

Presidency of the Council of Ministers
D.P.R. No. 242 of 11 December 1967

**RULES OF PROCEDURE OF THE COUNCIL
OF MINISTERS**

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN Articles 78, 81 para (2) and 85 of the Constitution;

HAVING SEEN Article 4 of Decree-Law No. 1 of 7 February 1965 converted into Law No. 4 of 1 June 1965, which replaced Article 4 of Law No. 14 of 3 June 1962 on the Organization of the Government;

HAVING SEEN D.P.R. No. 13 of 20 March 1965 regarding the Organization and Institution of the Permanent Organs and Offices attached to the Presidency of the Council of Ministers;

CONSIDERING that it is necessary to issue rules governing the procedure of the Council of Ministers;

ON THE PROPOSAL of the Prime Minister;

HAVING HEARD the Council of Ministers.

DECREES

Single Article

The attached text of the Rules of Procedure of the Council of Ministers is hereby approved and shall come into force on the day following the date of its publication in the Official Bulletin.

Mogadiscio, 11 December 1967.

Abdirashid Ali Shermarke

Primer Minister
Mohamed Ibrahim Egal

RULES OF PROCEDURE OF THE COUNCIL OF MINISTERS

CHAPTER I

Organs of the Council of Ministers and their functions

Article 1

Council of Ministers

1. The Prime Minister and the Ministers assembled together shall constitute the Council of Ministers.
2. The Under-Secretaries of State shall participate in the meetings of the Council of Ministers in an advisory capacity and without the right to vote. Officers and experts may also be called upon to participate without the right to vote.

Article 2

Organs of the Council of Ministers

The following shall be the organs of the Council of Ministers:

- 1) President;
- 2) Vice-President;
- 3) Secretary;
- 4) Deputy Secretary;
- 5) Interministerial Committees.

Article 3

President

1. The Prime Minister shall be the President of the Council of Ministers.
2. The President of the Council of Ministers shall:
 - a) convene and preside over the meetings of the Council and determine the agenda;
 - b) authorize officers and experts to attend the meetings of the Council, as and when deemed necessary;
 - c) authorize the publication of communiques and press notes concerning the meetings and decisions of the Council;
 - d) perform any other function attributed to him by the Constitution, Laws or Regulations.

3) In case of vacancy, absence or inability of the President, the Vice-President shall perform the functions of the President. In case of vacancy, absence or inability of the President and the Vice-President, the functions of the President shall be performed by a Minister designated by the Prime Minister in accordance with

Article 4

Vice-President

In case of vacancy, absence or inability of the President, the Vice-President shall perform the functions of the President.

Article 5

Secretary

The Secretary of the Council of Ministers shall be the executive organ of the Council. In such capacity, he shall:

- 1) receive documents sent by Ministers for consideration by the Council of Ministers, and provide for their registration. He may, stating the reasons therefor in writing, return any document sent to the Council of Ministers by any Ministry, where such document does not fulfil the requirements prescribed by the administrative provisions in force; and shall forthwith inform the President of the Council;
- 2) convene the meetings of the Council and prepare the agenda, as directed by the President;
- 3) draw up the records of the meetings of the Council and keep the relevant documents;
- 4) communicate the decisions adopted by the Council to the various Ministries or organs concerned;
- 5) issue, as directed by the President, communiqués and press notes concerning the meetings and decisions of the Council to the press, radio or other means of communication;
- 6) perform any other duty assigned to him by the President.

Article 6

Deputy Secretary

1. In the performance of his functions, the Secretary of the Council of Ministers shall be assisted by a Deputy Secretary.

2. The Deputy Secretary shall perform the duties assigned to him by the Secretary, to whom he shall be responsible. He shall temporarily substitute the Secretary in case of the latter's absence or inability.

Article 7

Interministerial Committees

1. Interministerial Committees may be set up by the Council of Ministers for the purpose of studying, considering or solving any problem connected with the political, economic or social activities

2. Interministerial Committees may be permanent or temporary, depending on the specific duties attributed to them.

CHAPTER II

CALLING OF MEETINGS OF THE COUNCIL OF MINISTERS

Article 8

Agenda

1. The agenda of the meetings of the Council of Ministers shall be determined by the President.

2. For this purpose, the Secretary or his substitute from time to time inform the President of the documents deposited in the office of the Secretary of the Council of Ministers.

3. A matter shall not normally be included in the agenda where the documents relating thereto have not been deposited in the office of the Secretary of the Council of Ministers at least 6 days prior to the meeting to which the agenda refers.

4. Notwithstanding the above provision, the President may authorize the inclusion of any matter in the agenda.

Article 9

Procedure for the calling of meetings

The calling of a meeting of the Council of Ministers shall be decided by the President, who shall inform the Secretary in time.

Article 10

Notice of the calling of meeting

The notice of the calling of meeting and the agenda of the meeting shall be drawn up by the Secretary or a person delegated by him, and shall indicate the date, time and place of the meeting.

Article 11

Communication of notice

1. Subject to the provisions of Art. 9 of these Rules, the notice of the calling of meeting and the agenda of the meeting shall be sent to the members of the Council of Ministers at least three days prior to the date of the meeting.

2. Within the same period, the notice and the agenda shall be sent to the Under-Secretaries of State and to the officers and experts whose presence has been expressly requested by the Presi-

Article 12

Calling of extraordinary meeting

1. Notwithstanding the provisions of the preceding article, the President may, in case of urgent necessity, or where the internal or international security so demands, convene extraordinary meetings of the Council of Ministers.

2. In such cases, the notice of the calling of meeting shall be communicated to the members of the Council by any possible means.

CHAPTER III

MEETINGS OF THE COUNCIL OF MINISTERS

Article 13

Place of meetings

1. The meetings of the Council of Ministers shall normally be held in an appropriate room in the Presidency of the Council of Ministers.

2. In cases of urgent necessity or for reasons of public order, security or secrecy, the meetings of the Council of Ministers may be held in other places as designated from time to time by the President.

Article 14

Ordinary and extraordinary meetings

1. The ordinary meetings of the Council of Ministers shall be held once a week.

2. Extraordinary meetings of the Council may be convened for the reasons referred to in Art. 12 para 1, of these Rules as and when required.

Article 15

Quorum

The quorum for a meeting of the Council of Ministers shall be the absolute majority of the members of the Council.

Article 16

Roll-Call

Before the opening of a meeting of the Council of Ministers, the Secretary shall call the roll and record the names of those

Article 17

Opening of the meeting

1. After the roll-call, the President shall declare the meeting open and shall proceed with the agenda item by item.

2. Where a matter included in the agenda is within the competence of a Ministry, the President may ask the competent Minister to explain it with the assistance, if necessary, of officers or experts.

Article 18

Discussions

1. As a rule, the items which have not been previously included in the Agenda shall not be discussed during an ordinary meeting of the Council.

2. The restriction referred to in the preceding paragraph shall not apply in case of extraordinary meetings.

3. In cases of urgent necessity, the President may include any item in the Agenda in any ordinary or extraordinary meeting.

Article 19

Intervention in the discussion

1. When any item of the agenda is under discussion, those who want to make observations or proposals or need clarifications, may ask the President for the floor.

2. The Secretary shall prepare a list of the members who desire to participate in the discussion, and the President shall give them the floor in the order noted in the list.

Article 20

Voting

1. When the discussion on any item of the agenda is over, the President shall put to vote the various proposals made during the discussion relating thereto.

2. The decisions of the Council of Ministers shall be adopted by an absolute majority of the members present and voting at the meeting.

3. Voting shall usually be by raising of hands.

4. Where there is a tie in the voting, the President shall have

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Article 21

Suspension and adjournment of the meeting

1. The President shall have the power to suspend or adjourn a meeting of the **Council of Ministers** whenever he deems it necessary.

2. A meeting of the Council of Ministers shall be suspended at any time **when the number of the members present** is less than the quorum prescribed by Art. 15 of these Rules.

CHAPTER IV

CONDUCT AT MEETINGS

Article 22

Punctuality

1. The members of the Council shall be punctual in attending the meetings.

2. The above provision shall apply to the Under-Secretaries, officers, and experts who are invited to attend a meeting of the Council of Ministers **under the terms of Art. 11 (2)** of these Rules.

Article 23

Absence and inability

1. Where a Minister is unable to attend a meeting of the Council, he shall inform the Secretary, stating the reason therefor. Such communication shall reach the Secretary at least one day prior to the date of the meeting.

2. The above provision shall apply to the Under-Secretaries of State, officers and experts who are invited to attend a meeting.

Article 24

Arrangement of seat in the Council Room

1. At the meeting of the Council of Ministers, each Minister shall take **the seat in front of the name-plate** indicating his title.

2. The name-plate referred to in the preceding paragraph shall **be arranged — starting from the seat of the President**, following the order of precedence laid down in the Law on the Organization of the Government.

Article 25

Members not to leave meeting of the Council of Ministers without permission

When the meeting of the Council of Ministers is open the

Article 26

Discipline

The President shall maintain discipline in the meetings of the Council of Ministers and shall have the power to take whatever steps he may deem fit in furtherance thereof.

CHAPTER V

RECORD OF MEETINGS OF THE COUNCIL OF MINISTERS

Article 27

Records of meetings

Summary of speeches, proposals, recommendations, and suggestions made by persons participating in a meeting of the Council of Ministers, and the decisions of the Council, shall be recorded by the Secretary.

Article 28

Register of decisions

The Secretary shall maintain an up-to-date general register of the decisions, in which all the decisions adopted by the Council of Ministers shall be entered in chronological order and progressively numbered.

CHAPTER VI

FINAL PROVISION

Article 29

Abrogation

Any rule or regulation contrary to or inconsistent with these Rules are hereby abrogated.

Mogadishu, 11 December 1967

Abdirascid Ali Scermarke

Prime Minister