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TRANSITIONAL CHARTER

SOMALI REPUBLIC

## **TRANSITIONAL CHARTER** **SOMALI REPUBLIC**

### **PREAMBLE**

#### **The Somali People,**

Inspired by their history based on traditional democracy, the faith of the Islamic Religion as well as their successive struggle for independence in which the dear blood of their gallant children was shed, succeeded in 1960 in securing the emancipation and unification of two parts of the territories into which Somalia had been divided by the colonizers, whereby the Somali Republic was born.

Upon gaining independence, a civilian government adopting a democratic system based on equality, justice and work was formed, however civilian government became confused, characterized by lack of political orientation, corruption, injustice and tribalism which became rampant in whole the social life and government administration. This caused enmity among the people and fomented political instability that led to the assassination of the president of the Republic, creating a pretext for a small clique of the army to overthrow the civilian government. The clique adopted a socialist system that enabled them to apply totalitarianism and eventually the country drifted to the rule by the will of a single person.

The dictatorial regime that Brutally run the country for almost a quarter of a century has caused the loss of lives of thousands of our people and their properties and inflicted a great damage to religion, culture, custom, pride, dignity and the socio economic conditions of the Somali people. This has compelled the people to organize themselves into armed political organizations which resorted to an armed struggle which resulted to the downfall of the dictatorial regime.

Unfortunately the expectation of the Somali people for a change to the formation of a democratic government based on the will of the people did not materialise. The country slipped into a civil war and absolute anarchy that prevailed for almost two years. This added to the sufferings of the people and caused the death of tens of thousands of innocent civilians including aged, women and children, maimed, injured other and caused the destruction of both public and private properties worth hundreds of millions of Dollars.

The people were ready to reconcile and solve their differences when foreign troops entered the country without the will and permission of the Somali people. These foreign troops disrupted the fragile peace and reconciliation process and denied the people their social, civil and political, rights. The people resisted this denial and the foreign troops responded with the use of sophisticated weapons, against innocent and unarmed nationals causing casualties of tens of thousands and wantonly destroyed our national infrastructure and properties worth thousands of millions of dollars.

Despite the external pressure, the Somali people continued to find appropriate solution for their differences and availing themselves of the past experience, gained from the precarious political leadership and the different socio-economic systems; organized - through their organizations and loyal intellectuals. several conferences aimed at reconciliation and establishment of national government with a broad-based participation; the last and successful of which was held in Mogadishu 01/11/1994 to 15/06/1995 and adopted this Charter based on the following principles and aspirations:-

1. Safeguarding the independence and unity of the Somali Nation and the implementation of a System of a Federal form of Government with regional autonomy.
2. Implementation of justice and equality.
3. Respect of the enjoyment of the fundamental and civil rights and freedom of the citizens and the individual.
4. Ensure the defence, security and stability of the country.
5. Resettlement of the refugees abroad and the displaced people in the country, undertaking welfare programme for the people and the reconstruction of the country.
6. Organizing and conducting free and fair elections based on the principle of "one person one vote".
7. Peaceful co-existence and cooperation among the peoples of the world, particularly our neighbours and those we share common interests.

**PART ONE**  
**GENERAL PRINCIPLES**  
**article 1**  
**(THE REPUBLIC)**

- i. The new government of the Somali Republic shall be transitional independent, democratic, based on work, justice, peace and progress, respect for the dignity and honour of the person.
2. The Federal system of Government with regional autonomy is hereby adopted as the form of Government for the country and shall be enshrined in the constitution that will be written for the Republic.
3. Sovereignty belongs to the people; who shall exercise it directly or through institutions representing them, in conformity with the Charter and the laws; no one or group of people can claim or usurp it.
4. The flag and the emblem of the Republic shall be those established under the Constitution of first July 1960; the national anthem is "Soomaaliyey Toosoo".
5. The capital of the Republic is Mogadishu "Hamar".

**Article 2**  
**(The people, the Religion and the Language)**

1. The Somali people are one and can not be divided.
2. The Somali citizenship is one; the denial and deprivation of the citizenship can not be based on political motivation. The law shall determine the manner of acquiring or losing it.
3. Islam is the religion of the nation; no other religion shall be propagated in the country. The islamic religion shall be basis for the enactment of law.
4. The official languages of the Republic shall be Somali, Arabic and English.

**Article 3**  
**(The territory)**

1. The territory of the Republic shall be inviolable and it shall not be segmented.
2. Territorial sovereignty shall extend to the land, islands, the sea, the water column, sea-bed, subsoil, the continental shelf and airspace.

**Article 4**  
**(Supremacy of the law)**

1. The law is above every body.
2. The organization of the State and the relationship between the State, institutions and individuals shall be given by law.
3. The international law, generally recognized, and the international agreements to which the Republic is a party to and implemented in conformity with the law shall have a legal force in the country.

**Article 5**  
**(Human Rights)**

1. The Republic recognizes the Universal declaration of Human rights of the United Nations adopted on 10 December 1948, covenant on civil and political rights adopted on 10.12.1984, the international covenant on economic, social and the cultural rights and other international instruments in respect of Human rights.
2. The person shall, in particular, enjoy the following rights:
  1. The safety for his life, person and property; Capital punishment shall be imposed for the commission of the crimes prescribed by the law.
  2. The right to life and travel freely in any part of the country and shall not be subject to deportation. Every person shall have the right to leave the country and return to it.
3. Right to organize and participate in Political Parties in conformity with the law without prior authorization; any political party which is secret, has military character and wanting to take over the power through warfare or has tribal denomination shall however be prohibited.
4. The right to organize and participate in Trade Unions, vocational or social organizations without prior authorization; however any organization which is secret and has military or para-military character or organized in a tribal form shall be prohibited.

**Article 6**  
**(Equality of citizens before the law)**

1. All citizens regardless of sex, religion, political opinion, social or economic status, origin or language shall have equal rights and duties before the law, subject to the principles of Islamic law.

**Article 7**  
**(Freedom of Press)**

1. The Republic shall hereby guarantee the freedom of the Press, of Printing and dissemination of information , and freedom of opinion which shall be covered by law.

**Article 8**  
**(Freedom of the Person)**

1. The law shall safeguard the basic rights and freedoms of the person
2. Every person shall have the right to personal freedom.
3. No person shall be arrested or have his freedom restricted unless such a person is apprehended in flagrant delicto of a crime prescribed by law or under an order issued by a competent judicial organ.
4. Any person who is deprived of his personal freedom shall immediately be informed of the offence with which he is charged.
5. No person shall be personally searched, save in cases prescribed by paragraph 3 of this article and other cases given by law, in respect of judicial or health matters or taxation subject to the procedure prescribed by law with all due respect to the dignity and honour of the person.
6. Any person deprived of his personal freedom shall not be subjected to torture physically and morally.

**Article 9**  
**(Private ownership)**

1. Private ownership shall be guaranteed and the law shall specify its essence and the limit to its use.
2. Private right accruing from artistic or scientific invention shall be protected and the law shall specify its essence and the limits to its use.
3. Private ownership can be confiscated for the purpose of public interest and the owner shall be awarded adequate and immediate compensation.
4. When the confiscation is no long necessary, the confiscated property shall be returned its original owner.

**Article 10**  
**(Right to prosecution and self-Defence)**

1. Every person shall have the right to prosecute in accordance with the law before a competent court.
2. every person shall have the right to defend himself against any prosecution in which he has an interest at any stage or step of the prosecution. He also has the right to be represented by a lawyer he may select.

**Article 11**  
**(Penal responsibility and political asylum)**

1. Penal responsibility shall be personal, the accused person shall be presumed innocent until a court has passed a final conviction of the crime against him.
2. A person who has committed a crime in his country or another country and has taken refuge in somalia, may be extradited provided there is an extradition treat between somalia and the country requesting the extradition, the State can however give political asylum to a person who fled his country or another on grounds of political persecution or for reasons of his security or his relatives.

**Article 12**  
**(Duties of the Citizen and the person)**

1. Every person shall have the duty to faithfully abide by this charter and the laws of the country.
2. Every citizen shall have duty;
  - a. To the development and protection of public property.
  - b. To the defence of the country, protection and upholding the national Unity and preservation of national secrecy he may hold.
3. Every person shall pay any tax due to him in accordance with the law.

**Article 13**  
**(The economy)**

1. The Economic Policy of the country shall be based on free-market.
2. The natural resources of the country in land and water and the wild animals shall form part of the property of the nation and the law shall prescribe the appropriate exploitation thereof.
3. The State shall welcome and protect foreign investments in the country and shall be specified by law.



**Article 14**  
**(Education)**

1. The Republic shall give priority to the promotion, expansion and dissemination of public education and Islamic religious education.
2. Education shall be in the interest of the people, based on their culture, and shall be nation-wide.
3. The Republic shall give first priority to a free basic education.
4. Private schools and institutes can be established according to the law and in line with the educational programme and syllabus of the government.
5. The government shall encourage scientific, artistic, literary and researches and invention, folklore and sports and shall promote the positive culture and tradition of the Somali people.

**Article 15**  
**(The welfare of the society and environment)**

1. The government shall be take responsibility for the promotion of the Public health of the society, particularly the children and mothers, and for the prevention of epidemics or contagious diseases .
2. The government shall in accordance with the law and cultural principles regulate public behaviour conducts.
3. The government shall:
  - a. Give proper care to the orphans and those who devoted to themselves to the defence of the country and "Mujahdiin" who participated in the struggle for the freedom of the people.
  - b. undertake the welfare of the handi-capped, children without parents and aged people who have no one to support them.
4. The government shall provide opportunity for the women to enable them to effectively participate in the political, economic and social life of the country.
5. Forced labour is prohibited. The law shall prescribe the situations under which forced labour, may be required for military exigency, civil, or in case of court conviction.
6. Workers shall, without discrimination, have the right to a salary commensurate to their work; one day off in a week and to an annual leave with pay which they can not be forced to waive.
7. The government shall guarantee its employees the right to pension and the law shall specify how other employees shall be given pension.
8. The State shall give special priority to the protection of the environment and shall prevent all that may cause harm to natural and wile life.

**PART TWO**  
**(The structure of the Transitional Government)**

**Article 16**  
**(The National Leadership Council)**

1. The National Leadership Council shall be the highest organ of the State.
2. The National Leadership Council shall comprise of the President of the Republic and five Vice Presidents, chaired by the President.
3. The National Leadership Council shall be elected by the National reconciliation conference or the head of delegates representing the National reconciliation conference.
4. During the transitional period, in case of death, permanent disability or resignation of a member of the National Leadership Council, his vacancy shall be filled by a person elected, within seven days, by the National Leadership Council and the Council of Ministers.

**Article 17**  
**(The responsibilities of the National Leadership Council)**

The responsibilities of the National Leadership Council shall be:

1. To lay down the general economic, social and security policies of the country.
2. Direct, co-ordinate and supervise the activities of the state organs and to ensure the implementation of the programme of the government and the national plan.
3. To approve the appointment and dismissal of the member of the council of Ministers and Vice Ministers.
4. To approve the appointment and dismissal of the higher officials of the public administration and the armed forces.
5. To approve the appointment and dismissal of the Governor of the Central Bank, the General Auditor, and the Accountant General.
6. To approve the appointment of the President of the Supreme Court and members of the Higher Judiciary Council mentioned in Article 38.
7. The resolutions of the National Leadership Council shall be issued by a Presidential Decree.
8. Other responsibilities and functions given to the council by this Charter and the Law.
9. Internal Regulations for the operations of the National Leadership Council shall be laid down in the first meeting of the Council.

**Article 18**  
**(The President)**

1. The President of the Republic shall be the Head of the State and thereby represents his functions and the unity of the people and the country and shall guarantee the compliance with the National Charter and Law.
2. The President shall be responsible for:
  1. Nomination of the Ministers and Vice Ministers.
  2. Promulgation of the Laws approved by the Assembly of representatives, the Decrees of the transitional Leadership Council, Council of Ministries and Presidential decrees. Those decrees that are not exclusively set aside for the president shall also be signed by the competent Minister with the President.
3. Appointment and dismissal of the higher officials of the public administration and the armed forces after the approval of the National leadership council and the council of Ministers.
4. Appointment and dismissal of the President of Supreme Court and members of the Higher Judicial Council, mentioned in article 38/ following the decision of the Higher Judiciary Council.
5. Reception of credentials of Ambassadors and members of Diplomatic mission.
6. Nomination of Ambassadors and other Diplomatic mission.
7. Awarding medals and other state honours.
8. Taking the National Salute.
9. Granting Clemency and commuting sentences.
10. Declaration of war or peace and state of emergency, after the approval of Assembly of representatives and National Leadership council.
11. Be Commander- in chief of the armed forces.
12. Implementation of the International agreements approved by the Assembly of representatives.
13. Present to the people referendum on the Constitution and other questions deemed necessary by the National Leadership Council.
14. The President of the republic shall hold office during the transitional period with effect from the date of taking the Oath of office until he hands-over the Presidency to a president democratically elected.
15. Before taking office, the president shall take the following Oath;  
"In the name of God I Swear that I shall abide by this Charter and the Law of the country and that I shall with all my ability defend the independence, sovereignty and unity of the country and the Somali people, faithfully, and honestly serve the Somali people".
16. Other responsibilities and functions given to the president by the national Charter and law.

**Article 19**  
**(Vice Presidents)**

1. During the Transitional period, there shall be five (5) Vice-Presidents.
2. The respective competence of the Vice presidents shall be:
  - I. Politics and Security.
  - II. Planning and Economic affairs.
  - III. Social Affairs.
  - IV. Public Services.
  - V. Autonomous Sector and Public Affairs.
3. Every Vice-President shall be responsible for the direction, co-ordination and supervision of the sectors under him and shall be a member of the Presidency of the Council of Ministers.
4. Such other responsibilities and duties the President may delegate to him.
5. When taking office each Vice President shall take in front of the President the Oath mentioned in Article 18 above.

**PART THREE**  
**Article 20**  
**(Legislative Power)**

1. The legislative power of the Republic shall vest in the Assembly of the representatives.
2. The Assembly of the Representatives shall be composed of 195 Members, the division and selection of whom shall be determined by the recognized political organizations in co-operation with the government.
3. Members of the Council of Ministers, that are not also members of the Assembly of representatives, can participate in the meetings of Assembly of representatives but shall have no vote.
4. The first meeting of the assembly of Representatives shall be convened and opened by the President of the Republic, the Assembly of Representatives shall in that meeting elect:-
  - a. Chairperson
  - b. Two Vice Chairperson.
  - c. General Secretary of the Assembly of representatives, who shall be responsible for the administration of the Assembly.
5. The rules of Procedure for the functions of the assembly of representatives shall be specified by regulations approved by the assembly.
6. In cases of war and state of emergency the Assembly of Representatives shall give the President such powers as may be necessary for tackling such situations.
7. The Assembly of Representatives can be convened for an emergency meeting by its chairperson and the President of the Republic after hearing the National Leadership council or by 2/3 of the members of Assembly of representatives through the Presidency of the Assembly.

**Article 21**  
**(The Functions of Assembly of Representatives)**

The Assembly of Representatives shall be responsible for:-

1. Enactment of laws and ratification of international agreements.
2. Approval of the annual budget and accounts and the General Plan of the government, for the development of the country, submitted by the government.
3. Approval of the programme of the government.

**Article 22**  
**(Representatives)**

1. Every Representative shall represent and serve the whole people of Somalia.
2. Any citizen aged 25 Years who can write and read and mentally sound, not convicted of an offence interdicting him from the office can be elected as a representative of the Assembly of representatives.
3. On assuming this functions every representative shall take the Oath prescribed in article 18 of this charter.
4. Without the authorization of the Assembly of representatives, no criminal proceedings shall be initiated against a representative nor shall he be arrested nor his person or domicile be subjected to search, except in the case of flagrant delicto for a crime in respect of which a warrant or order of arrest is not mandatory and in that case the Assembly of the Representatives shall be immediately informed thereof.

**Article 23**  
**(Draft laws and Decree Laws)**

1. A draft law may be presented by the President of the Republic following consultations with the National Leadership Council, by the Government, and by a representative of the Assembly of the Representatives seconded by at least 10 representatives.
2. Any law approved by the Representatives shall be promulgated by the President of the Republic.
3. The President has the power to return to the Assembly of the Representatives with reasons for doing so, any law approved by Assembly, asking the Assembly of representatives to discuss it again and take a decision there on. Where 2/3 of the representatives approve it again, the President shall promulgate the law within 30 days.
4. During the period before the institution of the Assembly of representatives and whenever the Assembly is in recess, the government can enact a decree law having temporary effect, such decree law must be presented to the assembly of representatives in its first meeting for conversion in to law.

**Article 24**  
**(The Budget of the Assembly and Remunerations of the Representatives)**

1. The budget of the assembly of Representatives and the remunerations of the representatives shall be established by law.

**PART FOUR**  
**(The Council of Ministers)**  
**Article 25**  
**(The executive Power)**

1. The executive power of the State shall vest in the Government. The Council of Ministers shall exercise their power in accordance with the Transitional Charter and the laws of the country.

**Article 26**  
**(Composition, Functions and the Conditions)**

1. The Council of Ministers shall be composed of the Chairman of Council of Ministers who shall be the President of the Republic, the Vice presidents and the Ministers. Ministers shall have Vice Ministers the number of which shall be specified by presidential decree law.
2. The Ministers and Vice Ministers shall be Somali professionals, highly educated, experienced and with a proven sense of integrity.
3. The Transitional government shall include a Minister for Constitution and Federal Affairs. The Minister for Constitution and Federal Affairs shall, during the Transitional Period put before the government a programme for the implementation of the Federal System, including the structure of the Federal Government, allocation of the Governmental powers between the Federal organs and the State institution, the functions and the structure of the state, as well as the manner of appointment or election of state authorities and the system of regional autonomy.
4. Apart from the requirements mentioned in para 3 above, the Ministers shall be subject to the same requirements as the representatives of the Assembly.
5. Upon assuming their functions, the Members of the Council of Ministers shall take the Oath mentioned in the Article 18 of this Charter.
6. The number and the respective functions, powers and duties of the Ministers that are not mentioned in the Charter shall be specified in special laws.
7. The Council of Ministries shall perform :-
  - i) The framing and formulating the general programme of the Government.
  - ii) Unification and insurance of the implementation of the programme of the Government for which the Chairman shall be responsible.
  - iii) Specifying the functions of every Ministry, and execution thereof the implementation of which the Minister is responsible.
  - iv) Making regulations and issuing circulars directing the work to be done and procedures to be followed.
  - v) Approval of appointments and dismissals of higher officials of public administration and making reports about them.

- vi) Preparation of the budget of the government, explanation and implementation after approval.
- vii) Census and registration of the Somali Population in accordance with the laws.
- viii) Resettlement of the economically poor refugee returnees and the displaced and the initiation of social welfare programme as may be specified by law.
- vi) Statistical assessment of the damage which the country has sustained since 1960, rehabilitation of the damaged properties and retrieval of national properties.
- x) Coordination of the activities of the government, regions and district administration, according to the Charter and the law.
- xi) Defence of the Nation and preservation of the security and peace.
- xii) Formulate and carry out a programme and policy for foreign economic co-operation.
- xiii) To prepare the people for the implementation of the new democratic system based on Federal system of government and regional autonomy.
- xvi) Reorganization and reorientation of the officers and public employees of the former regime including those of the Autonomous Agencies and armed forces.
- xv) Reorganization of the taxation system and submission to the Assembly of the Representatives.
- xiv) Find compensation for the damages sustained and suffered by the Somali people, the country and its image and dignity at the hands of foreign troops.
- xvii) Such other responsibilities as the charter and the law may give to the council of Ministers.

### **Article 27** **(Immunity member of Council of Ministers)**

1. Without the authorization of the Assembly of representatives, no criminal proceedings shall be instituted against a Representatives nor shall he be arrested nor his person or domicile be subjected to search, except in case of flagrant delicto for a crime in respect of which a warrant or order of arrest is not mandatory and in such a case the Assembly representatives shall be immediately informed thereof.
2. In consequence of the issuance of sanction to prosecute by the Assembly of Representatives, the member shall be suspended, and the final conviction by the court shall entail the loss of the responsibility.



**Article 28**  
**( Public Employees)**

1. The employment for a public office and promotion thereof shall be through competition, Knowledge, skill and experience.
2. Public services shall be performed according to the law and for the public interest, devoid of nepotism, tribalism and inequality. The government shall pay to its employees salaries and allowances commensurate to the work to be done, taking the economy of the country in to consideration.
3. Civilian and military employees of the government shall not be political leaders and the law shall specify the categories that shall not join political parties.
4. Condition of service of the public employees shall be prescribed by law.

**Article 29**  
**(Committees and special Offices)**

1. Specified government services shall be performed by special offices and committees including the auditing board, general accounts, civil service commission, defence and security and any other service that the government may deem necessary. The law shall specify the power and functions of each office and committee.
2. The appointment and dismissal of the holder of the offices and committees mentioned in the above paragraph shall be approved by the National Leadership Council and the Council of Ministers in accordance with the Charter and law and shall be issued in a presidential decree.

**Article 30**  
**(Exclusiveness of Responsibilities)**

1. Members of the Council of Ministers, government officers and public employees shall not exercise any function or work other than those of the state.

**PART FIVE**  
**(Judiciary)**  
**Article 31**  
**(The Judicial Power)**

1. The Judicial power shall vest in the courts and shall be exercised in accordance with the Charter and the Law.
2. The state shall guarantee the independence of the Judiciary from the executive and Legislative powers. The judiciary shall be subject to the law only.
3. its hereby prohibited to establish special courts.
4. Military tribunals shall be governed by a law.

**Article 32**  
**(The functions of the Judiciary)**

1. The Judiciary shall interpret and implement the Charter and the Law and shall, in accordance with the law, guarantee the implementation of the fundamental rights of the individual and all citizens.
2. The Judiciary shall have power to hear civil, penal, administrative and pecuniary cases and such other cases given by the charter and the law to the judiciary.

**Article 33**  
**(Proceedings)**

1. Hearing in the courts shall be oral or in writing and the proceedings shall be public, save in the cases mentioned in the paragraph 2 of this Article.
2. Where necessary, for moral, hygiene, and security reasons, a judge or the court may decide that proceedings be held in camera.
3. No sentence can be delivered unless all parties interested are given an opportunity to be heard. All sentences and decisions of the court shall be exhaustively motivated and shall be based on law.

**Article 34**  
**(Appointment of Judges)**

1. Judges shall be appointed by virtue of their knowledge of the law and through open competition. Appointments of the Judges of the supreme court shall be laid down by law.
2. Disciplinary measures in respect of a judge shall be taken by the higher Judicial Council and shall be issued by a presidential decree.
3. Judges shall not be arrested or subjected to domicile or physical search, without the authorization of the supreme court excepting in cases of flagrant delicto in respect of which a warrant or order of arrest is not mandatory and in that case, the Presidency of the Supreme Court shall be immediately informed.

4. Remuneration of judges shall be adequate for the dignity, responsibility and functions expected of them.
5. Judiciary rules and procedures shall be prescribed by law.

**Article 35  
(The Courts)**

1. The courts of the country shall consist of:-
  - (a) The supreme court which shall have jurisdiction over the whole territory of the state,
  - (b) The court of appeal, the jurisdiction of which shall extend to all over the region in which its based
  - (c) Regional court which shall have jurisdiction all over the region in which it is based.
  - (d) District court, which shall have jurisdiction over the district in which it is based.
2. The law shall specify the time and manner in which the people may participate in the administration of justice.

**Article 36  
(Office of the Attorney General of the State)**

1. The office of the attorney general of the state is part of judiciary and shall be composed of:-
  - (a) The attorney General with jurisdiction all over the country.
  - (b) Regional Attorney with jurisdiction over the area of the region.
  - (c) The office of the district attorney with jurisdiction over the area of the district.

**Article 37  
(Responsibilities of the Office of Attorney General)**

The office of the attorney general shall:

- (a) ensure the compliance of the charter and the law of the country,
- (b) Initiate proceedings against any one committing an offence.
- (c) Supervise prisons and juvenile re-education centers.
- (d) Safeguard the rights of the orphans and the mentally handicapped and;
- (e) Carry out such other functions as the law may give to the A. G.

**Article 38**  
**(Higher Judicial Council)**

1. The Higher Judicial Council shall be the organ that directs the policy and the general Administration of the judiciary.
2. The Higher Judicial Council shall be composed of:-
  - a. The president and the Vice president of the Supreme Courts,
  - b. The attorney General
  - c. Three judges of the supreme court to be selected from among the judges and three members to be nominated by the government from the lawyers of the country.
3. It shall be prohibited for the members of the higher judicial council to engage or exercise the other activities that are in-compatible with the functions for which they are appointed.
4. The Higher Judicial Council shall decide the nomination, transfer, promotion, and the disciplinary measures against the Judges and shall supervise the branches of the judiciary.
5. Members of the higher judicial council shall have the same status as the judges of the supreme court except in the case of hearing civil litigations which shall not include the functions of the members of the higher judicial council.

**Article 39**  
**(Federal Judiciary)**

1. When the Federal system is implemented in the country the judiciary system of the state shall be brought in line with structure of the Federal form.

**PART SIX**  
**(Regional Autonomy)**  
**Article 40**  
**(Administration of the regions)**

1. The regions and districts of the Somali Republic shall have power to run their internal affairs.
2. The autonomy of the regions shall also extend to the districts, towns and villages each of which shall run its internal affairs in accordance with the law.
3. The internal administration of the regions and districts shall form part of the general state administration.
4. Laws for regional autonomy shall specify the structure, power and the functions of the regional and district administrations.

**Article 41**  
**(Establishment of the Regional and District Councils)**

1. Regional councils shall be composed of members who shall represent in equal manner the districts in the region.
2. Every region and district shall elect from among their respective councils, chairman, Vice chairman and standing committee; the number of which and the manner of their distribution shall be specified by law, where a member of standing committee of the district becomes a member of the regional council, he will vacate his seat of the district council which shall be filled by another person in accordance with the rules.
3. Members of the Regional and District councils shall be selected by the political organizations based in the area in consultation with the elders, religious leaders, intellectuals and the social organizations of the district; priority shall be given to the people of the district.
4. The number and the condition for membership in the district council shall be specified by law.

**Article 42**  
**(Remunerations)**

1. The remunerations and allowances of the members of the regional and district councils and officers shall be determined and paid by their respective councils.

**Article 43**  
**(The functions of regional and district administrations)**

1. Local councils shall be responsible for all activities in respect of the resettlement, welfare, social development, Economic and security of their area as well as for preparing the people for the implementation of the federal system.
2. The law shall describe and separate the function of the central government, state government and the regional and district authorities.
3. The Government shall Liaison the regional and the central administration.

**Article 44**  
**(Regional Rules and regulation )**

Every regional and District council shall have the power to make rules and regulations for its region or District. The regional Rules and Regulations shall not contradict the laws of the country, and the district rules and regulations shall not likewise, contradict those of the region.

**Article 45**  
**(Intervention of the central government)**

1. Where a region or District fails to settle internal dispute or disputes, and the authority of the region so requests the central government shall intervene and shall reach an irrevocable decision on the dispute.
2. The intervention mentioned in the above paragraph shall last only until such a time the dispute is settled and shall not take more than three months.

**Article 46**  
**(Dissolution of the Regional and District Councils)**

1. The Government shall, after receiving sufficient evidence that a region or a District is unable to carry out its functions and considering the advice of the regional council, dissolve that council and organize, within thirty days, the selection of a new council.
2. The decree dissolving a local council shall also appoint the provisional administering authority.

**Article 47**  
**(Rights of All Citizens)**

1. Regional autonomy shall not be detrimental to the rights of all citizens to own property, move freely, domicile, work and enjoy human rights any where in the country.

**Article 48**  
**(Law of Regional and District Administration)**

1. Any thing not provided for in this charter shall be governed by the law for regional autonomy.

**PART SEVEN**  
**(Miscellaneous)**  
**Article 49**  
**( Transitional Period)**

1. The transitional period shall be three years. At the end of the first two years the council of leadership and the council of ministers shall jointly assess the situation in the country.
2. If the general situation prevailing in the country does not permit to pass from transitional period to a normal situation, the assembly of representatives can extend the transitional period for another term not exceeding two years, taking into consideration the assessment specified in the preceding paragraph.

**Article 50**  
**(Public Properties)**

1. All public and private property in the hands of organizations, institutions or private persons shall be handed over to the competent institutions or authority of the central government or other bodies or the rightful owner of the property.
2. The implementation of paragraph One above shall be prescribed by law.

**Article 51**  
**(Collection of Armies)**

1. All Armies and Ammunitions possessed illegally shall be handed over to the government within 6 months from the date of coming in to operation of this charter.
2. It shall be illegal for any body to possess in the country armies and ammunitions as well as other explosives without lawful permission after expiration of the time specified in paragraph one above.
3. The government shall undertake the responsibility of demining the country.

**Article 52**  
**(Census and Registration of the Population)**

1. Prior to the democratic elections, the transitional government shall conduct census and registration of the population of the Republic.
2. Census and population registration can be observed by any international and or regional organizations that may be interested.

**Article 53**  
**(Elections)**

1. During the transitional period, it shall be the duty of the government to hold and conduct Democratic elections all over the country.

**Article 54**  
**(Validity of The Laws)**

1. The existing laws shall continue to be valid; however all such laws and regulations, that are incompatible with the principles of this Charter shall be null and void immediately. The latter laws shall include those limiting or restricting the rights and freedoms of the individual and any law establishing special courts.

**Article 55**  
**(Legal Force)**

1. The present Charter shall come into force from date signed by the Leaders of the delegates to the conference of the political organizations held in Mogadishu from 1/11/1994 to 15/06/1995.

**Article 56**  
**(Promotion of The Provisional Charter)**

1. The present Charter shall be promulgated through the media of the Country, so that every citizen can take note of its essence and provisions.

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