

# THE SOMALILAND GAZETTE

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### SUPPLEMENT No. 2 (Containing a Law)

LAW No. 1. The Union of Somaliland and Somalia Law

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Assented to by the Council of Ministers

Mogadiscio, 5<sup>th</sup> July 1960

Mohamed Ibrahim Egal

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Ali Garad Jama

Haji Ibrahim Nur

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## THE UNION OF SOMALILAND AND SOMALIA LAW

### **Preamble:**

WHEREAS the State of Somaliland achieved independence and ceased to be under British protection or within the jurisdiction and sovereignty of Her Britannic Majesty on the 26<sup>th</sup> day of June, 1960 (being Muharram 1<sup>st</sup> 1379):

AND WHEREAS the State of Somalia achieved its independence and ceased to have the status of a Trust Territory of the United Nations Organization administered by the Republic of Italy on the 1<sup>st</sup> of July, 1960

AND WHEREAS it is the will of the peoples of Somaliland and Somalia that their States shall united shall forever be united in the Somali Republic:

NOW, we the signatories hereof being the duly authorized representatives of the peoples of Somaliland and Somalia and having vested in us the power to make and enter into this Law on behalf of our respective States and peoples do hereby solemnly and in the name of God the compassionate and Merciful agree as follows:-

### **Union:**

1. (a) The State of Somaliland and the State of Somalia do hereby unite and shall forever remain united in a new, independent, democratic, unitary republic the name whereof shall the SOMALI REPUBLIC.
- (b) The Capital of the Somali Republic shall be Mogadiscio.

### **Conditions of Union:**

2. Subject to the express provisions of this Law the Union hereby constituted shall be upon the following conditions: -
  - (1) That the component administrative units of the Government of the Somali Republic until more suitable administrative arrangements are made, shall be, firstly, the region comprising the territories contained in the boundaries of the presently existing State of Somaliland (hereafter referred to as “the Northern Region”) and, secondly, those presently existing territories which comprise the six Regions of Mijertain, Mudugh, Hiran, Banadir, Upper Juba and Lower Juba all in Somalia (hereafter collectively referred to as “the second named Regions”).
  - (2) That the existing laws presently in force in the Northern Region and in the second named Regions respectively shall remain in full force and effect within the respective territories where the same presently apply and shall not have force or effect beyond those respective territories where the same presently apply.
  - (3) That all persons now serving the Somaliland Government in the Northern Region and the Government of Somalia in the second named Regions respectively shall continue to serve the Government of the Somali Republic upon terms not less favourable than those at present applicable to them.
  - (4) That the Courts as presently constituted in the aforesaid Northern Region and the aforesaid second named Regions shall continue to exercise within their respective territories the jurisdiction which is conferred upon them by presently existing law and shall be Courts of the Somali Republic.
  - (5) That all rights and obligations vested or accruing, whether public or private (including any status of legal personality acquired under law by corporate or non-corporate bodies) shall continue to subsist in accordance with subsection (2) hereof be recognized and enforced by the Courts of the Somali Republic, referred to in subsection (4) hereof and by the Government of the Somali Republic.
  - (6) That in the Somali Republic the National languages of the Republic shall be as to the spoken tongue Somali and as to the written language Arabic, English and Italian, which shall have equal status.

### **Citizenship**

3. (1) All persons who upon the date of this Union possess the citizenship of Somaliland and Somalia respectively shall by this Union now become citizens of the Somali Republic.
- (2) All persons who hereafter would, but for this Union, have become citizens of Somaliland or Somalia respectively under the law of either of the two uniting States as presently subsisting, shall hereafter become citizens of the Somali Republic.

### **Head of State**

4. The Head of State of the Somali Republic shall be the PRESIDENT of the Republic chosen in accordance with the provisions of the Constitution referred to in section 7 hereof.

#### **Executive Authority.**

5. Executive Authority of the Somali Republic shall be vested in the COUNCIL OF MINISTERS appointed in accordance with the provisions of the Constitution referred to in section 7 hereof and shall be exercised as therein provided.

#### **Legislative Power.**

6. The Legislative power of the Somali Republic shall be vested in the NATIONAL ASSEMBLY constituted in accordance with the provisions of the Constitution referred to in section 7 hereof and shall be exercised as therein provided.

#### **The Constitution.**

7. The CONSTITUTION OF THE SOMALI REPUBLIC shall be the Constitution of the State of Somalia with such adaptations as may be necessary to bring in into conformity with this Law but notwithstanding the provisions thereof relating to amendment, no amendment of that Constitution shall derogate from the conditions of Union set forth in section 2 hereof unless made in accordance with the procedure and provisions set forth in section 10 hereof.

#### **The existing Executive and Legislative Organs.**

8. (1) Upon this Law being made the presently subsisting Legislative Assembly of Somaliland and Somalia respectively shall cease as such to subsist: but the existing elected members of the said Legislative Assemblies shall constitute the first National Assembly of the Somali Republic. Immediately upon the National Assembly of the Somali Republic being constituted under these provisions, the members thereof shall each before the person presiding over the National Assembly make oath of allegiance to the Somali Republic.  
  
(2) The existing President or Vice President of the Legislative Assembly of Somalia shall preside over the National Assembly of the Somali Republic for the purpose of taking the oaths of allegiance in accordance with subsection (1) hereof and for the purpose of electing the first President of the National Assembly only.  
  
(3) The members of the Council of Ministers after being appointed in accordance with the Constitution shall each make an oath of allegiance to the Somali Republic before the President of the National Assembly.

#### **Freedom of movement and trade**

9. (1) Notwithstanding anything in section 2 hereof, the citizens of the Somali Republic shall have the right freely to move for lawful purposes throughout the territory of the Republic subject to the provisions of any law relating to public order or human or animal health.  
  
(2) Notwithstanding anything in section 2 hereof there shall be no customs, exercise or other tax imposed upon the movement of goods (including animals) between any parts

of the territory of the Somali Republic provided such goods originate from the Region from which they are proceeding.

(3) Until unification of customs tariffs is achieved goods imported from foreign countries and moving from the Northern Region to the second name Regions and vice versa shall be subject to the customs laws at present in force in the Northern Region and the second named Regions.

### **Special Commission for Uniformity.**

10. (1) There shall be established a Special Commission the members of which shall be persons who were immediately prior to this Law either members of the Legislative Assembly of Somalia or members of the Legislative Assembly of Somaliland together with a Chairman being a member of the National Assembly appointed by the members of the Commission.

(2) The members of the Special Commission (other than the Chairman) shall be appointed by the President of the Somali Republic acting on the advice of the Council of Ministers and shall consist of an equal number of former members of the Legislative Assembly of Somali and former members of the Legislative Assembly of Somaliland.

(3) The Special Commission shall examine into and make recommendations (which in the event of the Commission not being unanimous shall be the recommendations of a majority of its members to which a minority report shall be attached) as to the provisions to be made from time to time by law for the purpose of establishing uniformity between the laws, institutions, public service and social services presently existing in the Regions referred to in section 2 hereof.

(4) The Special Commission shall for the aforesaid purpose be empowered to establish sub-commissions or committees, the members whereof may include other persons and to engage or call for assistance from any person by way of advice or otherwise.

(5) The Special Commission shall from time to time report to the Council of Ministers as to its recommendations under subsection (3) of this section and the Council of Ministers shall thereupon with all reasonable dispatch lay such report before the National Assembly together with the proposed legislation to be made to give effect thereto.

(6) The National Assembly shall thereupon decide by majority of the members thereof present and voting upon such proposed legislation whether the same shall be enacted.

(7) Upon the National Assembly so deciding then the President shall assent to such legislation and upon the same coming into operation any condition set forth in section 2 hereof shall so far as it is inconsistent with such legislation be abrogated.

(8) The Special Commission may with the approval of the Council of Ministers make rules regulating its procedure and providing for the duration of the appointments of its members, the remuneration of any person whose participation or assistance is called for under subsection (3) hereof, the cilling of vacancies in membership and all other matters as may be required for the performance of the function conferred upon the Special Commission by this section:

Provided that if the Special Commission fails to make rules under this subsection in accordance with a request made to it by the Council of Ministers, the Council of Ministers may make the said rules.

(9) Any rules made under subsection (8) may be added to, amended or revoked in the same manner.

**Succession to rights and liabilities:**

11. (1) Any property (including any rights arising from contract or otherwise) that is immediately before this Law vested in the Government of Somaliland or in the State of Somalia shall upon this Law being made vest in the Somali Republic or in such person or authority on behalf of the Somali Republic as the Council of Ministers may direct.

(2) Any liability or obligation (whether arising from contract or otherwise) incurred by the Government of Somaliland or by the State of Somalia and subsisting immediately before this Law shall upon this Law being made be a liability or obligation of the Somali Republic or of such person or authority on behalf of the Somali Republic as the Council of Ministers may direct.

(3) For the purposes of the preceding subsections, any property which immediately before the making of this Law was vested in or any liability or obligation which at that time had been incurred by, any person or authority on behalf of the Government of Somaliland or the State of Somalia shall be deemed to be property vested in or a liability or obligation incurred by the respective Government or State.

(4) Without derogation from the foregoing provisions of this section the right and obligations arising from agreements entered into between the Government of Somaliland and the Government of the United Kingdom of Great Britain and Northern Ireland and between the Government of Somalia and the Government of Italy and other States and International organisations which are set out in the Schedule to this Law shall be binding upon the Somali Republic.

**Transitional:**

12. (1) For the time being the provision subsisting immediately before the making of this Law for the expenditure of public moneys of the Somali Republic hereby constituted within and upon the Northern Region and second named Regions shall as far as practicable continue to the intent that those moneys which have been authorized to be expended within and upon the respective Northern Region and second named Regions shall continue to be expended upon the public service and upon the development and welfare and in the service of the said Northern Region and second named Regions and the inhabitants thereof respectively.

(2) For the time being the presently subsisting provision for the expenditure of public moneys (including such moneys as may be provided by way of assistance from foreign States) upon the development and welfare of the aforesaid Northern Region and second named Regions and the inhabitants thereof respectively shall as far as practicable continue to the intent that those schemes of development and welfare which are now current shall be completed and that those schemes of development and welfare which have been planned shall be proceeded with within the respective Northern Region and second named

Regions hereinbefore referred to and for the benefit of their respective inhabitants.

(3) The Supreme Court of the Somali Republic shall have appellate jurisdiction in relation to decisions of the Courts now constituted and which will continue to subsist in the aforesaid Northern Region.

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### **SCHEDULE**

1. The Agreement between the and Government of Somaliland and the Government of United Kingdom of Great Britain and Northern Ireland regarding interim arrangements in respect of the Somaliland Scouts.
2. The Interim Agreement between the Government of Somaliland and the Government of the United Kingdom of Great Britain and Northern Ireland for a United Kingdom Aid Mission.
3. The Pubic Officers Agreement between the Government of Somaliland and the Government of United Kingdom of Great Britain and Northern Ireland.

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This Bill has been passed by the Legislative Assembly on 27<sup>th</sup> June, 1960.

AHMED MOHAMED ADAM

Clerk of the Legislative Assembly

I hereby certify that at the third reading of this Bill, (which has now been passed as the Somaliland and Somali Union Law) the votes of not less than two third of the members of the Assembly were cast in favour thereof.

W. F. STUBBS,

Speaker.

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