

**Charte pour une Transition Démocratique  
à DJIBOUTI**

**CHARTER FOR A DEMOCRATIC TRANSITION**



## Foreword

Djibouti gained its independence on 27 June 1977. Had the national sovereignty been attained in an environment of peace and harmony, then the constitution of the newly independent Djibouti would have been drafted in consultation with all political organizations and in compliance to popular vote. Instead of a promise of cohesion, the constitution of Djibouti enables the elected government to concentrate power into the hands of the elected government, welcoming authoritarian practices and causing tribalism that undermine peaceful coexistence among communities of Djibouti.

It was amidst the outbreak of an armed rebellion in 1991 that an imperfect constitution was drafted and implemented in Djibouti. It is this outdated text which is still being enforced in the country.

It is of vital importance for our nation to adopt a law that is modern and inclusive, designed to bridge differences and bring together diverse communities of the land. An innovative and liberal constitution will act as a valuable source through which springs of democracy, unity, prosperity and fraternity will flow into the nation.

What do we mean by a democratic transition ? It was during the 1st meeting at Le Bourget, in August 2018, that the term “transition” was first used, with the objective of introducing a People's Democratic Republic in Djibouti. Our goal is clear : we want to create a new social contract. Our goal is concrete : we want to initiate a democratic transition that everyone hopes will be peaceful.



## Facts

An impending civil war is a fear that all Djiboutians are living with. No one wants Djibouti to follow the example of its neighbours, either Somalia or Yemen. The current regime of IOG has skillfully manipulated the minds of citizens to lead them to believe that he alone is the guarantor of peace and stability of our country, and all opposition to his power would mean ruin and chaos for its people. It is time to set this record straight. In reality, concentration of power and monopoly of the market by IOG's family and clan, is a practice not new to our region. Before him, Mohamed Siad Barreh from Somalia and Ali Abdallah Saleh from Yemen followed similar practices. We now know how harmful can their stubbornness and arrogance be to a country.

Djibouti, facing the same conditions and thus the same harmful effects as seen in its neighbouring countries, is threatened with a serious fear that if the current system is allowed to persist, it will inevitably lead to our country's dreadful disaster. The need to find an alternative system of governance is the need of the hour and is possible only when a true system i.e. the rule of law prevails. On the road to this rule of law, Djibouti begs for an urgent need of a transition that is democratic in nature. This transition needs you and I, it needs ALL of us together. We must ask ourselves, what it would mean for the future of this country if we ourselves were the architect of this transition?



## The proposed method

**A) Data collection:** A list of issues are raised on a range of topics: in particular regarding, social and health welfare, economic redressal, energy and resource optimisation, political and institutional reforms, security and military reorganisation. Each of us propose workable solutions to selected concerns that are close to our heart such as: free and independent press, personal and public freedom, health and welfare, environment and economy, youth and education. No subject is considered a taboo and no voice is silenced: whether it be regarding reparations of massacres, extrajudicial executions, torture and rape, citizenship reforms, overhaul of electoral system, decentralization, etc.



**B)** An in depth assessment and Analysis of each solution model proposed by experts, to finally draft a Charter after making suitable modifications necessary for best possible results.

**C) Call for a large national conference.**

How can we restore power to the people and put an end to a system of "state party" where monarchical and dictatorial presidency prevails. Answer is simple: Give power to the people ! We believe that a citizen revolution is the only way to turn the page on the tyranny of an ethnico-tribal oligarchy and its subservient judiciary. This citizen revolution will bring in a great Constitutional Reform through a special Commission set up with the aim to make fundamental changes in the Constitution in order to abolish presidential monarchy and empower popular initiative. Only then will the New Republic really begin.

## **Introduction to the “Charter for the Democratic Transition”**

### **What is a "Democratic Transition"?**

A political process which allows a gradual transition from a dictatorial regime to a democracy is called a "Democratic Transition". Depending on the country, the process of transition can take various forms and be of different duration.

The period of political transition can be considered ended, once a government and legislative assembly are instilled to power by means of free election.



This period may also be called the period of reframing of democracy which will be followed by a phase of consolidation of democracy to ensure future stability.

Why is a "Democratic Transition" necessary for our country?

In our eyes, a "democratic transition" does not mean a compromise or settling for less; And it is certainly not a way to seek partnership with the existing regime.

A "Democratic Transition" is possible if and only if the existing dictatorship is overthrown by all means necessary including peaceful demonstrations, civil disobedience, diplomatic pressure from friendly foreign governments, popular insurrections and armed struggles. All levers of change must be activated. With regard to our country, the transition is essential as building a unified nation state has not been successful thus far and democratic rights have been violated. We need a transitional period to rebuild certain institutions such as those of the army and security and those of economic and financial administrations, so as to completely overhaul the political and judicial institutions to establish the separation of powers.

What happens after the existing political power is overthrown in Djibouti? Recent lessons from history have taught us that unpreparedness after a fall of a regime can lead to further chaos or rise of an equally anti-democratic and brutal regime in place. Preparation can lead us to success, and will ensure the anchoring of democracy over long term. A "Democratic Transition" is not a novelty, it has been practiced by several countries with varying degrees of success. One constant nonetheless is that all those the countries who succeeded in achieving "democratic transition" were the ones who were able to federate an adhesion of their vast majority of population around common ideals represented by a just and democratic State



which allows the development of its citizens through an inclusive and consensual process of governance. So let us all ask this question together: What is the nature and form we would want to give to this transition? The fall of the current regime is of course a prerequisite. The change will not be automatic but prompted and gradual. The transition is a complex period, especially in a country ruled by a dictatorship that is fragmented for 44 years of state organised division of society between communities, clans and sub-clans. The country bears the profound consequences of this policy and thus should be treated intelligently. Several traps such as resentment or a desire for revenge, haste, euphoria of victory etc. should be avoided. Despite a need for complete overhaul of the State machinery, which has been severely compromised in the past 44 years, it is important to recognize that certain State services and administration through its officials require to be continued in order to avoid chaos. A vast majority of our officials are sincere and harbour a desire to offer their skills in service of the overall interest. If some officers who have been appointed to high posts in public administration merely because of partisan politics or tribalism, will not be subjected to witch hunt for their collaboration with this regime. The transition that we speak of, is about a set of proposals emanating from progressive forces: political organizations, civil personalities, intellectuals, trade unionists, professors, doctors, as well as any citizen willing to contribute to it. There upon a commission will be responsible for collecting the proposals and drafting a booklet of measures to be taken at the start of the transition.

## **TITLE I : PREAMBLE**



We, representatives of the political parties, of the politico-military organization, of civil society organizations, of the armed forces, and of the customary authorities of the Republic of Djibouti:

- Considering the triple failure which characterizes the political system set up in 1977 with the failure of the rule of law, of the national state and of cohabitation;
- Considering the danger that this regime constitutes for the survival of the State of Djibouti and the stability of the region;
- Considering the heavy tribute paid by the people of Djibouti during these 44 years of clan dictatorship;
- Considering the deep aspirations of our people for change in Djibouti ;
- Taking into account the patriotic behaviour of certain defence and security forces;
- Considering the need for a political, democratic and inclusive transition;
- Considering the commitment of the international community to support the transition period which will have to face major challenges;
- Considering our attachment to democratic values and principles as enshrined in the Universal Declaration of Human Rights of 1948 and in the African Charter on Democracy of 1981 ;
- Considering our attachment to the cultural and customary values of our people ;
- Considering our commitment to the elimination of all forms of violence and discrimination against women ;
- Considering the alarming situation of the Djiboutian population, affected by malnutrition or even famine and thirst, priority will be given to the social dimension.

Approve and adopt this Transition Charter



## **TITLE II: THE ORGANS OF TRANSITION**

### **Chapter I: The President of the transition**

**Article 1 :** The President of the transition occupies the functions of President of the Republic of Djibouti and of Head of State. He/She will guarantee and monitor compliance with the Constitution and the Transition Charter. His/Her powers and prerogatives are those defined by this Charter. His/Her mandate will end, when the phase of transition will end, after the inauguration of the new elected President.

**Article 2 :** For eligibility for the post of President of the Transition, the candidate must meet the following conditions: - Be a Djiboutian by birth. - Be of minimum age 35 and maximum 75 years of age. - Never been convicted of a crime or under trial of any legal proceedings under common law of offenses. - Dual nationality is accepted for the presidency of the transition.

**Article 3 :** The President of the transition will not be eligible for presidential and legislative elections which will be organized after the period of the transition.

**Article 4 :** The President of the transition is chosen by a Nomination College from a list of personalities proposed by political parties, the politico-military organization, civil society organizations and independent customary personalities.



**Article 5 :** The appointment of the President of the transition is made on the basis of the consensual character of the personality at the national level.

**Article 6 :** The Nomination College will be made up of representatives of political parties, the politico-military organization, civil society organizations and independent customary personalities.

**Article 7 :** The successful candidate is initiated as the President of the transition, Head of State.

**Article 8 :** The Commission for Constitutional, Political and Institutional Reforms, which will be responsible for setting up sub-commissions for democratic and electoral reforms, in particular the Independent National Electoral Commission (CENI), created alongside the President of the transition.

**Article 9 :** In the event of definitive vacancy of the Presidency of the transition, the Prime Minister will assume office interimly while waiting for appointment of a new President of the transition in accordance with the provisions of this Charter.



## **Chapter II: The National Council of the Transition**

**Article 10 :** The National Council of the Transition will be the legislative body of the transition. It comprises of representatives of political parties, of the politico-military organization; civil society organizations and customary and religious organizations. Its composition will take into account young people and women. The National Transition Council exercises the prerogatives defined by this Charter.

**Article 11 :** The President of the National Council of the Transition is not eligible for presidential and legislative elections which will be organized to mark the end of the transition.

## **Chapter III: The National Defence and Security Council**

**Article 12 :** The National Council of Defence and Security is responsible, under the authority of the President of the transition, to reform military and security institutions.

**Article 13 :** It will be the supreme organ responsible for guaranteeing security and peace during the period of transition.

**Article 14 :** It will consists of representatives from the armed forces, security, political parties and civil society.



**Article 15 :** Resolutions emanating from the National Defence and Security Council will be applied by competent ministries.

## **Chapter IV: Government of the Transition**

**Article 16 :** The transitional government is headed by Prime Minister appointed by the President of the transition. He exercises prerogatives defined by this Charter. The composition of the transitional government takes into account young people, women and unions.

**Article 17 :** Members of the transitional government must meet the following conditions: - Be a Djiboutian citizen - Be over the age of 20 years. - Never been convicted of crime or under trial of any legal proceedings under the common law of offenses. - Dual nationality is accepted.

**Article 18 :** A Commission for National Reconciliation and Reforms, responsible for restoring and strengthening social cohesion and national unity, is created under the Prime Minister.

**Article 19 :** The National Reconciliation Commission is made up of several sub-commissions including in particular the Truth, Justice and National Reconciliation sub-commission. An organic law fixes the attributions, the composition, the organization and the functioning of the National Reconciliation Commission.



## **Chapter V : Of the Judicial Power**

**Article 20 :** A commission responsible for the reform of justice institutions will be created as soon as possible. It will be made up of representatives of political parties, the politico-military organization, civil society, independent figures, magistrates, lawyers from the Bar of Djibouti.

**Article 21 :** This commission in charge of justice and reform will be independent in its functioning.

**Article 22 :** The commission is also responsible for collecting and listing of crimes, massacres, rapes, torture, extrajudicial executions and economic crimes (corruption, embezzlement of public funds, ill-gotten gains) committed since the independence and prosecute the perpetrators.

**Article 23 :** The commission in charge of justice reform will be under the authority of the Ministry of Justice and the President of the transition will give his opinion on all decisions.



## **Chapter VI : The Constitutional Council of transition**

**Article 24 :** The members of the Constitutional Council will be replaced for the transitional period and ensure the conformity of the laws with regard to the Constitution and the Transitional Charter.

**Article 25 :** In event of disputes between the Constitution and the Charter, the Constitutional Council will take precedence.

**Article 26 :** The Constitutional Council will comprise of 7 members appointed by the political parties, the politico-military organization and the civil society. They will be chosen for their legal competence and integrity.



## **Chapter VII: Revision of the Transition Charter**

**Article 27 :** The initiative of revision of this Charter belongs co-jointly with the President of the transition and to a third (1/3) of the members of the National Council of the transition. The draft or the proposal for revision is adopted only in case of a 3 / 5th majority of the members of the National Transitional Council. Thereafter, the President of the transition proceeds to declare the final promulgation of the act of revision.

## **Chapter VIII: Economic, social and environmental values**

**Article 28 :** The Charter defends values of a participatory and open economy aimed at honing the skills of Djibouti's citizens and increasing national resources, by putting first the concerns of the people.

**Article 29 :** The Charter promotes protection of the environment and will take the necessary measures to limit or eliminate the negative impact of human activities.



## **Chapter IX: Final transitional provisions**

**Article 30 :** The duration of the transition will be 24 months starting from the date of assumption of office of the President of the transition. Any extension of this period will be subject to article 27.

**Article 31 :** The institutions of the transition period operate until the effective installation of the new institutions.

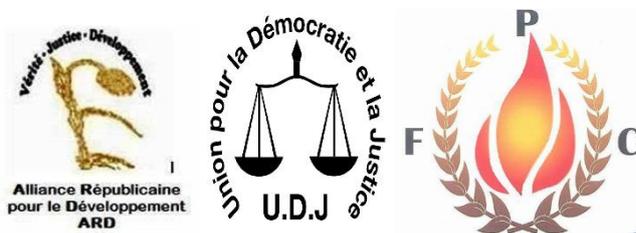
**Article 32 :** In the event of a contradiction between the Transition Charter and the Constitution, the provisions of this Charter shall prevail.



**Approved and signed at Nantes on March Twenty-  
Seventh, Two thousand and Twenty-one.**

## **The petitioners :**

### *Political parties :*



### *The politico-military organization :*



### *Civil society organizations :*



### *Activists and political figures :*



### *NGOs :*

