



Somali Republic  
Office of the President

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JS/XM/217/06/2012

June 23, 2012

**Somali Transitional Government Decree**  
Providing for the Transition to a new Federal Government  
For the Somali Republic

In the Name of Allah, the most Merciful, the Most Beneficent.

**PREAMBLE**

**HE Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of the Somali Republic,**

**Acknowledging** the recent achievements by the Signatories of the process for ending the transition, including HE Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government (TFG); HE Sharif Hassan Sheikh Aden, Speaker of the Transitional Federal Parliament (TFP), HE Dr. Abdiweli Mohamed Ali, Prime Minister of TFG; HE Abdirahman Mohamed Mohamud (Farole), President of Puntland; HE Mr. Mohamed Ahmed Aalim President of Galmudug Hon. Abdulkadir Moallim Nur, Representative of Ahlu Sunnah Wal-Jama'a (ASWJ) and the UN Special Representative for Somalia (SRSG) Amb. Augustine Mahiga;

**Appreciating that** the Signatories have consulted broadly with the recognized Somali Traditional Leaders (Duubab), in accordance with Somali customary law;

**Noting that** the Independent Federal Constitutional Commission (IFCC) established under Article 11 (4) of the Transitional Federal Charter, and the Committee of Experts established by the Signatories, have each fulfilled their respective mandates and have delivered a draft constitutional text to the Signatories;

**Considering:** the current political situation in Somalia, including the inability of the Transitional Federal Parliament in its current state to pass amendments to the Transitional Federal Charter or other necessary legislation to end the transition and provide for a completion of the constitutional process; and

**Aware** of the urgent need to provide for the completion of the constitutional transition [within the time agreed among Somalis and the international community]

Decrees as follows:

**Part One**  
**Amendments to the Somali Transitional Federal Charter**

**ARTICLE 1--AMENDMENT OF ARTICLE 11 OF THE CHARTER**

Article 11 of the Somali Transitional Federal Charter is amended by the substitution, for clause (3)(b), of the following:

“(3)(b) The procedure to approve the new Constitution shall be as set out in 11.2.”

**ARTICLE 2--INSERTION OF ARTICLES 11.1, 11.2 and 11.3 INTO THE CHARTER**

The Somali Transitional Charter is amended by the insertion, after Article 11, of the following new Articles 11.1, 11.2 and 11.3:

**“ARTICLE 11.1 TECHNICAL SELECTION COMMITTEE**

There shall be established a Technical Selection Committee, which shall document and publicize the list of 135 recognized Traditional Leaders (Duubab) who will be engaged in selecting members to the National Constituent Assembly and of the new Federal Parliament in accordance with the relevant procedures; and

**ARTICLE 11.2 FINAL PREPARATION OF DRAFT NEW CONSTITUTION**

1. The Somali Road map signatories shall approve by initialing and signing the final draft provisional constitution on 23 June 2012;
2. Principals shall thereafter, and no later than 25th June 2012, transmit the final, approved and initialed draft to the Independent Federal Constitutional Commission (IFCC) to conduct civic education and in any event conclude the civic education process not later than 29th June 2012;
3. The Somali Roadmap signatories shall conclude the mandate of the Independent Federal Constitutional Commission through a ceremony recognizing the dedicated national service of the Independent Federal Constitutional Commission over the past six years and their contribution to peace and reconciliation in Somalia

**ARTICLE 11.3 CONSTITUENT ASSEMBLY TO ADOPT NEW CONSTITUTION**

1. There shall be established a National Constituent Assembly for the purpose of considering, and voting to approve or reject, the draft new Federal Constitution as published under Article 11.2.
2. The draft constitution will have been provisionally approved by the Constituent Assembly if, when put to a vote by the Constituent Assembly, it is supported by at least 50% plus 1 of the votes cast by members of the Assembly.

3. In accordance with Article 71 (12) of the Charter, upon approval of the new Constitution by the Constituent Assembly--
  - (a) The new Constitution shall provisionally come into force; and
  - (b) The Transitional Federal Charter shall expire, subject only to any transitional arrangements provided for in the new provisional Constitution.
4. If provisionally approved by the Constituent Assembly, the new constitution shall be subsequently placed before the people in a referendum, and shall be finally adopted if it is supported by at least 50% plus one of the votes cast in that referendum.
5. The Constituent Assembly shall be dissolved at the end of the date on which the Assembly held the vote irrespective of whether it has approved, or failed to approve, the new constitution.

#### **ARTICLE 3--AMENDMENT OF ARTICLE 71 OF THE CHARTER**

Article 71 of the Somali Transitional Federal Charter is amended by the substitution, for clause (7), of the following:

“(7) The present Charter shall be the general basis for the federal constitution to be drafted and presented to the Constituent Assembly in accordance with Article 11.2. and 11.3”

#### **Part Two**

##### **Executive Directions to the Signatories**

#### **ARTICLE 4--AUTHORIZATION OF PROTOCOLS**

1. As soon as practicable following the issuing of this Decree, the Signatories referred to in the Preamble shall--
  - (a) adopt a Protocol establishing the Technical Selection Committee, and shall call for its immediate deployment and operation;
  - (b) adopt a Protocol establishing the Signatories Technical Facilitation Committee, appoint its members;
  - (c) adopt a Protocol establishing a National Constituent Assembly, and such committees and other necessary and desirable organs required for its effective functioning; and prescribe Rules for its procedures; and
  - (d) convene the National Constituent Assembly at the first practicable opportunity.
2. The Protocols and other steps taken by the Signatories shall give full effect to the principles agreed among the Signatories under the Accords reached at *Kampala*, *Garowe I and II*, *Galka'yo* and *Addis Ababa*.

## Annex - Interpretation and Application

### 1. In these Protocols--

- (a) The expression “Elders Arbitration Board” means the Board of that name established by the *Protocol Establishing the Technical Selection Committee*, adopted by the Somali Roadmap Signatories on 23 June 2012;
  - (b) The expression “Signatories Technical Facilitation Committee” means the committee established by the *Protocol Establishing Signatories Technical Facilitation Committee*, adopted by the Somali Roadmap Signatories on June 23, 2012;
  - (c) The expression “Somali Roadmap Signatories” means the holders of the following offices, acting collectively:
    - a) The President of the Transitional Federal Government
    - b) The Speaker of the Transitional Federal Parliament
    - c) The Prime Minister of the Transitional Federal Government
    - d) President of Puntland
    - e) President of Galmudug; and
    - f) Representative of Ahlu Sunna Wal Jamaa’a; and
    - g) The Special Representative of the Secretary General of the United Nations.
  - (d) The expression “Technical Selection Committee” means the committee established by the *Protocol Establishing the Technical Selection Committee*, adopted by the Somali Roadmap Signatories on 23 June 2012.
2. This Protocol is to be interpreted and applied in accordance with, and in a manner that gives full effect to, the agreements reached by the Somali Roadmap Signatories in the *Kampala Accord*, the *Somali Roadmap*, the *Garowe I and II Principles*, the *Galka’yo Agreement*, the *Addis Ababa Communique*, the *Nairobi Communique*, and this Decree of the President, dated 23 June 2012.
  3. Any dispute in the interpretation or application of this Protocol shall be referred to the Somali Roadmap Signatories for resolution and further direction.
  4. Any misinterpretations or lack of clarity relating to this Decree and other related protocols referred to in this decree shall be resolved by reference to the English versions of these documents.
  5. As an impartial organization committed to the Somali Roadmap, the United Nations shall be requested to observe and provide necessary assistance to all aspects of the work of the New Federal Parliament with a view to a successful transition including a successful review and adoption of the Provisional Constitution through a referendum.

This Presidential Decree shall come into effect upon the signature of the President of the Transitional Federal Government of Somalia, as witnessed by the Roadmap signatories

**His Excellency Sharif Sheikh Ahmed**