

**Notes on the Somali Foreign Investment Law  
(Law No: 13 of 21st January 2016)**

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***Abstract***

*Somalia has a cluster of laws governing the relationship between foreign investors and Somali society. This article gives a commentary and in-depth analysis of the Somalia's current foreign investment law (Law No:13 of 21<sup>st</sup> January, 2016) as well as other related laws in order to articulate standard of investment protection and provide a road map for foreign investors, showing up the incentives provided by the current law to the foreign investors. A comparison with some other foreign laws is undertaken to highlight the key weaknesses that can be improved in the Somali New Foreign Investment Law.*

*In addition, the article attempts to propose some recommendations to improve the gaps in the Somali's current foreign investment legal regime, particularly the recent enacted foreign investment law.*

**Keywords:** Somalia, Foreign investment, property rights and settlement of investment disputes.

## **1-Introduction**

Somalia is in the process of rebuilding and recovery after a devastated civil war. It is one of the poorest countries in the world, with one of the lowest GDPs per capita. Ensuring the flow of foreign direct investment is particularly important to stimulate economic recovery in any country. Somalia is no exception. To attract foreign investment, it is vital to provide an environment that welcomes investments and adequately addresses the concerns of investors while protecting their capital and their interests.<sup>1</sup>

With regard to attracting foreign investors, Somalia had adopted the new foreign Investment Law of 21/1/2016, degree No1, which is an amendment Of Law No: 19/of 9 May 1987. The new law regulates the legal position of foreign investors.<sup>2</sup>

This Article provides and gives an analysis of the Somali's Foreign Investment Law (SFIL) and other relevant laws. It articulates the standards of the forging investment protection it contains; giving Road Map to the foreign investors who are willing and interested in investing in Somalia.<sup>3</sup> In addition, the article aims and seeks to highlight the key weaknesses of the SFIL that can be improved and repaired.

However, the important questions which need to be answered are: Does the existing law encourage the investors by facilitating the admission and establishing of investment or imposing unnecessary conditions and complicating the admission procedures? Does the law treat similarly both foreign and national investors or discriminates on the basis of nationality? What are key weaknesses of the SFIL? What are the types of incentives provided by the law to the foreign investors? This article discusses and sheds light on these points.

## **2-Legal Sources of Foreign Investment Law in Somalia**

There are several legal instruments that are supposed to be the key legal sources of foreign investment law in Somalia which guides investment activities. Those legal instruments can be divided into three Levels:

### **A- National Level, which includes the following:**

- The Provisional Constitution, the Constitution stipulates general principles that can be applied to the foreign investments including: the right to own properly, the guarantee of private property rights, the principle of none discrimination and ensuring the security of foreign investors.<sup>4</sup>
- Somali Foreign Investment Law No.19 of 9 May 1987, that came into force on 1<sup>st</sup> September 1987.<sup>5</sup> This Law is not applicable now because it was replaced and repealed by the current law.
- Foreign Investment Law No.13 of 21<sup>st</sup> January 2016, which is the amendment of the previous foreign investment law. It is the law in force now.
- Somali Foreign Employment Law No; 10 of 9/12/2015.
- Law No. 19 of 10 July 1986, on tariff reduction within the preferential trade area; came into effect on 15 September 1986. <sup>6</sup>
- Law No. 7 of 9 January 1984, regarding the Mining Code; effective on 9 January 1984.<sup>7</sup>
- Decree No. 22 of 9 January 1984, concerning the Mining Regulations; effective 9 January 1984.<sup>8</sup>
- The Civil Code (Chapter 2),<sup>9</sup> containing Company Regulations, of 2 June 1973; effective on 1 July 1973.<sup>10</sup>
- Legislative Decree No. 5 of 5 November 1966, concerning the body of Laws on Direct Taxation (Income Tax); effective on 1 January 1967.<sup>11</sup>

- Law No. 65 of 18 October 1972, enacting the Labor Code; effective on 21 October 1972.<sup>12</sup>
- Ordinance No. 1 of 22 January 1955, concerning Patents on Industrial Design; effective on 1 January 1955.<sup>13</sup>
- Ordinance No. 3 of 22 January 1955, concerning Trademarks; effective on 1 January 1955.<sup>14</sup>

#### **B- International Level:**

Somalia is a part of the following multilateral and regional instruments:

- Convention on the Settlement of Investment Disputes between States and Nationals of other States of 1965. Entered into force on 14 October 1966.<sup>15</sup>
- Treaty Establishing the Market for Eastern and Southern Africa (COMESA), 1993.<sup>16</sup>
- Charter on a Regime of Multinational Industrial Enterprises (MIEs) in the Preferential Trade Area for Eastern and Southern African States that was signed in December 1981.<sup>17</sup>
- Unified Agreement for the Investment of Arab Capital in the Arab States that was signed on 26 November 1980 in Amman, Jordan, during the Eleventh Arab Summit Conference. It entered into force on 7 September 1981.<sup>18</sup>
- Agreement on Investment and Free Movement of Arab Capital Among Arab Countries that was signed on 29 August 1970 by the member states of the Agreement of Arab Economic Unity. It entered into force on 29 August 1970. It was amended by resolution 648 of 3 December 1973.<sup>19</sup>
- Agreement for the Promotion, Protection and Guarantee of Investment among Member States of the Organization of Islamic

Conference, on 1 June 1981; entered into force on 23 September 1986.<sup>20</sup>

- Agreement of the Islamic Corporation for the Insurance of Investment and Export Credit of 19 February 1992. Entered into force on 1 August 1994.<sup>21</sup>
- Agreement on Arab Economic Unity of 3 June 1957; entered into force on 30 April 1964.<sup>22</sup>

### **C- Bilateral Treaties Level:**

- Bilateral investment treaties for the protection and promotion of investments between Somalia and Germany 1981.<sup>23</sup>
- Bilateral investment treaties for the protection and promotion of investments between Somali Democratic Republic and the Egypt concerning the Encouragement and Protection of investment was signed 25/5/1982 and entered into the force on 16/4/1983.<sup>24</sup>
- Bilateral treaties with Government of Turkey on 1/6/ 2016.<sup>25</sup>

### **3- Admission and Entry Requirements of Foreign Investors**

The foreign investors were defined in article one of Somali Foreign Investment Law as any foreign juridical or physical person who makes an investment in the territory of Somalia in accordance with Somali law.<sup>26</sup>

The admission of investment is a reflection of State sovereignty. Thus, each State has the discretionary power to decide how to admit foreign investors into its national economy. In this respect, international investment treaties usually take one of two main approaches, either admission of investments in accordance with the law and regulations of the host state or, alternatively, a right of establishment granted to foreign investors under a relevant treaty which grants national treatment at the pre-establishment stage.<sup>27</sup>

In Somalia, the SFIL regulates the rules on the admission of foreign investment, requiring foreign investors to acquire a license in order to practice their activity in Somalia as stipulated in Article 8 of SFIL.<sup>28</sup>

### **3.1 Foreign Investment Board and the Foreign Investment Promotion Office**

The SFIL establishes Foreign Investment Board (FIB) which consists of:

- A. The Permanent Secretary of the Ministry of Planning
- B. The Permanent Secretary of the Ministry of Foreign Affairs.
- C. The Director General of the Ministry of Finance.
- D. The Director General of the Ministry of Commerce and Industry.
- E. The Director General of the Ministry of Labor and Social Affairs.
- F. The Director General of the Central Bank.
- G. The Chairperson of Somali Chamber of Commerce.
- H. The Permanent Secretary of the Ministry of Commerce and Industry.

The Director General of the Ministry of Commerce and Industry is the Chairperson of the Board. The following are the key functions of the Board:

1. To approve proposed foreign investment in accordance with the policy guidelines.
2. To approve the registration of foreign investment.
3. To review the registration of foreign investment made under previous foreign investment legislation in order that such investment may benefit from the more favorable provisions, as per article 20 of this law.
4. To determine the value of foreign investment.
5. To ensure compliance with the provisions of article 16 concerning the contracting of debt from domestic sources.

6. To facilitate the granting of visas to foreign personnel to be employed by enterprises registered under this law; this law will require that all firms who invest in Somalia provide for employment and training of local Somali staff, employment for the citizens of Somalia including 50% of all staff, contractors and consultants must be residents of Somalia.

Alongside the Foreign Investment Board, there is Foreign Investment Promotion Office with the following duties:

1. To implement the decisions taken by the Board.
2. To propose the administrative and regulatory procedures required for the implementation of this law.
3. To provide information and advice to the foreign investor on foreign matter such as: application and registration procedures under this law; taxation; foreign exchange regime; economic legislation; foreign trade regime; investment opportunities; institutional framework; local sources of debt financing; partner search.<sup>29</sup>
4. To assist the foreign investor in meeting the application requirements related to foreign investment; including the requirements of domestic labor.
5. To assist foreign approved investments, at the incorporation and development stages, with guidance and advice concerning official institutions and channels and related administrative procedures.
6. To formulate proposals concerning foreign investment policy and the improvement of investment conditions.
7. To promote and attract new foreign investment in collaboration with other institutions involved in this field.
8. To perform any other duty related to foreign investment, assigned to it by the Board.<sup>30</sup>

### **3.2 Foreign Investment Application Process**

Generally, foreign investors need a special license to exercise any activity in Somalia. However, the SFIL prevents non-Somalis – whether natural or juridical persons – from practicing any commercial, industrial or tourism businesses unless and until they secure a license from foreign investment board which we explained earlier.<sup>31</sup>

The foreign investor has to submit an application for a foreign investment license to the Somali Foreign Investment Board “SFIB”. The application should be made by completing the form “Application Form for Approval and Registration”, available at the office located in the Ministry of Planning and International Cooperation, and mailing it by registered mail or express service with delivery receipt to “The Foreign Investment Board c/o Ministry of Planning and International Cooperation.”<sup>32</sup> Alternatively, the foreign investor may deliver the application directly to the office, which will issue a delivery receipt. Applications can be emailed to the Ministry of Planning and International Cooperation. Then the Office shall review the application, at the applicant’s request, for completeness and certify its satisfaction in respect of this requirement.<sup>33</sup>

The SFIB has to notify the applicant of its decision within a period not exceeding 60 days from the date of the receipt of a duly completed investment application; the board shall notify the applicant by registered mail of its decision. At the applicant's option, this notification may be collected by his representative directly from the office.

In case a modification of an application is required, The Board shall notify the applicant to this effect by registered mail. At the applicant's option, this notification may be also collected by his representative directly from the Office against issue of a delivery receipt.



The Board shall notify, through the Office, the approval of a foreign investment by issuing a "Certificate of Foreign Investment in an Approved Enterprise". Such approval shall be construed by the foreign investor as conferring eligibility for registration under this law.<sup>34</sup>

The "Certificate of Foreign Investment in an Approved Enterprise" shall be valid for the period of twenty four (24) months from the date of issue. During said period, the applicant shall affect the transfer of assets to Somalia.<sup>35</sup>

Regarding the investment license, the SFIB prioritizes investment projects that play an important role in developing the national sectors of tourism and local products, projects using local products and raw materials as stipulated in article 7 of SFIL as following sectors:

- a Agriculture
- b Livestock
- c Fishing
- d Natural resources
- e Industrial activities using significant amounts of inputs produced by the afore-mentioned sectors.
- f Tourism provided the investment harmonizes with the prevailing social, economic and infrastructural conditions.
- g Any other investment in production. Technology and manufacturing.
- h Recommends the grant of land concession for the youth of public private partnership.<sup>36</sup>

As mentioned above, one of the functions of SFIB is to approve the proposed foreign investment, which implies that the Board can reject the proposal but it is not stated clearly; also the law does not mention whether the decision of the Board is final or needs the approval of concerned minister.

One of the key weaknesses of this law is that the law does not mention the possibility of challenging the SFIB decision before Administrative Court which in Somalia is the Supreme Court.<sup>37</sup>

#### **4- Incentives and Facilities of Foreign Investors**

Somalia encourages nationals of other states to invest capital, technology and managerial skills in its territory and, to that end, is expected to admit such investments. Under Foreign Investment Law, investors are eligible for several incentives and facilities which are listed below:

##### **4.1. Debt from Domestic Sources**

As stated in article 16 of SFIL, any enterprise that is the object of a Duly Registered Foreign Investment may contract debt from institutional domestic financial sources up to the limit established by the Central Bank of Somalia, in consultation with the Board.<sup>38</sup>

##### **4.2 Facilities for Foreign Personnel**

The Board should ensure that the immigration authorities facilitate the granting of the entry permits and residence visas to foreign personnel employed by an enterprise registered under this law, and to their families.<sup>39</sup>

##### **4.3 Long Term Lease of Building and Lands**

One of the key facilities and incentives for the foreign investor is to have long term leases for up to 99 years for substantial investment in accordance with the applicable legislation governing such incentives and facilities as mentioned in article 15 of SFIL.

#### **4.4 Transfer of Profit**

Profit originating from a Duly Registered Foreign Investment may be freely transferred abroad in a freely convertible currency. In the case that only part of such profit is transferred abroad in one year, the foreign investor may transfer the remaining portion in any one of the following years.<sup>40</sup>

#### **4.5 Equal Treatment**

All enterprises that are the object of foreign investment shall receive treatment as favorable as that accorded to domestic enterprises. Such treatment would be subject to the requirement of fair and equitable treatment as favorable as that accorded by the state to national investors in similar circumstances. In all cases, full protection and security should be accorded to the investor's rights regarding ownership, control and substantial.

#### **4.6 Guarantees of Property Rights;**

The property of foreign investment, duly registered under this law, shall not be subject to expropriation measures, except in the case where public interest cannot be satisfied by other government measures.

In the case of such expropriation, prompt and adequate compensation shall be paid. Said compensation shall reflect the fair market value of the assets and shall be freely transferable.<sup>41</sup>

#### **4.7 Admission Facilitation**

The SFIL facilitates the admission and establishment of investments by nationals of other states as mentioned in several articles of the Law including article 4, 8 and 9; but the period between the receipt of application and notification of board which is 60 days is too long, in comparison with other laws, for example, foreign investment law of Oman requires to notify the investor within two weeks.<sup>42</sup>

#### **4.8 Tax Reduction or Exemption**

As stated in article 16 and 17 of Body of laws on direct taxation the tax may be exempt from some enterprises, but this is not mentioned in SFIL.<sup>43</sup>

### **5- Settlement of Disputes with Foreign Investors under SFIL**

#### **5.1 ADR Mechanism**

With the aim of complying with the recent developments in international commercial law, Somalia paved the way for foreign investors by accepting the principle of settlement of disputes through Alternative Dispute Resolution “ADR”<sup>44</sup> and Somalia ratified the ICSID Convention on 27 September 1965.<sup>45</sup> Under the Somali Foreign Investment Law, the disputes will be settled as follows:

- a. If there is an agreement between Somali Government and an investor, the dispute will be settled in a manner agreed upon.
- b. In the absence of such agreements, the dispute should be settled within the framework of the agreements in force between the Somali Federal Republic and the foreign investor's home country (Bilateral agreement between Somali Republic and foreign investor's home country)
- c. In the absence of the above two options, disputes may be submitted to arbitration under the International Centre for the Settlement of Investment Disputes (ICSID), established pursuant to the Convention on the Settlement of Investment Disputes between States and Nationals of other States, opened for signature at Washington 19 March 1965 (the “ICSID Convention”). Somalia confirms its consent to the submission of a dispute to ICSID and subject to its provisions.<sup>46</sup>
- d. In the absence of three options mentioned above, the disputes shall be settled through arbitration as follows: An arbitration

panel shall be established, comprising one member on behalf of each disputing party and third member acting as a chairperson, to be jointly named by the said two members. In the case that the disputing parties fail to agree on the nomination of the chairperson within 30 days of the date of the nomination of the second member, the chairperson shall be appointed by the President of the Supreme Court of Somalia.

The arbitration panel shall lay down its rules of procedure unrestricted by the rules contained in the civil procedure. Awards shall be rendered by majority vote, and shall be final and binding on both parties and enforceable as any other final judgment. The arbitration panel shall decide who shall bear the arbitration costs.

## **5.2 Competent Court of Investment Disputes**

Article 19 of SFIL entitles foreign investors to resolve their disputes by arbitration, but it does not clarify whether the Somali Courts has a jurisdiction to such dispute or not, and this is one of the areas of Somali foreign investment law that needs further reform.<sup>47</sup>

## **6- Sanctions for Violations of the SFIL**

The SFIL is not providing detailed guidelines for dealing with violations of its provisions. It says only that the failure to comply with the provisions of SFIL shall result in the forfeiture of benefits provided by law.<sup>48</sup>

It was supposed that this law gives to the investors a detailed guideline to maintain good relations with foreign investors by giving them the chance to correct their mistakes within a limited period, and does not explain deeply how to deal with the following issues:

1. Conducting investment business without a license.

2. The breach of any other provision of the SFIL.
3. How to conduct investigation related to unauthorized investment activities.
4. The difference between foreign and national violators regarding for violations of the SFIL.
5. The issue of withdrawing the license of the violator.

Those detailed guidelines are necessary for the investors to be aware.

### **7- Foreign Investment not Subject to the SFIL**

Article 21 of the SFIL give details and clarify some foreign investment issues that are not subject to this law including the following issues:

1. Foreign investment in mineral research.
2. Mining activities.
3. Investments related to petroleum Industry and nuclear power.

Such investments should be subjected to other relevant laws such as mining code and the mining regulations, petroleum industry act and agreements reached, hereunder, between the Somali government and the interested party.<sup>49</sup>

### **8- Weakness of the Somalia's New Foreign Investment Law**

The followings are key weaknesses of current SFIL:

#### **8-1 Ambiguity of some provisions of the law**

It is not clearly stated whether the decision of the Board is final or need the approval of concerned minister. Furthermore, the law is not mentioning the possibility of challenging the SFIB decision before Administrative Court which in Somalia is the Supreme Court.

**8-2 Length between the receipt of application and notification of board decision is too long**

The period between the receipt of application and notification of board which is 60 days is too long, in comparison with other laws for example, foreign investment law of Oman Requires to notify the investor within two weeks.

**8-3 Silence about the status of foreign partnership company with Somali citizen**

The law does not mention whether the foreign investor partnership with Somali Citizen requires Admission Procedure or considers Somali Project to be subject under other related commercial laws.

**8-4 Duties of investors**

In contrast with other foreign investment laws, the SFIL does not state clearly the duties in terms of giving priorities to the national employees, preserving the environment, and maintaining the interest of public and public order.<sup>50</sup>

**8-5 The law is not dealing deeply and properly with issue of violations of the provisions of the law such as:**

- conducting investment business without a license
- The breach of any other provision of the SFIL.
- How to conduct investigation related to unauthorized investment activities.
- The difference between foreign and national violators regarding violations of the SFIL
- The issue of withdrawing the license of the violator.

### **8-6 Jurisdiction of domestic court for foreign investment dispute**

The SFIL does not clarify whether the Somali courts has a jurisdiction to foreign investment dispute.

Finally, the new Somali Foreign Investment Law is almost the copy-past of Law No: 19 of 9 may 1987 without making the necessary improvements to keep up with the new situation.

### **9- Conclusion**

This article has explained the standards of investment protection in Somalia and provided a road map for foreign investors illustrating that it is necessary for Somalia to improve its legal regime in order to attract more foreign investors. Considering some points of ambiguity in the SFIL, some gaps in Somali's legal environment and a comparison with the laws of some other countries. Some of the weaknesses of Somali laws could be improved as follows:

1. The law should clearly state whether the decision of the Foreign Investment Board is final or need the approval of concerned minister. Furthermore, the law ought to mention whether the decision be challenged before Administrative Court which in Somalia is the Supreme Court.
2. The law has to deal deeply and properly with issue of violations of the provisions of the law, and the law must state clearly the duties of investors in terms giving priorities to the national employees, preserving the environment, and maintaining the interest of public and public order.
3. In terms of dispute settlement mechanism, the SFIL must clarify whether the Somali Courts has a jurisdiction to foreign investment dispute.



4. According to the Role of the Foreign Investment Board in terms of dispute settlement, it should be clarified under the SFIL in order to avoid any confusion concerning the real decisional authority in this regard. The SFIL grants the board a general competence in all matters related to investment but their role in dispute settlement is not regulated by the law.
5. For the proper implementation of this law, this paper recommends for the issuance of regulations indicated in article, which stipulates that the President of the Federal Republic of Somalia, at the proposal of the Board, and having heard the Minister of National Planning and the Council of Ministers, may issue regulations for the proper implementation of this law.
6. Somalia still lacks legislation regulating contractual relationships between foreign or even national investors and the Somali government. It is therefore recommended for Somalia to issue a legislation that regulates such contracts; such legislations may encourage foreign investors to establish more projects in Somalia.

### **Notes**

<sup>1</sup> Abdin MJ (2014) Cluster Development for Inclusive and Sustainable Economic Growth, Professionals Center for Business Research

<sup>2</sup> <http://www.mfa.gov.so/investment/investment-law/>

<sup>3</sup> Chiara Giorgetti, Using International Law in Somalia's Post-Conflict Reconstruction, 53 Colum. J. Transnat'l L. 48 (2014)

<sup>4</sup> see Articles 11,26 and 126 of Somali Provisional Constitution

<sup>5</sup> See the Official Bulletin of the Somali Republic No.9/ 1 September 1987 P.761

<sup>6</sup> The Official Bulletin of the Somali Republic No. 8, 1 August 1986, p. 540.

<sup>7</sup> The Official Bulletin of the Somali Republic No. 2, 28 January 1984, p. 73

- <sup>8</sup> The Official Bulletin of the Somali Republic No. 2, 28 January 1984, p. 74
- <sup>9</sup> In Somalia there is no Commercial code, and both commercial and civil matters regulated by the Somali Civil Code
- <sup>10</sup> The Official Bulletin of the Somali Republic No\_ 6, 2 June 1973, p. 570.
- <sup>11</sup> The Official Bulletin of the Somali Republic, No. 3 to No. 12 of 14 December 1966, p. 2.
- <sup>12</sup> The Official Bulletin of the Somali Republic No. 10, 25 October 1972, p. 1, 114.
- <sup>13</sup> The Official Bulletin of the Somali Republic No. 1 & 2 of 25 January 1955, p. 67.
- <sup>14</sup> Ibid, p. 97.
- <sup>15</sup> The Somali Democratic Republic was signed and ratified Convention for the Settlement of Investment Disputes between the State and Nationals of Other Countries (1965) on 27 September 1965.
- <sup>16</sup> The Agreement for the Establishment of the Preferential Trade Area (PTA) for Eastern and Southern Africa was signed on 21 December 1981 and entered into force on 30 September 1982. The PTA was later replaced with the current Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA), which was signed on 5 November 1993 and ratified on 8 December 1994. The Vision of COMESA is “to have a fully integrated internationally competitive regional economic community with high standards of living for its entire people, ready to merge into the African Economic Community.
- <sup>17</sup> The Treaty establishing the Preferential Trade Area for Eastern and Southern Africa was signed in December 1981.
- <sup>18</sup> The Unified Agreement for the Investment of Arab Capital in the Arab States was signed on 26 November 1980 in Amman, Jordan, during the Eleventh Arab Summit Conference. It entered into force on 7 September 1981. The draft statutes of the Arab Investment Court came into force on 22 February 1988. The agreement has been ratified by all member States of the League except Algeria and the Comoros.
- <sup>19</sup> The Agreement on Investment and Free Movement of Arab Capital among Arab Countries was signed on 29 August 1970 by the States members of the

Agreement of Arab Economic Unity. It entered into force on 29 August 1970. It was amended by resolution 648 of 3 December 1973.

- <sup>20</sup> The Agreement on Promotion, Protection and Guarantee of Investments among Member States of the Organization of the Islamic Conference was approved and opened for signature by resolution 7/12-E of the Twelfth Islamic Conference of Foreign Ministers held in Baghdad, Iraq, on 1-5 June 1981. It entered into force on 23 September 1986.
- <sup>21</sup> UNCTAD WID Country Profile: SOMALIA Page 11 of 13
- <sup>22</sup> The Convention on establishment was adopted in June 1957, Cairo (Egypt), under Economic Unity Agreement between States of League of Arab States (LAS). Agreement entered into force on 30 May 1964, representing a multilateral framework for economic development on a regional basis.
- <sup>23</sup> This bilateral investment treaty between the Somali Democratic Republic and the Federal Republic of Germany concerning the Encouragement and Reciprocal Protection of investment was signed 27/11/1981 and interred into the force on 15/2/201985.
- <sup>24</sup> This bilateral investment treaty between the Somali Democratic Republic and the Egypt concerning the encouragement and protection of investment was signed 25/5/1982 and interred into the force 16/4/1983.
- <sup>25</sup> In January 2015, the Minister of Foreign Affairs and International Cooperation of Somalia and a Turkish delegation signed a bilateral treaty on developmental projects in Somalia.
- <sup>26</sup> See article one of SFIL
- <sup>27</sup> Anna Joubin-Bret, ‘Admission and Establishment in the Context of Investment Protection’ in August Reinisch (ed), *Standards of Investment Protection* (OUP 2008) 9.
- <sup>28</sup> See Article 8 of Foreign Investment Law which governes the application of investors.
- <sup>29</sup> Alam MS (2012) *Foreign Direct Investment in Bangladesh: A Critical Analysis*, South East Asian Journal of Contemporary Business, Economics and Law 1.
- <sup>30</sup> See the article 6 of SFIL

- <sup>31</sup> For more details refer to articles one, four and eight of SFIL
- <sup>32</sup> See article 8 of SFIL
- <sup>33</sup> Foreign Direct Investment in Bangladesh 1971-2010 (2010). The Board of Investment, Government of Bangladesh
- <sup>34</sup> Anna Joubin-Bret, "Admission and Establishment in the Context of Investment Protection" in August Reinisch (ed), Standards of Investment Protection (OUP 2008) 9.
- <sup>35</sup> See article 9 of SFIL
- <sup>36</sup> See Article 7 of SFIL
- <sup>37</sup> See article 10 of Somali Civil procedure Code, and articles 5 and 10 of Somali Law of Organization of Judiciary of 1962.
- <sup>38</sup> See article 16 of SFIL
- <sup>39</sup> See article 17 of SFIL and article 3 and 5 of Foreign Employment Act
- <sup>40</sup> See article 12 of SFIL
- <sup>41</sup> See article 18 of SFIL, article 16 of the Provisional constitution and 681 of Somali Civil Code
- <sup>42</sup> See article 9 of Somali Foreign Investment Law and article 5 of Foreign Investment Law of Oman for comparison propose.
- <sup>43</sup> See the article s16 and 17 of Body of laws on Direct Taxation.
- <sup>44</sup> Alternative Dispute Resolution "ADR" refers to ways of resolving disputes outside of the courtroom. ADR procedures are usually less costly and more expeditious.
- <sup>45</sup> [http://www.somalilandlaw.com/foreign\\_investment\\_law\\_2004.htm](http://www.somalilandlaw.com/foreign_investment_law_2004.htm)
- <sup>46</sup> See the Article 19 of Somali Foreign investment Law
- <sup>47</sup> Amel Abdallah, A Critical Analysis of Foreign Capital Investment Law in Oman, the journal of world investment & trade 16 (2015) 506-531
- <sup>48</sup> See the Article 23 of SFIL

<sup>49</sup> Mohammed Dahir Ahmed, Somaliland: Foreign Investment Law Analysis, April 25/2017, <http://africabusiness.com/2017/04/25/somaliland-10/> and also see the article 21 of Somali Foreign Investment

<sup>50</sup> For Comparison purpose see article 13 of Kuwait Foreign Investment Law of 1999., which explains the duties of foreign investors in Kuwait.

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