

CONSTITUTION OF SOMALIA

Preamble

1.

1.1

We, the Somali People, hereby exercise our right of self determination in creating the Republic of Somalia under the framework of this Constitution.

1.2

When it becomes necessary for a people to dissolve the political bonds that have previously held them together and to form a new and independent state, it is appropriate to declare the causes that led to this new start. The former Somali Democratic Republic was an oppressive socialist dictatorship that used military and police force to impose a foreign social system, called "Scientific Socialism" in the form of a centralized dictatorship, upon us. This dictatorship conducted systematic genocide against some of the Somali people, deprived many Somali citizens of their basic human rights, and deliberately fomented divisive conflict between the various clans of the Somali people. Therefore, it is necessary for us to re-establish democratic government of the Somali people on a voluntary basis from the bottom up, instead of imposing any new government upon the Somali people from the top down or under foreign influence. It is our desire and goal to re-unify all clans living in the former Italian Somalia into a new genuinely-democratic Republic of Somalia.

1.3

We, the Citizens of our new Republic of Somalia, declare that it is our desire and goal, after having first re-unified ourselves, to negotiate with the Republic of Somaliland to actively explore all possibilities for cooperation, regional integration, and even re-unification -- based upon voluntary cooperation from both sides. Until such negotiations lead to other mutually-agreeable forms for cooperation, we hereby recognize the independence and sovereignty of the Republic of Somaliland within the borders of the former British Somaliland.

1.4

We, the Citizens of our new Republic of Somalia, declare that it is our desire and goal to establish friendly relations with all neighboring nation states on the Horn of Africa and to pursue gradual and voluntary economic and political regional integration with them, within the framework of our evolving "New World Order".

1.5

We, the Citizens of our new Republic of Somalia, wish to retain as much of our nomadic cultural traditions as possible while adapting to a modern and changing World. In particular, we wish to restore our traditional nomadic freedom of individual citizens to determine their own political beliefs, their own religious beliefs, and their own behavior to the extent that these freedoms do not cause harm to other citizens within a sovereign nation state that does not intrude upon their private affairs any more than necessary for protecting our common interests. This includes our desire to restore our traditional free-market economy.

1.6

We, the Citizens of our new Republic of Somalia, hereby declare our commitment to the following guiding principles for our Republic of Somalia:

1. Adherence to the basic principles of Islam in a secular state separating religion and state, but where Islam is our national religion.
2. Maintenance of national unity, peace, and security.
3. Creation of a cohesive Somali society based upon social justice, equality, freedom, and brotherhood for all; respect for the basic rights and freedoms of all Somali citizens and the safeguarding of minority rights.
4. The establishment of a truly democratic system, encouraging national political parties, not bent on groupings based on tribalism or clans.
5. Establishment of a decentralized form of government featuring regional autonomy and assemblies.
6. The preparation of a new and concise National Constitution and Rule of Law.
7. The peaceful settlement of disputes and the restoration of misappropriated property.

8. clear emphasis upon meeting the genuine needs of our Citizens.

1.7

We, the Citizens of our new Republic of Somalia, hereby declare our commitment to the New World Order that is evolving at this time. We note that our Old World Order, with its artificial nation states created by and controlled by force from the top down and involuntary annexations, has caused great harm for the Somali People as well as for all Peoples on the Horn of Africa. We reject the external foreign forces that attempt to impose the old solutions under our Old World Order upon us, that caused so much oppression and instability for the Somali People and our Neighbors over the past few decades. We embrace the opportunities of our New World Order to allow artificial nation states that are held together by force, to disintegrate into more homogeneous and stable smaller units as the first step towards a gradual and voluntary process of regional integration, regional co-operation, regional peace, and regional economic development.

1.8

We, the Citizens of our new Republic of Somalia, hereby declare our intentions to pursue the following foreign policy:

1. Neutrality and the policy of non-interference in the internal affairs of sovereign states.
2. Peaceful co-existence and mutual respect among governments and peoples and the peaceful solution of all conflicts and disputes.
3. Maintaining good relations with all Governments, without exception, particularly those of neighboring countries with whom we share culture, history, and blood.
4. Creation of cohesive societies in Eastern Africa and the Horn of Africa.
5. Maintaining close ties with fellow Islamic countries.
6. Active membership and close co-operation with sister nations in the Organization of African Unity, (Organization of African Unity), the League of Arab States, the Islamic Conference, the Non-Aligned Movements, and the United Nations including its agencies.
7. Respecting International and Regional agreements and International Law, particularly the Charter of the United Nations.

1.9

The Government of our Republic of Somalia serves at the pleasure of the Citizens of the Republic of Somalia. The Citizens retain their sovereignty and their Government, defined by this Constitution, performs services for the Citizens and their common interests.

Inalienable Rights of the Somali People

2.

2.1

The Somali People are defined to include all members of the Somali clan structure as well as other indigenous groups who have traditionally lived together with the Somali clans.

2.2

The Citizens of the Republic of Somalia are defined to be all Somali People living mainly on the territory of the Republic of Somalia. All Citizens who are 18 years of age or older are eligible for voting.

2.3

The Residents of the Republic of Somalia are defined to be all people currently residing in the Republic of Somalia, independent of whether they are Somali People or not and whether they are Citizens or not. The Legislative Branch of the Government may enact Laws controlling permission for non-Citizens to enter and/or reside in the Republic of Somalia as well as to become naturalized Citizens of the Republic of Somalia.

2.4

All Residents have equal basic rights and discrimination will not be allowed on the basis of clan membership, religious beliefs, political beliefs, or sex.

2.5

No discrimination will be allowed between members of different clans.

2.5.1

Individuals who commit crimes will be punished as defined by this Constitution and Laws that implement this Constitution. Innocent Individuals will not be punished for crimes committed by other Individuals belonging to their clans or subclans.

2.5.2

The Government will be responsible for protecting the equal rights for all Citizens, guaranteed by this Constitution, particularly for the case of minorities living together with larger groups of people.

2.5.3

Individual clans or subclans are not allowed to maintain militias or to perform military or police functions independently of the Government.

2.5.4

Extra-judicial punishment of Citizens and other Residents of the Republic of Somalia by other Individuals or groups of Individuals for alleged crimes is not allowed. Only the Government can punish Citizens and Residents of the Republic of Somalia and it can do so only within the framework of this Constitution and laws enacted to implement this Constitution.

2.6

The vast majority of the Somali People are Moslems believing and practicing the Islamic faith. There are different sects within the Islamic faith. The Republic of Somalia is a

secular state that guarantees complete freedom of religion and religious beliefs for all of its Citizens and other Residents.

2.6.1

The Government will not interfere in the practice of religion and religious organizations will not interfere in the activities of the Government. The Government will maintain cooperative relations with all religious groups, particularly Islamic religious groups. The Government will not enact laws that give any religious group or groups advantages over other religious groups. The Government is responsible for protecting the religious freedom of all Citizens and other Residents. All religions are represented democratically in the Government indirectly through the votes of their believers who are Citizens and are eligible to vote.

2.6.2

No Individual may be harassed or coerced due to his or her religious beliefs. No Individual may be compelled to reveal his or her religious beliefs to the Government, to any organization, or to any individual.

2.6.3

The Government may enact laws prohibiting public behavior that the majority of its Citizens would consider to be offensive or immoral.

2.7

Men and women have equal rights and responsibilities. This includes equal rights and responsibilities in marriage, divorce, and raising children. The only exception is the responsibility of only men to perform military service when required.

2.8

The Citizens are free to form political organizations, political parties, and non-political organizations of their choice. As exceptions, organizations for the purpose of committing

crimes, committing treason against the Republic of Somalia, or using force to disrupt or interfere with the normal operations of the Government are not allowed.

2.8.1

Citizens have the right to assemble privately, with no interference by the Government. The Government may limit or control public assemblies of people whenever such assemblies endanger civil law-and-order or in-fringe upon the rights of other Citizens. The right to assemble does not include a right to carry weapons to or at such assemblies.

2.8.2

Neither political nor non-political organizations have a right to maintain militias or to perform either military or police functions independently of the Government.

2.9

All Residents have freedom of speech and freedom of the press. This does not include a right to damage the reputations of individuals, organizations, or the Government with false claims.

2.10

All Citizens have the right to move freely within the Republic of Somalia, to depart from the Republic of Somalia, and to re-enter the Republic of Somalia. This includes the right to obtain a Passport for travel purposes. This right can not be restricted in any way on the basis of clan affiliation, political beliefs, religious beliefs, or sex.

2.11

All Citizens have the right to select and practice the professions of their choice. The Government may limit the practice of specific professions to Citizens and/or other Residents who prove professional competence in cases where incompetent practitioners could endanger the well-being of other Residents. The Government may limit the practice of some specific professions to Citizens. No such limitations may be based upon clan affiliation, political beliefs, religious beliefs, or sex.

2.12

Individuals who are subject to political persecution in other countries have a basic right to seek political asylum in the Republic of Somalia. The procedures for applying for and implementing political asylum will be regulated by laws.

2.13

The Government has the right to restrict the basic freedoms and rights of Citizens and other Residents, as specified above, only in compliance with this Constitution and laws enacted for implementing this Constitution. The following constraints limit this right of the Government to restrict the basic freedoms and rights of Citizens and other Residents.

2.13.1

The death penalty, unusual punishment, demeaning punishment, and physical or psychological torture are not allowed either as punishment or as force to coerce confessions or testimony.

2.13.2

No Individual may be tried, convicted, or punished for actions that were not illegal by law at the time when committed.

2.13.3

Individuals can not be arrested, property can not be seized, and private areas can not be entered by representatives of the Government without either the consent of the Residents involved or a valid Court Order. As the only exception, the Police may arrest individuals, seize property, or enter private areas to interrupt criminal activities that are in progress or when there is reasonable evidence that such immediate action is necessary to protect human life or property.

2.13.4

Individuals who are arrested must be informed of their basic rights under this Constitution and the Laws implementing the Constitution before they may be interrogated.

2.13.5

Individuals have the right to have a lawyer of their choice present during all interrogation. If this right is denied to Individuals, any evidence acquired from such interrogation will be invalid for use in later legal proceedings against the given Individual, other Individuals, or organizations.

2.13.6

Individuals have the right to have a lawyer represent them at all legal proceedings against them. If they can not afford the costs of legal representation in the case of criminal proceedings, the Government must provide such legal representation for them, at the expense of the Government.

2.13.7

Arrested Individuals must be charged with a specific offense before a Judge of a Court within 72 hours of their arrest. They must be given opportunities for release until trial, by submitting a reasonable bail whenever the risk of flight is reasonable. Charged Individuals must be brought to trial within a reasonable period of time. Charged Individuals have the right to confront witnesses against them and to obtain compulsory testimony of witnesses potentially favorable to their positions.

2.14

The will of the Constitution will be implemented by laws passed by the Legislative Branch of the Government, as defined below. These laws may not violate any provisions of this Constitution.

Structure of the Government

3.

3.1

The Government of the Republic of Somalia is divided into 3 independent branches:

- The Executive Branch,
- The Legislative Branch, and
- The Judicial Branch.

The Government is organized at 4 hierarchical levels:

- the National Government,
- Regional Governments,
- District Governments, and
- Village or Municipal Governments.

As a general principle, all political power is decentralized to the lowest feasible level.

3.2: Geographical Jurisdiction and Boundaries

3.2.1

The National Government of the Republic of Somalia has legal jurisdiction over all territory that belonged to the former Italian Somalia, as of 1 July 1990, including territorial waters up to a 100-mile limit and territorial airspace according to international law and standards.

3.2.2

Each of 13 Regional Governments has legal jurisdiction over all of the land territory defined by its Region, using the same geographical borders for Regions as of 1 January 1991 under the former Democratic Republic of Somalia.

3.2.3

Each of ___ District Governments has legal jurisdiction over all of the land territory defined by its District, using the same geographical borders for Districts as of 1 January 1991 under the former Democratic Republic of Somalia.

3.2.4

Each Municipal or Village Government has legal jurisdiction over all of the land territory defined by its Municipality or Village, using the same geographical borders for Municipalities and Villages as of 1 January 1991 under the former Democratic Republic of Somalia.

3.3: The Executive Branch of government

3.3.1: The President and Vice President

3.3.1.1

The President is the chief executive officer presiding over the Executive Branch of the Government at the National Level.

3.3.1.2

The President may delegate part of his own authority and responsibility to the Vice President, at the discretion of the President.

3.3.1.3

In the event of the death or incapacity of the President, the Vice President will take his place. In the event of the death or incapacity of both the President and the Vice President, the National Majlis will select a successor. For this special purpose of selecting a successor, other than the Vice President, a quorum of 2/3 of all Representatives and majority vote is required. The Supreme Court will determine when such death or incapacity has occurred. In the event of the death of the Vice President, he will not be replaced.

3.3.1.4

The President and the Vice President will be elected directly as a pair of running mates in National Elections for a term of office not to exceed 4 years.

3.3.1.4.T

For the Transitional Period, before the first National Elections are held, a Transitional President and Transitional Vice President will be elected by the Transitional National Majlis, immediately after it has been constituted and convened. They will have a formal mandate to call and implement National Elections within two years of their own election. Their own terms-of-office will be limited to two years. If a new President has not been elected directly by National Elections within two years after they were elected by the Transitional National Majlis, their terms-of-office will expire and the Transitional National Majlis must elect a new Transitional President and Transitional Vice President for a maximum of two more years. The first Transitional President and Vice President may be re-elected for second two-year terms.

3.3.1.5

No person can serve as President for any two consecutive terms, where he or she has served more than 3/4 of the first 4-year term of office. A Vice President who succeeds a President and serves less than 3 years of this term is eligible to be elected as President for the following 4-year term of office. However, a person can serve as President for any number of non-consecutive terms. A person who serves as Vice President in one term can serve as President in the next term.

3.3.1.5.T

The Transitional President may be elected and serve as the first President.

3.3.1.6

National Elections will be held every four years based upon the Hegirian calendar, on _____.

3.3.1.7

A President or Vice President may be impeached and removed from office. In this case, the Supreme Court must indict the President or Vice President and only then can the National Majlis impeach and remove the President or Vice President from office, with a quorum consisting of 2/3 of all Representatives and a vote of 2/3 of all Representatives present. A political disagreement over policies is not a valid ground for impeachment. Only serious violations of the Constitution and serious misconduct in office are grounds for impeachment.

3.3.2 : The National Cabinet and National Ministries

3.3.2.1

The President may create and delete Ministries, subject to confirmation by the National Majlis. The President may re-allocate authorities and responsibilities between Ministries, without requiring confirmation by the National Majlis.

3.3.2.2

The President will appoint Ministers to form his Cabinet of Ministers, subject to confirmation by the National Majlis. Each Cabinet Minister will be the chief executive officer of a corresponding Ministry. The President may remove Ministers and they may resign, without requiring justification or confirmation by the National Majlis. The President may temporarily assume the duties of any given Minister himself while the position is vacant. The President may also authorize the corresponding Deputy Minister to temporarily serve as Acting Minister while any position of Minister is vacant or a Minister is temporarily disabled.

3.3.2.3

The President will appoint one Deputy Minister and from 2 to 6 Assistant Ministers for each Ministry, subject to confirmation by the National Majlis. The President may remove Deputy and Assistant Ministers and they may resign, without requiring justification or confirmation by the National Majlis. The President may appoint temporary Acting Deputy Ministers and temporary Acting Assistant Ministers when these positions are vacant until replacements have been appointed and confirmed.

3.3.3 : The Regional Governors and Regional Vice Governors

3.3.3.1

The Regional Governor is the chief executive officer presiding over the Executive Branch of the Government at the Regional Level.

3.3.3.2

The Regional Governor can delegate part of his own authority and responsibility to the Regional Vice Governor, at the discretion of the Regional Governor.

3.3.3.3

In the event of the death or incapacity of the Regional Governor, the Regional Vice Governor will take his place. In the event of the death or incapacity of both the Regional Governor and the Regional Vice Governor, the Regional Majlis will select a successor. For this special purpose of selecting a successor, other than the Regional Vice Governor, a quorum of 2/3 of all Representatives and majority vote is required. The Regional Appellate Court will determine when such death or incapacity has occurred. In the event of the death of the Regional Vice Governor, he will not be replaced.

3.3.3.4

The Regional Governor and the Regional Vice Governor will be elected directly as a pair of running mates in Regional Elections for a term of office not to exceed 4 years.

3.3.3.4.T

For the Transitional Period, before the first National and Regional Elections are held, a Transitional Regional Governor and Transitional Regional Vice Governor will be elected by the traditional Guurti Congress that elects the Representatives to the Regional Majlis.

3.3.3.5

Regional Elections will be held every four years based upon the Hegirian calendar, on _____.

3.3.3.6

A Regional Governor or Regional Vice Governor may be impeached and removed from office. In this case, the Regional Appellate Court must indict the Regional Governor or Regional Vice Governor and only then can the Regional Majlis impeach and remove the Regional Governor or Regional Vice Governor from office, with a quorum consisting of 2/3 of all Representatives and a vote of 2/3 of all Representatives present. A political disagreement over policies is not a valid ground for impeachment. Only serious violations of the Constitution and serious misconduct in office are grounds for impeachment.

3.3.4: The Regional Cabinet and Regional Ministries

3.3.4.1

The Regional Governor may define and delete Regional Ministries, subject to confirmation by the Regional Majlis. The Regional Governor can re-allocate authorities and responsibilities between Regional Ministries, without requiring confirmation by the Regional Majlis.

3.3.4.2

The Regional Governor will appoint Regional Cabinet Ministers to form his Regional Cabinet, subject to confirmation by the Regional Majlis. Each Regional Cabinet Member will be the chief executive officer of a corresponding Regional Ministry. The Regional Governor may remove Regional Ministers and they may resign, without requiring justification or confirmation by the Regional Majlis.

3.3.4.3

The Regional Governor will appoint one Regional Deputy Minister and from 2 to 6 Assistant Ministers for each Regional Ministry, subject to confirmation by the Regional Majlis. The Regional Governor may remove Deputy and Assistant Ministers and they may resign, without requiring justification or confirmation by the Regional Majlis. The Regional Governors may appoint temporary Acting Deputy Ministers and Acting Assistant Ministers when these positions are vacant until replacements have been appointed and confirmed.

3.3.5: The District Governors and District Vice Governors

3.3.5.1

The District Governor is the chief executive officer presiding over the Executive Branch of the Government at the District Level.

3.3.5.2

The District Governor may delegate part of his own authority and responsibility to the District Vice Governor, at the discretion of the District Governor.

3.3.5.3

In the event of the death or incapacity of the District Governor, the District Vice Governor will take his place. In the event of the death or incapacity of both the District Governor and the District Vice Governor, the District Majlis will select a successor. For this special purpose of selecting a successor, other than the District Vice Governor, a quorum of 2/3 of all Representatives and majority vote is required. The District Appellate Court will determine when such death or incapacity has occurred. In the event of the death of the District Vice Governor, he will not be replaced.

3.3.5.4

The District Governor and the District Vice Governor will be elected directly as a pair of running mates in District Elections for a term of office not to exceed 4 years.

3.3.5.4.T

For the Transitional Period, before the first National, Regional, and District Elections are held, a Transitional District Governor and Transitional District Vice Governor will be elected by the traditional Guurti Conference that selects the Representatives to the District Majlis.

3.3.5.5

District Elections will be held every four years based upon the Hegirian calendar, on ____.

3.3.5.6

A District Governor or District Vice Governor may be impeached and removed from office. In this case, the District Appellate Court must indict the District Governor or District Vice Governor and only then can the District Majlis impeach and remove the District Governor or District Vice Governor from office, with a quorum consisting of 2/3 of all Representatives and a vote of 2/3 of all Representatives present. A political disagreement over policies is not a valid ground for impeachment. Only serious violations of the Constitution and serious misconduct in office are grounds for impeachment.

3.3.6: The District Cabinet and District Ministries

3.3.6.1

The District Governor may create and delete District Ministries, subject to confirmation by the District Majlis. The District Governor can re-allocate authorities and responsibilities between District Ministries, without requiring confirmation by the District Majlis.

3.3.6.2

The District Governor will select District Cabinet Ministers to form his District Cabinet, subject to confirmation by the District Majlis. Each District Cabinet Member will be the chief executive officer of a corresponding District Ministry. The District Governor may remove District Ministers and they can resign, without requiring justification or confirmation by the District Majlis. The District Governor may temporarily assume the duties of any given Minister himself while the position is vacant. The District Governor may also authorize the corresponding Deputy Minister to temporarily serve as Acting Minister while any position of Minister is vacant or a Minister is temporarily disabled.

3.3.6.3

The District Governor will appoint one Deputy Minister and from 2 to 6 Assistant Ministers for each District Ministry, subject to confirmation by the District Majlis. The District Governor may remove Deputy and Assistant District Ministers and they may resign, without requiring justification or confirmation by the District Majlis. The District Governor may appoint temporary Acting Deputy Ministers and temporary Acting Assistant Ministers when these positions are vacant until replacements have been appointed and confirmed.

3.3.7 : The Municipal Mayors and Municipal Vice Mayors

3.3.7.1

The Municipal Mayor is the chief executive officer presiding over the Executive Branch of the Government at the Village/Municipal Level.

3.3.7.2

The Municipal Mayor may delegate part of his own authority and responsibility to the Municipal Vice Mayor, at the discretion of the Municipal Mayor.

3.3.7.3

In the event of the death or incapacity of the Municipal Mayor, the Municipal Vice Mayor will take his place. In the event of the death or incapacity of both the Village Mayor and the Municipal Vice Mayor, the Municipal Council will select a successor. For

this special purpose of selecting a successor, other than the Municipal Vice Mayor, a quorum of 2/3 of all Councilmen and Councilwomen and majority vote is required. The District Appellate Court will determine when such death or incapacity has occurred. In the event of the death of the Municipal Vice Mayor , he will not be replaced.

3.3.7.4

The Municipal Mayor and the Municipal Vice Mayor will be elected directly as a pair of running mates in Municipal Elections for a term of office not to exceed 4 years.

3.3.7.4.T

For the Transitional Period, before the first National, Regional, and Municipal Elections are held, a Transitional Municipal Mayor and Transitional Municipal Vice Mayor will be elected by the traditional Guurti Conference that selects the Municipal Councilmen and Councilwomen.

3.3.7.5

Municipal Elections will be held every four years based upon the Hegirian calendar, on _____.

3.3.7.6

A Municipal Mayor or Municipal Vice Mayor may be impeached and removed from office. In this case, the District Appellate Court must indict the Municipal Mayor or Municipal Vice Mayor and only then can the Municipal Council impeach and remove the Municipal Mayor or Municipal Vice Mayor from office, with a quorum consisting of 2/3 of all Councilmen and Councilwomen and a vote of 2/3 of all Councilors present. A political disagreement over policies is not a valid ground for impeachment. Only serious violations of the Constitution and serious misconduct in office are grounds for impeachment.

3.3.8: The Municipal Cabinet and Municipal Ministries

This section is left blank at this time. There are several options for discussion, such as expanding the jurisdictions of large cities to include surrounding villages as traditional Shungwayan city states.

3.4: The Legislative Branch

The Legislative Branch has the responsibility for legislating laws at the 4 levels of government for implementing the goals defined in this Constitution, adapted to different and changing national, regional, district, and municipal or village requirements.

At the National level, the Legislature is called the National Majlis of the Republic of Somalia, according to nomadic tradition. At the Regional level, the Legislature is called the Regional Majlis of the given Region. At the District level, the Legislature is called the District Majlis of the given District. At the Municipal or Village level, the Legislature is called the Municipal or Village Council of the given Municipality or Village.

3.4.1: The National Majlis

3.4.1.1

Legislators in the National Majlis will be elected as Representatives of all Citizens of the Republic of Somalia in National Elections. As a general guideline, there will be one Representative for every 40,000 Citizens on an average.

3.4.1.1.T

Legislators in the first Transitional National Majlis will be selected as Representatives of the individual clans and groups of clans living in the Republic of Somalia. For this purpose, the Guurti of any clan or group of clans can convene a traditional Guurti Congress, that includes not only Elders of the clan or clans, but also invited delegates that fairly represent all members of these clans. Traditional democratic procedures will be used to elect the number of Representatives allocated to the clan or group of clans. It will be the responsibility of the Guurti Congress to elect qualified Representatives that fairly represent all members of the clan or group of clans. Individual clans will have the option of holding their own Guurti Congresses or consolidated Guurti Congresses for any groups of clans that desire to cooperate with each other in this way.

3.4.1.2

The National Majlis will appoint a National Election Committee from its members that will review the allocation of Representatives to electorates on an equitable basis. Any changes in this allocation must be made at least one year before the next scheduled National Election> and this new allocation must be approved by a 2/3 majority of the National Majlis.

3.4.1.2.T

The first step for creating a new Transitional National Government will consist of Guurti from all clans living in the Republic of Somalia meeting to negotiate among themselves how many Representatives each clan will be authorized to elect as their Representatives to the Transitional National Majlis. The National Election Committee of the Transitional National Majlis will propose a system for dividing the National Electorate into an appropriate combination of election districts and groups of Citizens, with one Representative to be elected by each. This system and allocation must be approved by a 2/3 majority of the National Majlis at least 6 months before the first National Elections.

3.4.1.3

Each Representative to the National Majlis must be a Citizen of the Republic of Somalia, must be at least 25 years of age, must be able to read and write the Somali language, and must be of reputable moral character. There are no restrictions based upon clan membership, religious beliefs, political beliefs, or sex.

3.4.1.4

There will be National Elections for all elected members of the National Majlis at least once every 4 years. The President and Vice President will also be elected during the same National Elections. Various referenda may also be presented to the Citizens during such National Elections, such as for adopting and making Amendments to this Constitution. The National Majlis will enact laws to regulate how these National Elections will be conducted.

3.4.1.5

The National Majlis will elect its own Chairman and Vice Chairman. It will have the right to define and select its own Committees and other Officials as it deems to be appropriate. It will also have the right to define its own rules and procedures.

3.4.1.6

A quorum of 50% of all Representatives must be present during a session of the National Majlis in order for it to vote on legislation. A simple majority vote is required to pass any proposed laws. After a proposed law receives a majority vote, it must be presented to the President of the Republic of Somalia. If the President signs the proposed law within 20 days or takes no action on the proposed law within 20 days, this law will come into effect as if he had signed it. If the President vetoes the proposed law within 20 days, it will be returned to the National Majlis, which can then overrule the veto with a 2/3 vote.

3.4.1.7

The National Majlis will appoint a Constitutional Committee from its own members to draft a new Constitution for the Republic of Somalia. The Constitutional Committee will hold public hearings on their draft Constitution in each of the Regions in order to give all Citizens an opportunity to express their views on this important subject. The Constitution Committee may also call upon international legal experts and human-rights organizations for their technical advice. The resulting draft Constitution will require a 2/3 majority vote of the whole National Majlis before it can be presented to the Citizens in a National Election for official acceptance. This Constitution must be published and presented to the Citizens at least 3 months before it is submitted to the Citizens in a National Election for approval. After the Constitution has been adopted by the Citizens in a National Election or Referendum, this Committee will use similar procedures for creating draft Amendments to the Constitution as appropriate.

3.4.1.8

It may be appropriate to list the subjects over which the National Majlis has jurisdiction. Potential examples include: federal budget, taxation, international treaties, concessions for exploring and exploiting natural resources, declaration of war, etc.

3.4.2: The Regional Majlises

Similar text can be drafted as for the National Majlis.

3.4.3: The District Majlises

Similar text can be drafted as for the National Majlis.

3.4.4: Municipal Councils

Similar text can be drafted as for the National Majlis.

3.5: The Judicial Branch

3.5.1: The Structure of the Judicial Branch

3.5.1.1: At the National Level, the Judicial Branch will consist of

v a National Supreme Court for

- Resolving Constitutional issues and
- as a last court of appeal from lower courts and

v a National Court for handling cases in the first instance involving National laws, and

v a War-Crimes Tribunal

3.5.1.2: At the Regional Level, the Judicial Branch will consist of

v Regional Appellate Courts as courts of appeal from lower courts and

v Regional Courts for handling cases in the first instance involving Regional laws.

3.5.1.3: At the District Level, the Judicial Branch will consist of

v District Appellate Courts as courts of appeal from lower courts and

v District Courts for handling cases in the first instance involving District laws.

3.5.1.4: At the Village Level, the Judicial Branch will consist of

Municipal Courts for handling cases in the first instance involving Village laws.

3.5.1.5

Cases heard in any Court may be appealed by either Party up through the Appellate Courts to the National Supreme Court as the last court of appeal. However, each Appellate Court and the Supreme Court has the right to review each appealed case to determine whether there are substantive justifications for hearing the case again at their level.

3.5.2: The National Supreme Court

3.5.2.1

The National Supreme Court will have original jurisdiction for cases concerning the constitutionality of laws and decrees. It will also serve as an appellate court for cases heard in either the National Court or one of the Regional Appellate Courts.

3.5.2.2

The National Supreme Court will have 7 judges as standing members. Each Judge on the National Supreme Court will serve indefinitely, until he or she resigns, dies, or is incapacitated. The National President will nominate qualified individuals to fill any vacancies and the National Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum.

3.5.2.3

The Judges of the National Supreme Court will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the National Majlis, which will also determine the salaries of National Judges and other personnel.

3.5.2.4

The National Ministry of the Interior will provide Prosecutors, their staffs, and a Court Building.

3.5.3: The National Court

3.5.3.1

The National Court will have original jurisdiction for cases of a federal nature, such as involving National Laws.

3.5.3.2

The National Court will have 7 Judges serving 7-year terms. The President will nominate qualified individuals to fill any vacancies and the National Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum. Each new appointment will start a new 7-year term and National Judges may be re-appointed to additional 7-year terms.

3.5.3.2.T

For the selection of the first set of 7 Judges by the Transitional Government, one National Judge will have a full 7-year term, one National Judge will have a 6-year term, one National Judge will have a 5-year term, etc. to 1 National Judge with a 1-year term; in order to establish a staggering of terms from the beginning.

3.5.3.3

The National Judges will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the National Majlis, which will also determine the salaries of National Judges and their personnel.

3.5.3.4

The National Ministry of the Interior will provide Prosecutors, their staffs, and a Court Building.

3.5.4: The War-Crimes Tribunal

3.5.4.1

The War-Crimes Tribunal will collect evidence and testimony concerning war crimes committed by the former socialist dictatorship in their programs of genocide and oppression of the Somali People that led to the War-of-Liberation between 1981 and 1991 as well as war crimes committed both during the War-of-Liberation and causing unnecessary starvation and deaths in the former Italian Somalia after January 1991. As sufficient evidence is available to open cases, the War-Crimes Tribunal may issue warrants for the arrest of suspected perpetrators of war crimes and initiate legal proceedings against them.

3.5.4.2

No Citizens or Residents of the Republic of Somalia may be arrested or punished due only to membership in clans or sub-clans that supported the atrocities committed by the former socialist dictatorship. Only the individual persons directly responsible for committing or ordering such war crimes may be arrested, convicted, or punished. It is the responsibility of the Government to protect members of clans and subclans who supported the oppressive socialist dictatorship from revenge by the Citizens who lost lives of relatives and property due to this oppression.

3.5.4.3

Both Citizens and Non-Citizens who are indicted by the War-Crimes Tribunal and can not be arrested, because they are not in the territory of the Republic of Somaliland, may

be tried in absentia for any violations of international law, such as the UN Charter. Such cases for Non-Citizens may be appealed to the International Court of Justice in The Hague, Netherlands at the discretion and request of the sovereign nations to which these individuals are citizens.

3.5.4.4

The War-Crimes Tribunal will have 5 Judges serving 5-year terms. The President will nominate qualified individuals to fill any vacancies and the National Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum. Each new appointment will start a new 5-year term and Judges may be re-appointed to additional 5-year terms.

3.5.4.5

When the National Majlis deems that the War-Crimes Tribunal has fulfilled its purpose, the National Majlis will dissolve the War-Crimes Tribunal, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum.

3.5.4.6

The War-Crimes Tribunal will develop its own procedures for operations, based upon those being implemented by the War-Crimes Tribunal for the former Yugoslavia.

3.5.4.7

The Judges of the War-Crimes Tribunal will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the National Majlis, which will also determine the salaries of Judges and other personnel.

3.5.4.8

The National Ministry of the Interior will provide Prosecutors, their staffs, and a Court Building.

3.5.5: The Regional Appellate Courts

3.5.5.1

The Regional Appellate Courts will serve as appellate courts for cases heard in either the Regional Court or one of the District Appellate Courts.

3.5.5.2

Each Regional Appellate Court will have 7 judges as standing members. Each Judge on a Regional Appellate Court will serve indefinitely, until he or she resigns, dies, or is incapacitated. The Regional Governor will nominate qualified individuals to fill any vacancies and the Regional Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum.

3.5.7.3

The Judges of the Regional Appellate Courts will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the Regional Majlis, and the salaries set by the National Majlis for all Judges and other personnel within the Republic of Somalia (at the levels of National, Regional, District, and Village).

3.5.7.4

The Regional Ministry of the Interior will provide Prosecutors, their staffs, and Court Buildings.

3.5.8: The Regional Courts

3.5.8.1

The Regional Courts will have original jurisdiction for cases of a Regional nature, such as involving Regional Laws.

3.5.8.2

Each Regional Court will have 7 Judges serving 7-year terms. The Regional Governor will nominate qualified individuals to fill any vacancies and the State Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum. Each new appointment will start a new 7-year term and State may be re-appointed to additional 7-year terms.

3.5.8.2.T

For the selection of the first set of 7 Judges by the Transitional Government, one Judge will have a full 7-year term, one Judge will have a 6-year term, one Judge will have a 5-year term, etc. to 1 Judge with a 1-year term; in order to establish a staggering of terms from the beginning.

3.5.8.3

The Regional Judges will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the Regional Majlis, and the salaries set by the National Majlis for all Judges and other personnel within the Republic of Somalia (at the levels of National, Regional, District, and Village).

3.5.8.4

The Regional Ministry of the Interior will provide Prosecutors, their staffs, and Court Buildings.

3.5.9: The District Appellate Courts

3.5.9.1

The District Appellate Courts will serve as appellate courts for cases heard in either the District Court or one of the Village Courts.

3.5.9.2

Each District Appellate Court will have 7 judges as standing members. Each Judge on a District Appellate Court will serve indefinitely, until he or she resigns, dies, or is incapacitated. The District Governor will nominate qualified individuals to fill any vacancies and the District Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum.

3.5.9.3

The Judges of the District Appellate Courts will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the District Majlis, and the salaries set by the National Majlis for all Judges and other personnel within the Republic of Somalia (at the levels of National, Regional, District, and Village).

3.5.9.4

The District Ministry of the Interior will provide Prosecutors, their staffs, and Court Buildings.

3.5.10: The District Courts

3.5.10.1

The District Courts will have original jurisdiction for cases of a District nature, such as involving District Laws.

3.5.10.2

Each District Court will have 7 Judges serving 7-year terms. The District Governor will nominate qualified individuals to fill any vacancies and the District Majlis will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum. Each new appointment will start a new 7-year term and State may be re-appointed to additional 7-year terms.

3.5.10.2.T

For the selection of the first set of 7 Judges by the Transitional Government, one Judge will have a full 7-year term, one Judge will have a 6-year term, one Judge will have a 5-year term, etc. to 1 Judge with a 1-year term; in order to establish a staggering of terms from the beginning.

3.5.10.3

The District Judges will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the District Majlis, and the salaries set by the National Majlis for all Judges and other personnel within the Republic of Somalia (at the levels of National, Regional, District, and Village).

3.5.10.4

The District Ministry of the Interior will provide Prosecutors, their staffs, and Court Buildings.

3.5.11 The Municipal Courts

3.5.11.1

The Municipal Courts will have original jurisdiction for cases of a Municipal nature, such as involving Municipal Laws.

3.5.11.2

Each Municipal Court will have 7 Judges serving 7-year terms. The Municipal Mayor will nominate qualified individuals to fill any vacancies and the Municipal Council will confirm these nominations, with a quorum of at least 2/3 of all Representatives and a majority vote of this quorum. Each new appointment will start a new 7-year term and may be re-appointed to additional 7-year terms.

3.5.11.2.T

For the selection of the first set of 7 Judges by the Transitional Government, one Judge will have a full 7-year term, one Judge will have a 6-year term, one Judge will have a 5-year term, etc. to 1 Judge with a 1-year term; in order to establish a staggering of terms from the beginning.

3.5.11.3

The Municipal Judges will hire their own personnel and manage their own operations, subject only to the budget allocated for this purpose by the Municipal Council, and the salaries set by the National Majlis for all Judges and other personnel within the Republic of Somalia (at the levels of National, Regional, District, and Municipal).

3.5.11.4

The Municipal Councils will provide Prosecutors, their staffs, and Court Buildings.

3.6: Civil and Criminal Law

3.6.1

Civil and criminal law as existing in January 1991 under the former Dictatorship will continue in force, until it is replaced partially or entirely by the respective Majlises of the new Government.

3.6.2

All civil and criminal law is subordinate to the provisions of this Constitution. Whenever provisions of civil and criminal law violate provisions of this Constitution, they will be interpreted using a most-reasonable adaptation to the provisions of this Constitution.