and a public-interest role within the justice system.

The Law further stipulates that the headquarters of the Advocates Association shall be situated in Mogadishu. Its formal establishment is effected through a Decree issued by the Council of Ministers upon the proposal of the Ministry of Justice and Religious Affairs. To ensure nationwide coverage and accessibility, the Association is authorized to establish branches in the regions and districts of the country as necessary.

Finally, Article 1 confers upon the Advocates Association full legal (juridical) personality from the date on which its official establishment is publicly announced, thereby enabling it to acquire rights, assume obligations, and act in its own name under the law.

XI. Regulation-Making and National Policy Development in Somalia

Each Ministry is empowered to develop national policies and regulations, provided that such instruments derive their authority from the relevant parent legislation as per *the article 99 of the Somali Constitution of 2012*. Both policies and regulations are required to be submitted to, and approved by, the Council of Ministers, which convenes weekly on Thursdays.¹² Accordingly, a ministry cannot lawfully formulate or implement these instruments independently without Council approval, and its regulatory authority is correspondingly constrained in the absence of such oversight.

*i. Council of Ministers' Authority to Issue **Regulations or Statutory Instruments***

Under *article 57 of the Prime Ministerial Regulation No 174 of 2025*, a statutory regulation issued by the Council of Ministers of Somalia provides that, every regulation shall follow the same procedural process established for the law it is intended to implement, and the authority to issue such regulation shall be exercised only within the limits permitted by that law. Once the Council of Ministers approves a regulation, it shall be brought into force through a Prime Ministerial Decree in accordance with the Constitution and other applicable laws of the country, and it shall be published in the Official Gazette of the Federal Republic of Somalia.

This practice did not reflect the approach of earlier central governments between 1960's and 1991, prior to the collapse of the State. During that period, executive authority was structured differently, and Directors General of Ministries were empowered to formulate and issue regulations without the requirement of submitting them to the full Council of Ministers for approval.

For example, *Article 24 of the 1975 Advocates Act* authorizes the *Permanent Secretary of the Ministry of Justice and Religious Affairs* to issue governmental regulations for the purpose of implementing and giving detailed effect to the Act. This provision reflects a regulatory model in which rule-making authority was delegated directly to the Permanent Secretary, allowing for

¹² Prime Ministerial Regulation No 174 of 2025, a statutory regulation issued by the Council of Ministers of Somalia

administrative flexibility in operationalizing legislation without requiring collective approval by the Council of Ministers.

Now, when a Ministry adopts regulations to implement an Act without observing required procedural safeguards such as public consultation, impact assessment, or legislative approval it may amount to procedural impropriety or an abuse of delegated authority, rendering the regulation susceptible to judicial review. Such conduct may be described as a '*regulatory dodge*' whereby executive authorities rely on delegated rule-making powers to circumvent the spirit or requirements of the governing legal framework.¹³ As illustrated in *Wheeler v Leicester City Council*, the courts may intervene where a public body pursues its objectives through unfair means, even where the substantive decision might otherwise have been lawful.¹⁴

The contrast between earlier Somali governments and the contemporary administration can be explained by several structural and institutional factors. Prior to the collapse of the State, Ministers and Senior Public Officials were largely selected on the basis of professional qualifications and merit. In the current context, however, Ministerial appointments are commonly perceived to be influenced less by competence and more by kinship networks and the 4.5 clan-based power-sharing arrangement.¹⁵

Although individual Ministers are formally required to present proposed regulations and policies to the Council of Ministers for collective review and to guard against arbitrary decision-making, this safeguard has not consistently ensured meaningful scrutiny. In practice, many regulatory and policy instruments are approved with limited assessment of their socioeconomic and legal consequences.

This is evident in the imposition of significant financial burdens on advocates, despite the limited earning capacity of much of the legal profession. Such measures risk undermining access to justice and transforming regulation into a punitive rather than supportive framework. Once regulation is

¹³ Helen Nissenbaum, Katherine Strandburg & Salomé Viljoen, 'The Great Regulatory Dodge' *Harvard Journal of Law & Technology* Volume 37, Number 3 Symposium 2023, pages 1232, 1264 available at https://nissenbaum.tech.cornell.edu/papers/THE_GREAT_REGULATORY_DODGE.pdf.

¹⁴ [1985] AC 1054

¹⁵ Hashi, M. B., Abdi, A. N. M., & Hock Oo, Y, 'Beyond the 4.5 clan quotas: evaluating the feasibility of a merit - based and inclusive federal power-sharing model in Somalia' (2025), *Cogent Social Sciences*, Volume 11(1). <https://doi.org/10.1080/23311886.2025.2544066>.

understood as **any form of State action** that influences the economic behavior of individuals, it becomes clear that the range of regulatory tools is extensive.¹⁶

The Situation Can Be Attributed to Three Interrelated Factors

First, when an individual Minister submits a regulation or policy to the Council of Ministers, it may be done as part of a political accommodation process, whereby other Ministers allow it to pass to secure reciprocal support, even though the regulation or policy could later be challenged or objected to.

Second, both the Council of Ministers and the sponsoring Minister may fail to adequately examine the relevant legal and policy frameworks, resulting in approval without a full appreciation of the implications and consequences.

Third, the situation may reflect limitations in institutional and technical capacity, underscoring the need for targeted capacity-building for Ministers in regulatory drafting, legal assessment, and policy analysis.

In Somalia's executive structure, an individual minister does not possess autonomous authority to issue binding regulatory or statutory instruments on their own initiative. Ministerial regulations must pass through the Council of Ministers and form part of the collective executive decision-making process before they acquire legal force.

By contrast, an independent authority such as the Central Bank of Somalia operates under a different legal foundation. Its regulatory powers flow directly from its establishing statute, which delegates rule-making competence to the institution itself. Within the limits of its statutory mandate, it may issue regulations or other binding instruments without submitting them for approval to the Council of Ministers or seeking fresh authorization from Parliament.

Several statutory provisions confer regulatory authority upon the Central Bank of Somalia to issue clarifications and implementing measures through regulations. The most recent example is *Article 15 of the Financial Institutions Act (Law No. 130 of 2012, as amended in 2025)*, which expressly

¹⁶ Roderick A. Macdonald, 'Understanding Regulation by Regulations' (2022), published by McGill University, pages 82-154 available at https://www.mcgill.ca/macdonald-symposium/files/macdonald-symposium/cg5_understanding_regression_by_regulations.pdf.

authorizes the Central Bank to promulgate regulations governing the licensing, operation, and reporting requirements of representative offices of foreign banks and other foreign financial institutions.

Does this distinction suggest that ministers lack competence or trust, while the Central Bank may issue regulations or binding instruments at any time without similar constraints, whereas an individual minister operates under institutional limitations?

Under Article 51 of the Prime Ministerial Regulation No 174 of 2025, a statutory regulation issued by the Council of Ministers of Somalia provides that

The Minister's responsibilities include developing policies and drafting regulations required to carry out the Ministry's mandate. However, such instruments do not attain legal effect independently. Draft laws and other measures requiring formal adoption must be submitted for approval to the Council of Ministers, and where legislation is involved, subsequently to Parliament. This indicates that while a Minister may initiate and prepare regulatory or legislative proposals, their validity depends on collective executive approval through the Council of Ministers, and in the case of primary legislation, on further endorsement by Parliament.

XII. Conclusion and Recommendations

This analysis demonstrates that the regulatory framework governing legal services in Somalia has evolved into a fragmented and cumulatively burdensome system that imposes parallel obligations on individual advocates and legal services companies without adequate coordination or economic justification. The **Regulations on Legal Services Companies of 2026**, when read alongside the **Regulations on Court Fees and Advocates' Fees of 2023**, establish a dual regulatory structure that significantly increases the cost of entry and operation within a legal market that remains structurally weak and financially constrained.

The reliance on legacy legislation from 1986 to justify contemporary regulatory powers particularly the allocation of fee-setting authority to political offices raises serious concerns regarding professional independence, legality, and conformity with modern rule-of-law standards. Unlike comparable East African Community jurisdictions, where higher regulatory costs are offset by stronger legal markets and higher case volumes, Somalia's legal profession operates under limited demand and reduced earning capacity. The result is a regulatory environment that risks discouraging professional development, distorting access to justice, and undermining the sustainability of legal practice.

Comparative evidence from Uganda and Kenya further illustrates that while regulatory contributions and professional obligations exist across the region, they are generally proportionate to market capacity and accompanied by functioning professional institutions. In Somalia, by contrast, the absence of a fully operational Advocates Association exacerbates regulatory imbalance, leaving advocates subject to administrative control without effective collective representation. Taken together, these factors indicate that the current framework prioritizes administrative control over professional facilitation and economic realism, necessitating urgent legal, institutional, and policy recalibration.

Legislative and Regulatory Harmonization: The Federal Government should undertake a comprehensive review of the **Regulations on Legal Services Companies of 2026** and align them with the **Regulations on Court Fees and Advocates' Fees of 2023**. This review should clarify the respective regulatory objectives governing individual advocates and corporate legal entities, eliminate duplication, and ensure proportionality in financial obligations.

Parliamentary Oversight through the Budget and Finance Committee: Advocates and legal professionals should formally engage The Committee on Budget, Finance, Planning, International Cooperation, and Financial Oversight of Public Institutions of the Federal Parliament to scrutinize the financial and economic implications of current regulatory instruments. Parliamentary oversight is essential to assess whether imposed fees are justified, proportionate, and aligned with broader public-interest objectives.

Judicial Review as a Safeguard: Where regulatory instruments are adopted without adequate legal basis, procedural compliance, or proportionality, affected stakeholders should pursue judicial review. Courts remain a critical safeguard against procedural impropriety, ultra vires regulation, and the misuse of delegated legislative powers.

Strengthening Professional Institutions: The establishment of a fully independent and legally constituted Somali Bar Association should be prioritized. A functioning professional body is essential to represent advocates' interests, participate in regulatory design, and balance administrative oversight with professional self-governance.

Capacity-Building in Regulatory Drafting: Targeted capacity-building programs should be introduced for ministers, senior civil servants, and regulatory drafters in areas of legislative drafting, regulatory impact assessment, and comparative legal analysis. Improved technical competence would reduce reliance on outdated statutes and mitigate the risk of legally vulnerable regulations.

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