

Provisional Constitution of the Jubaland State of Somalia

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Chapter 1: The Jubaland State of Somalia

Article 1: The establishment of the Jubaland State of Somalia

1. The Jubaland State of Somalia is founded on the will of the people of Middle Jubba, Lower Jubba and Gedo.
2. The name of the state is the Jubaland State of Somalia.
3. The Jubaland State of Somalia is democratic, based on a multi-party system, and is founded on the principles of inclusive representation of all the people of Jubaland, and social justice.
4. Apart from Allah, power is vested in the people, and the power can only be exercised through relevant authorities in accordance with the Constitution and the Laws of Jubaland.
5. The unity of the State of Jubaland is inviolable.

Article 2: Supremacy of the Law

1. After the Shari’ah, and the Provisional Constitution of the Federal Republic of Somalia, the Provisional Constitution of the State of Jubaland is the supreme law of the State. It binds the government of the State of Jubaland and guides policy initiatives and decisions in all sections of government
2. Any law, or administrative action or practice that is contrary to the Provisional Constitution of the State of Jubaland shall be invalidated by the Constitutional Court of Jubaland, which has the authority to do so in accordance with this Constitution.

Article 3: The Basic Principles

1. The Jubaland State of Somalia is a member State of the Federal Republic of Somalia, and is subject to the Provisional Constitution of the Federal Republic of Somalia
2. All the people of Jubaland are equal before the law, and enjoy rights, dignity and social justice.
3. The Constitution of the State of Jubaland is based on the principles of the Holy Quran and the Teachings of the Prophet Muhammed (Peace Be Upon Him). The Constitution preserves the higher objectives of Shariah and social justice.

4. The Jubaland State is established on the basic principles of a federal system of power sharing.
5. The Constitution of Jubaland upholds human rights, the rule of law, the standards of international law, as well as the principle of separation of powers, namely the Legislature, the Executive and the Judiciary of the government, so as to ensure transparency, and good governance in the public interest.
6. Women must be granted full participation in all the state institutions, particularly elective and nominative posts within the three branches of the government and independent Commissions and other institutions.

Article 4: Religion

1. Islam is the sole official religion of the State of Jubaland.
2. No law can be adopted which contradicts the general principles and objectives of Sharia.

Article 5: The people

1. Jubaland people are the Somali citizens who inhabit Middle Jubba, Lower Juba and Gedo.
2. A Jubalander is any person who has resided in the State of Jubaland

Article 6: Land and Boundaries

1. The geographic area of Jubaland State comprises of Middle Jubba, Lower Jubba and Gedo (as stipulated in Schedule 1).
2. The boundaries of Jubaland are the existing boundaries that existed in Somalia prior to the year 1991.
3. The State of Jubaland is bordered on the north by South-west State of Somalia, the Indian Ocean to the east, Ethiopia to the west and Kenya to the south. Jubaland boundaries are inviolable.

Article 7: Flag and Emblem

1. The flag of Jubaland is illustrated in Schedule 2.
2. The Jubaland emblem is illustrated in Schedule 3.
3. The official Seal of Jubaland is illustrated in Schedule 4.

Article 8: The State Capital City

1. Bu'ale is the state capital city of Jubaland State.
2. The status of the capital city of the State of Jubaland shall be determined by special law.

Article 9: Language

1. The official language is the Somali Language
2. The second official language is Arabic
3. The third official language is English.

Chapter 2: Fundamental Rights and Freedoms

Article 10: Right to life

1. Everyone has the right to life.
2. Everyone's life and dignity shall be protected

Article 11: Individual Rights

1. All citizens are equal before the law.
2. Nobody can be denied their rights regardless of their color, religion, gender, ethnicity, appearance, ownership of property, opinion, attitude, political perception, language and origin.
3. Members of minorities have constitutional and human rights.

Article 12: Rights of an accused person

1. An accused person is presumed innocent until proven guilty by a court.
2. An accused person shall not be detained for more than forty eight (48) hours without being brought before a court.
3. An accused person may be released on bail pending trial.
4. An accused person has the right to legal representation. Denial of this right annuls the case.

Article 13: Right to Integrity of the home

1. It is unlawful to inspect, or to enter the abode of a person without a valid warrant from a judge.
2. It is mandatory that the warrant from the judge be read out to the resident of the abode .

Article 14: Right to freedom of association

1. Every person has the right to join an association or group of his or her choice.
2. Every person has the right to create or register as a member of an organization such as a trade union, political party and other similar entities.
3. Every person has the right not to join an association or organization and no person can be forced to join a group or organization.

Article 15: Freedom of Assembly, Demonstration, Complaints and Petitions

1. Every person has the right to organize and participate in peaceful demonstrations in accordance with the law.
2. Every person has the right to submit a written complaint or petition to the government authorities of the Jubaland State.

Article 16: The Rights of Women

1. Human rights, economic rights, political rights and the freedoms of women stipulated in the Islamic Sharia shall be protected.
2. Abortion is prohibited unless the life of the mother is endangered as certified by a medical practitioner specialized in the field.
3. Female Genital Mutilation is a prohibited and a punishable criminal offence and is considered to be torture.

Article 17: Child Rights

1. Children have the right to life, name, nationality, health care, education and custody.
2. Children must not be assigned to services or to labour unsuitable to their age, or services that endanger the well-being of their health and growth.
3. The term 'child' as referred to in this article is defined a person under the age of eighteen years.

Article 18: Prohibition of Slavery

No person shall be enslaved, oppressed, trafficked, or exploited.

Article 19: Freedom of Religion and Creed

1. Everyone is free to practise his or her religion.
2. A religion other than Islam should not be propagated in Jubaland

Article 20: Freedom of Speech and Opinion

1. Everyone has the right to be entitled to express his/her opinion, thoughts and speech.
2. Everyone has the right to freedom of expression in the communications media, in a written

form, through illustration, through artistic poetry form, and other forms that are in accordance with the law and ethics. Any form of censorship regarding freedom of expression is prohibited.

3. Every person has the right to express or promote his/her creative art, their knowledge and information gathered through research.

Article 21: The Information Media

1. The information media shall enjoy full freedom of expression
3. A special law will protect freedom of the press and communication media.

Article 22: Right to Representation

1. Subject to the provisions of this Constitution, every person has the right to political representation.
2. Subject to this Constitution, every person has the right to participate in the public affairs of Jubaland.
3. The State Assembly of Jubaland shall enact the election legislation, in conformity with the Provisional Constitution of Somalia.

Article 23: Right to Property Ownership

1. Every person has the right to own property, to reside, to enjoy, to sell and to transfer such property at will.
2. Property rights are inviolable. The State Assembly of Jubaland shall enact legislation governing property ownership.
3. The government may only expropriate property in a legal and transparent manner, and when justified by public interest. Any person whose property is legally expropriated has the right to fair compensation.

Article 24: The Duties of Jubalanders

Every person has the duty:

1. To uphold the Constitution and the laws of the land.
2. To observe and abide by the provisions of the law.
3. To promote peace and stability of Jubaland.
4. To protect the environment.
5. To pay taxes.
6. To register on the electoral list and vote during the elections

Article 25: Electoral Rights

1. Every person who is eighteen 18 years and over has the right to vote in an election and to be elected with the following exceptions:
 - a) Members of the Armed forces and judges are forbidden to become members of a political party and may not run for elected office.
 - b) Government officials may not run for elected office unless having previously resigned from their position.
 - c) The right to vote is suspended while serving a prison sentence greater than six months
2. A candidate to any elected position in Jubaland must not have received a prison sentence of five (5) years or more within five (5) years of the election being called.

Chapter 3: The System of the State Government of Jubaland

Article 26: The State Government

1. The Jubaland State of Somalia is a Presidential system.
2. The Jubaland State Assembly is elected through a multi-party political system, one person, one vote
3. All the registered parties that comply with the requirements of the legislation governing political parties laws may participate and campaign in the elections.
4. Special electoral legislation shall govern the electoral process.

Article 27: The Branches of Government

The three branches of the Jubaland State Government are:

1. The State Assembly
2. The Executive
3. The Judiciary

THE LEGISLATIVE

Article 28: The Structure and Term of the State Assembly

1. The State Assembly is the people's parliament of Jubaland comprising seventy (75) members. In parliamentary elections to the State parliament after the end of the Transition, the Assembly must comprise a minimum of fifteen (15) percent women. The term of the State Assembly of Jubaland shall be four (4) years starting from the swearing-in day.
2. The State Assembly parliamentary sessions shall commence within 30 days from the day the election results are announced.

Article 29: Membership of the State Assembly of Jubaland

Eligibility conditions to be a Candidate:

1. Everyone is eligible to be a candidate for election for the State Assembly provided that the following conditions are met:
 - (a) A candidate shall be more than 25 years of age, and be registered as a voter on the electoral list
 - (b) A candidate to the State Assembly must not have received a prison sentence of five (5) years or more within five (5) years of the Jubaland State Assembly election being called.
2. The Jubaland Independent Electoral and Boundaries Commission shall ensure that every candidate complies with all legal requirements.

Article 30: Criteria for Disqualification of Membership of the State Assembly

1. Death of a member of the State Assembly.
2. A written resignation letter by a member to the Speaker of the State Assembly of Jubaland.
3. A conviction of a member of a criminal offense by a court with a prison sentence exceeding 5 years
4. Failure to attend two ordinary consecutive parliamentary sessions without a valid reason.
5. Replacement for a vacant seat in the State Assembly shall be governed by the provisions in the electoral law.
6. If a member accepts to serve a civil service position, or is appointed Minister of the Council of Ministers, he or she shall relinquish the parliamentary seat.
7. The swearing in of a new member shall take place within 30 days after the announcement of the results of a bye election.

Article 31: Powers and responsibilities of the Jubaland State Assembly

The State Assembly of Jubaland shall have the following powers and responsibilities:

Legislative powers:

1. To review, adopt, reject, amend, or abrogate bills and existing laws of the State of Jubaland;
2. To adopt by a majority vote of half plus one (1/2 +1) of its members any monetary obligation that Jubaland State contracts with a foreign lender;
3. To adopt by a majority vote of half plus one (1/2 +1) of its members any international cooperative agreement to which Jubaland State is a signatory;
4. To approve or disapprove new districts or regions proposed by the government of Jubaland;
5. To elect the President of Jubaland State in a secret ballot, during the first term.
6. To approve or disapprove members of independent Commissions and judges recommended by the Judicial Services Commission.
7. To approve or disapprove the government program;
8. To approve or disapprove the Annual State Budget presented by the government and any subsequent modification;
9. To approve or disapprove the closing of accounts of the budget of the previous fiscal year;
10. To approve or disapprove the Council of Ministers as body by at least a half plus one (1/2+1) majority of its members;
11. The withdrawal of immunity from any public official elected or confirmed by the Assembly
12. If a public official entitled to immunity is caught in *flagrante delicto*, the Assembly shall be notified and requested to authorize the institution of court proceedings, immunity notwithstanding;
13. To approve or disapprove government proposals with regard to the establishment or dissolution of state institutions.

Oversight powers

1. To discuss, monitor, deliberate and hold to account the government's policies and programs
2. To summon Ministers of the State Government to the State Assembly to account for government policies, expenditures and administrative actions, during a Question Period
3. To summon the President of the State of Jubaland to address questions of the Assembly once in every session
4. To monitor and evaluate the implementation of the laws approved by the Assembly
5. To summon senior public officials for oversight. In the case of an official who does not observe the summons by the plenary or the sub-committees of the Assembly, without valid reason, the Assembly shall notify the President and recommend disciplinary measures.
6. To submit recommendations to the Council of Ministers on the implementation of the budget and financial regulation reform, following the report of the State Auditor.

Representational powers:

1. To represent the best interests of the people of Jubaland
2. To represent the constituency for which each individual Member is elected.

Article 32: The Immunity of the Members of the State Assembly

1. A member of the State Assembly parliament enjoys immunity within the precincts of the Assembly and while on parliamentary assignments.
2. No member of the State Assembly shall be penalised for giving their views to the State Assembly and its committees.
3. Without the approval of the State Assembly, no member of the State Assembly may be prosecuted for a criminal offense during the course of his or her mandate of office, be detained or be physically searched, and nor may the member's house or other dwellings be searched unless the member has been caught in the act of committing a crime that calls for compulsory detention orders. Furthermore, without the approval of State Assembly, no member may be detained or imprisoned, even in the fulfillment of a final court order
5. A special law shall define the immunity of the members of the the State Assembly

Article 33: The Parliamentary Sessions of the State Assembly

1. The State Assembly of Jubaland must convene the first Session within thirty days after the electoral Commission has announced the official election results.
2. The State Assembly must hold two ordinary Parliamentary sessions annually. Each session must last for a period of four months.
3. The Rules of Procedure of the State Assembly shall determine the timing, date and duration of the recess and calendar prior to the opening the ordinary parliamentary session.
4. The State Assembly may be convened in an Extraordinary Session if:
 - a) the President of the State of Jubaland makes a request following advice from the Council of Ministers
 - b) the Speaker summons the Assembly
 - c) Twenty percent of the total membership of the Assembly submit a written petition to the Speaker outlining its reasons for the request.

Article 34: Dissolution of the Assembly of Jubaland

1. After the State Assembly term has ended, the State Assembly shall be dissolved
2. The State Assembly shall also be dissolved if:
 - a) The majority of the members of the Assembly resign.
 - b) The Assembly fails to meet for more than two consecutive sessions without a valid reason.
3. The President must submit a written request to the Constitutional Court for its opinion as to whether one or all of the above conditions have been met.
4. After the constitutional court has issued its decision, the President shall sign a Presidential Decree dissolving the State Assembly of Jubaland. The Decree shall direct the next election to be held within forty five days.

Article 35: Vote of No Confidence in the Council of Ministers

1. The State Assembly may table a vote of no confidence against the Council of Ministers as a whole, not individually
2. At least twenty members of the State Assembly can propose a motion on a vote of no confidence against the Council of Ministers.
3. At least one third (1/3) of the members of the State Assembly shall agree to debate the motion of the vote of no-confidence in order for the motion to be debated.
4. A majority of two thirds (2/3) the total membership of the State Assembly is required to carry a no confidence vote in the Council of Ministers as a whole.
5. If a vote of no confidence in the Council of Ministers is passed, the President must nominate a new cabinet, and the outgoing Council of Ministers remains in office as a caretaker until the new Council of Ministers is approved by the Assembly
6. The President may only present the same Council of Ministers once.

7. If the Council of Ministers is voted out on a non confidence motion, the President must appoint a new cabinet within twenty one days starting from the day of the vote of non confidence.

Article 36: Rules of Procedures for Jubaland State Assembly

1. The State Assembly shall adopt its internal Rules of Procedure, that can enable full participation of Members of the State Assembly in daily business of parliament.
2. The State Assembly shall form parliamentary committees that will carry out the duties of parliament.
3. When a draft bill is proposed in the State Assembly, the bill shall be assigned to a relevant committee for a review after which the committee will send it to the plenary of the State Assembly parliament, with recommendations and amendments to the parliament if so decided.
4. A draft bill voted down by the State Assembly shall not be re-tabled in State Assembly for a period of four (4) months, beginning from the date the draft bill was voted down.
5. The State Assembly deliberations and debates and also those of parliamentary committees shall be made open to the public, security concerns permitting, and through the utilization of the media. The Rules of Procedures shall govern when and how the media will be provided access to the State Assembly.
6. A verbatim or electric transcript of all plenary sessions must be made and conserved in the official archives of the State Assembly of Jubaland.

Article 37: Initiating Draft legislation

A draft bill can be proposed in the State Assembly by:

- a) At least 10 members of the Jubaland State Assembly
- b) The Council of Ministers
- c) At least 5000 persons who are registered voters.

Article 38: Citizens Initiatives on Draft Legislation:

1. If a group of Jubalanders initiate and propose draft legislation, they shall attach to the draft bill personal identification documents, their age, proof of their residency in , and their individual signature .
2. The individuals referred to in Article 38 (1) shall attach to the proposed draft bill the names of two designated applicants to be contacted.
3. The individuals referred to in Article 38 (1) are not permitted to submit a draft proposal on matters pertaining to State or local taxes or revenues, budgetary and financial matters, defence or security issues.
4. The State Assembly may review the draft bill within the current session or the sessions after, and the State Assembly shall vote on it.

Article 39: Debate on draft Bills in the State Assembly

1. Each draft Bill tabled before State Assembly shall be debated article by article before a vote is called on it.
2. If a draft bill is adopted by State Assembly, the Speaker shall sign the bill in three (3) copies and submit them to the President.
3. A draft bill defeated by the State Assembly shall not be returned to it within the session it has been defeated.
4. The draft Bill on the State Budget must be tabled before the State Assembly by the Council of Ministers at least 30 days before it is voted upon.

Article 40: Assent and Official Bulletin

1. The President shall assent to a bill approved by the State Assembly into law in 30 days or register objection.
2. If the President does not register objection, it is thereby approved and published in the Official Bulletin, thirty days after which it is sent to the office of the Attorney General for the purpose of official archiving. Copies of the new law must be kept in the State Assembly archives, President's office and Office of Attorney General of Jubaland.
3. After publication in the Official Gazette the new law comes into force after fifteen (15) days.

Article 41: The Presidential Veto

1. The President has the authority to veto a Law approved by the State Assembly.
2. Presidential veto shall be justified by a written letter to the State Assembly of Jubaland outlining the reasons for the veto.

Article 42: Overrule of a Presidential Veto

1. If the President vetoes a Bill adopted by the State Assembly, such a Presidential veto on the Law can be overruled only if two thirds (2/3) of the entire members of the State Assembly re-vote the bill.
2. The Speaker of the State Assembly shall again re-submit the Bill to the President attaching a letter informing him/her that his/her veto has been over-ruled by a State Assembly vote.
3. When the President is notified of the over-rule of his/her veto by the State Assembly, he/she shall assent the Bill into Law and forward the bill to the Office of the Attorney General for publication in the Official Gazette, and the the new law shall come into force fifteen days (15 days) later.

Article 43: Challenge of a Law

1. A law that has been approved through the parliamentary process can only challenged through application petition to the Constitutional Court, if such a Law is believed to contravene the Constitution.
2. A law being challenged pursuant to Article 44 (1) can be petitioned by:
 - a) 1/3 (one third) of the State Assembly
 - b) The Council of Ministers
 - c) At least 5,000 registered voters.

THE EXECUTIVE

Article 44: The Executive

1. The Executive is composed of:
 - a) The President
 - b) The Vice-President
 - c) The Council of Ministers
2. The executive power of Jubaland State Government is vested with the Council of Ministers which includes the President, the Vice President and the Council of Ministers
3. The Council of Ministers is the highest executive organ of Jubaland government and it includes the ministers, state ministers and the assistant ministers.
4. The President of Jubaland shall nominate the ministers, the state ministers and the assistant ministers. The members of the Council of Ministers can be drawn from the State Assembly or outside the State Assembly. If a member of the State Assembly accepts to serve a ministerial post he or she automatically loses his or her parliamentary seat.

Article 45: Structure and requirements of the Executive

1. The Executive comprises the President, the Vice President and a maximum number of 15 ministers.
2. Conditions for membership in the Council of Ministers:
 - a) To be Somali citizen, resident in the Jubaland State.
 - b) To have a university degree, or 10 years experience.
 - c) To have at least 7 years in a management or administrative role
 - d) To be 30 years of age and above.
3. The President, the Vice President, the ministers, the assistant ministers and the high ranking officials of the government are forbidden to manage their own private businesses during their tenure in office.
4. A member of the Executive should not participate in deliberations, discussions, and votes on matters that might place him/her in a position of conflict of interest or a perception thereof.
5. The President, the Vice President, the ministers, the state ministers and the assistance ministers must declare their property and financial assets to the Auditor General in the first month of their term in office after swearing in.
6. All decisions made by the Council of Ministers through a majority vote become collective responsibility.

Article 46: Appointment of the Council of Ministers

1. The Members of the Council of Ministers shall be:
 - a) Appointed by the President of Jubaland
 - b) Be approved as a body by the State Assembly by a simple majority (50%+1)
2. Be proposed to the State Assembly within a period of not more than 21 days from the date the President is sworn in.

Article 47: Duties of the Jubaland State Executive.

1. The State of Jubaland Executive comprises:
 - a) The Executive
 - b) Regional administrations
 - c) District administrations
2. Special legislation shall define the powers and the relation between the State Government and the regional and district administrations.
3. The State Government shall:-
 - a) Exercise executive powers
 - b) Work under the principles of democracy
 - c) Set out and execute the economic, social and cultural development plans
 - d) Set out and execute financial policies and encourage and attract investment.
 - e) Prepare the annual budget allocated for the State of Jubaland.
 - f) The work duties of the State Government offices shall be set out by the internal administrative policies that define their tasks.

Regional and district administrations

- a) The provincial and district officials within the regions shall be nominated by the President on the advice of the relevant Minister and Regional officials.
- b) The selection criteria shall be based on the knowledge, capacity and experience of the potential nominee.
- c) Every district shall have a local council that is elected. The law governing the establishment of local councils of Jubaland shall be enacted by the State Assembly of Jubaland. Such laws shall set out guidelines and general principles which will form the basis of the district administrative

procedure, work performance and the powers and authorities of the the districts.

Article 48: The Powers and the Responsibilities of the Council of Ministers

The Council of Ministers shall have the following responsibilities:

1. To establish, coordinate and implement political strategy related to security, and economic and social development;
2. To define the respective powers of the different institutions of the executive branch
3. To introduce new taxes, and modify the rate of taxation already in force, in accordance with the needs of the people, and request the approval of the State Assembly;
4. To approve the proposed annual government budget, including the revenue estimates, and detail all projected expenditures of the government and all public offices during the fiscal year and the role of all civil servants with their corresponding salaries for submission to the State Assembly no less than three months before the beginning of the fiscal year;
5. To declare a State of Emergency and submit it to the State Assembly within 30 days for approval;
6. To propose to the State Assembly the establishment of independent and autonomous government institutions and other public institutions.
7. To present nominations for approval by the State Assembly for the positions of High Court Justices, the Judges of the Constitutional Court, the State Attorney General, the Auditor General, and the President of the State Bank of Jubaland
8. To consider and decide on all matters submitted to the Council of Ministers by the President.

THE JUDICIARY

Article 49: The Structure of Jubaland Judiciary

1. The judiciary of Jubaland is composed of:
 - a) The High court
 - b) The Regional Court of appeal
 - c) The Courts of First Instance
 - d) The Constitutional Court
2.
 - a) The judiciary is independent from the State Assembly of Jubaland, and the Executive government.
 - b) All Judges have the right to security of tenure

50: The Powers and the Responsibilities of the Judiciary

The powers of the judiciary are:

1. To hear and pass judgements. The judgements of the judiciary shall be based on the objectives of the Islamic sharia, the Constitution of Jubaland, the Constitution of the Somali Federal Republic, International Law, and other laws of the land.
2. The Military Court shall hear cases of the military personnel only.
3. The Judiciary of the Jubaland State does not have the power to hear extradition cases.
4. A special Law shall be adopted by the State Assembly of Jubaland to govern the powers and functioning of the High court, the Regional Court of appeal, and the Courts of First Instance.

Article 51: The powers and the responsibilities of the High Court

1. The High Court is the highest court in the State of Jubaland.

2. The High Court shall submit to the Judicial Services Commission proposed bye-laws of a draft law pertaining to judicial administrative matters. This proposed Draft Law will be debated by the State Assembly.
3. The High Court resolves disputes concerning the powers of the courts
4. The High Court has the authority to issue a final verdict on cases of Appeal from the lower courts.
5. The High Court resolves the legal litigations from Lower courts that do not have jurisdiction.
6. The High Court governs the legal procedures used for cases heard outside the country and accepts to be implemented or judged in Jubaland.
7. The High Court supervises the lower courts and the administrative framework of the judiciary.
9. The High Court hears the administrative cases of senior officials
10. The powers of the High Court include the other powers that Jubaland law gives to it
11. The number of the High Court judges shall be decided in a special regulation

Article 52: Criteria for the appointment of the High Court Judges

The High Court judges shall meet the following criteria:

- a) A Somali national, a practicing Muslim, and a Jubaland citizen
- b) Not convicted by a court of law for a punishable crime for five (5) years and more
- c) Aged at least forty years
- d) Hold a university or sharia degree in law
- e) Must have a minimum of five years experience in judicial matters or at least six years experience as a lawyer
- e) Proven integrity

Article 53: The Regional Courts of Appeal

1. The Assizes of the Courts of Appeal shall be in the principal cities of the regions of Jubaland.
2. The Courts of Appeal shall hear appeals from judgments by the Courts of First Instance.
3. The jurisdiction of a Court of Appeal shall be confined to its region.
4. Each Court of Appeal shall have at least three (3) judges.
5. The criteria for judges of a Court of Appeal are the same as the criteria for judges of the High Court, as set out in this Constitution. A judge of a Court of Appeal shall possess a recognised legal degree or high understanding of Islamic Sharia.

Article 54: The Courts of First Instance

1. All cases shall initially be referred to the Court of First Instance, with the exception of government administration cases, and cases which the Constitution designates to be heard by the High Court.
2. The number of judges on the Courts of First Instance shall be determined by law.

Article 55: The Constitutional Court

1. The State of Jubaland shall have a Constitutional Court composed of 7 members.
2. Judges of the Constitutional Courts shall be nominated by the Executive and their names be sent to the State Assembly for approval by a simple majority.
3. From among the members, the Constitutional Court judges shall appoint the Chief Judge and the Deputy Chief Judge.
4. The Constitutional Court shall be answerable only to the law in its execution of legal proceedings and its management.
5. The Constitutional Court shall establish a Secretariat headed by a General Secretary of the

Constitutional Court.

6. If one or more vacancies arise within the ranks of the Constitutional Court for any reason, the vacancy shall be filled within forty-five (45) days.
7. The seat of the Constitutional Court shall be the capital of the State of Jubaland.
8. The government shall prepare a special law that sets out the structure, the procedure and the powers of the Constitutional Court for approval by the State Assembly of Jubaland before the Court may be established.

Article 56: Powers and responsibilities of the Constitutional Court

1. The Constitutional Court shall have the power to declare null and void any law, regulation or executive decree of the executive council, totally or partially, on the grounds that it violates the Constitution.
2. The Constitutional Court shall rule on cases in which a citizen alleges the violation of his/her constitutional rights.
3. The Constitutional Court shall harmonize its rulings with the Islamic Sharia and the Constitution.
4. The Constitutional Court shall resolve disputes among the different organs of the Jubaland State, according to their respective constitutional powers and responsibilities.
5. The Constitutional Court shall provide, upon request from the State Assembly Jubaland, a legal opinion, based on the Constitution, of proposed legislation under debate.
6. The Constitutional Court may determine the constitutionality of Impeachment Motions against the President.
7. A special law shall define the procedures through which the Constitutional Court shall fulfil its responsibilities.

Article 57: Rules for the decisions of the Constitutional Court

1. The Constitutional Court shall take its decisions by a simple majority of its members.
2. The decisions of the Constitutional Court shall be made public, registered in writing and shall be recorded in the official government bulletin, and shall be communicated in writing to the parties concerned by the Court Secretary.

Article 58: Criteria for selecting judges of the Constitutional Court

The judges of the Constitutional Court shall fulfil the criteria set out in Article 52 of this Constitution as a condition of their membership in the Court.

Article 59: Disqualification of a Judge from the Constitutional Court

Disqualification from membership of the Constitutional Court shall take effect if the member:

- (a) loses one of the criteria of his/her election;
- (b) dies or becomes incapacitated due to illness;
- (c) resigns from the position and the resignation is accepted
- (d) violates the Islamic Sharia law, the Constitution or other laws of country;
- (e) is convicted by a court of a serious offence.

Article 60: The Judicial Services Commission

1. The Judicial Services Commission shall be independent, neutral and non-partisan and shall ensure the Independence of the judiciary.
2. The independent Judicial Services Commission of Jubaland shall advise the State Government on

- judiciary matters, and govern the Jubaland judicial institutions.
3. The Judicial Services Commission is composed of:
 - a) The Chief Justice of the High Court.
 - b) The Chief Justice of the Constitutional Court.
 - c) The Attorney General.
 - d) Two persons of proven integrity from civil society organizations, one of whom shall be a woman.
 - e) Two lawyers from the Bar Association of Jubaland appointed by the President of Jubaland.
 - f) The duties and the responsibilities of the Judicial Services Commission shall be determined by a special law

Article 61: Powers and the Duties of the Judicial Services Commission

1. The Commission has the following powers and responsibilities:
 - a) The proposal of appointments, dismissal and the replacement as well as the promotions of the members of the judiciary of Jubaland.
 - b) Prior to the establishment of the Judicial Services Commission, the minister of justice shall propose the judges of the courts.
 - c) The Commission shall prepare the administrative of the staff of the judiciary.
 - d) The Commission shall establish Judicial training centers that provide continuing education to judges and other judicial staff secretaries. The legislation establishing the Judicial Services Commission shall determine procedures for selecting the judges and the other staff members of the judiciary.
 - e) The recommendations of the Judicial Services Commission regarding the appointments, resignations, promotions, the replacement of the judges of the courts, the Jubaland deputy attorney generals, subject to approval of the Council of Ministers, shall be issued in a Presidential decree.

Article 62: The Office of the Attorney General of Jubaland

1. The Office of the Attorney General is part of the judiciary.
2. The Office of the Attorney General responds to legal matters.
3. The Office of the Attorney General abides by the law.
4. The Office of the Attorney General is located in the capital of Jubaland.
5. The power of the Attorney General covers the entire territory of Jubaland.
6. The office of Attorney General comprises:
 - a) The Attorney General of Jubaland.
 - b) The Deputy Attorney General.
 - c) The Regional Attorneys.
7.
 - a) The Attorney General and Deputy have similar ranks to the High Court judges.
 - b) The Regional Attorneys have similar ranks to the judges of the Regional Appeal Courts. The Ministry of Justice has the authority to propose the nomination, the promotion, the replacement and the resignation of the regional Attorneys.
- g) The Attorneys are entitled to rights and immunity similar to those of the judges.

Article 63: Criteria for Attorney General and Deputy Attorney General

1. The Executive shall propose the nomination of the Jubaland Attorney General and his deputy. If the State Assembly, approves the nomination of the Attorney General and his deputy, their appointment shall be confirmed by a Presidential decree.
2. Eligibility Criteria for the Attorney General and his deputy:
 - a) The Attorney General and Deputy Attorney General shall be Somali citizen and a Muslim
 - b) The Attorney General and Deputy Attorney General shall be at least 40 years of age
 - c) The Attorney General and Deputy Attorney General must hold university law degree. The

Attorney General and Deputy Attorney General shall have work experience of at least five (5) years in the judiciary or six (6) years of legal practice.

Article 64: The powers and duties of the Office of the Attorney General

1. The Office of the Attorney General has the power to prosecute and try high ranking government officials before a court of law.
2. The Office of the Attorney General shall have the following responsibilities:
 - a) The enforcement of laws and the prevention of criminal acts in Jubaland.
 - b) The organization, investigation, prosecution of criminal cases and their submission to the court of law.
 - c) The office of the Attorney General shall supervise the status of prisons and rehabilitation centres.
 - d) The office of the Attorney General upholds and protects the rights of children and orphans, persons of mental health problems and any other individuals in need of legal protection. The Office of the Attorney General also carries out any other responsibilities and duties provided by law.
 - e) Publishing the laws, Presidential Decrees and agreements in the Official Bulletin of the State Government of Jubaland.
 - f) Maintaining databases of laws, decisions, and international treaties.
 - g) Protection of the government properties in Jubaland and abroad
 - h) Mediation between government institutions
 - i) The eligibility criteria, powers and the responsibilities of the Attorney General shall be defined in a Law of the State Assembly.

Article 65: Powers and Responsibilities of the Deputy Attorney General

1. In the absence of the Attorney General, and on occasions when the Attorney General fails to carry out his duties, the Deputy Attorney General assumes the position of Attorney General .
2. The Deputy Attorney General advises the Attorney General on matters under the jurisdiction of the of Attorney General's office.
3. The Deputy Attorney General carries out any other duties assigned by the Attorney General in the course of executing the duties of Attorney General's office.

Article 66: The dismissal of the Attorney General and Deputy

1. The Attorney General and Deputy Attorney General can only be dismissed from their positions in accordance with the law.
2. The Attorney General and Deputy Attorney General can only lose their positions if found to commit a criminal act or if convicted by a competent court of law .
3. If the matters referred to in clauses (1), and (2) of this article occur, the executive shall make a formal request to the State Assembly of Jubaland for the removal of the Attorney General and Deputy Attorney General's immunity. The Attorney General and Deputy Attorney General shall then be prosecuted before a criminal court of law.

Chapter 4: Elections in the Jubaland State of Somalia

Article 67: The General Elections

1. After the transitional period the President, the Vice President, the Members of the State Assembly, and local councils shall be directly elected by all Jubalanders who are registered on the electoral list
2. The electoral process for the above positions is to be conducted in a fair, free, and transparent

manner and in accordance with the law, and administered by the Independent Electoral and Boundaries Commission.

3. It is unlawful to interfere with the voting choice of person to elect a candidate of her or his choice.
4. The dates of the election period are to be determined by the independent Electoral and Boundaries Commission. The start of the electoral period must not be less than six weeks prior to the Election day itself.
5. A law governing the elections of the President, Vice President and Members of the State Assembly of Jubaland should be adopted during the the first term of the transitional period.

Article 68: Presidential Electoral Procedures

1. During the first term following the adoption of the Provisional Constituion of Jubaland in which general elections cannot be conducted, the State Assembly of Jubaland elects the President for a period of a four year term, renewable only once through a general election, which will be open, transparent and by a system of one person one vote.
2. The Vice President shall nominated by the President, subject to approval by the Assembly in a simple majority (50%+1)

Article 69: Eligibility Criteria for a Presidential candidate

1. Every citizen of Jubaland may seek the position of President providing he or she fulfils the following conditions:
 - a) Somali citizen and Jubalander
 - b) Muslim
 - c) University degree, or at least 10 year experience as administrator or manager
 - d) good health and of sound mind,
 - e) at least forty (40) years old,
 - f) of high integrity,
 - g) a person who has not been convicted by a court of any criminal offence.

Article 70: Term of Office of the President and Vice-President

The President and Vice-President shall hold office for a term of four (4) years, from the day of announcement of the results, and may be elected only two (2) times to that office.

Article 71: Procedures for electing the President during the transitional period

- (1) The State Assembly of Jubaland shall elect the President of the Jubaland State of Somalia, presided over by the Speaker of the State Assembly of Jubaland
- (2) A minimum of two-thirds (2/3) of the total membership of the State Assembly of Jubaland must be present when electing the President of the Jubaland State of Somalia.
- (3) Candidatures must be proposed to the State Assembly of Jubaland by a minimum of ten (10) members of the State Assembly of Jubaland
- (4) When the members of the State Assembly of Jubaland are voting for the President of the Jubaland State of Somalia, each one of them has one vote
- (5) Every Presidential candidate has to declare his candidacy to the State Assembly of Jubaland and shall present his election programme to the State Assembly of Jubaland which shall then elect the President by the following process:
 - (a) The election of the President of the Jubaland State of Somalia shall be

- conducted by secret ballot;
- (b) Any candidate who gains a two-thirds (2/3) majority vote of the actual members present of the State Assembly of Jubaland shall be elected President of the Jubaland State of Somalia;
 - (c) If no candidate gains the necessary two-thirds (2/3) majority in the first round, a second round of voting shall be conducted for the four candidates with the greatest number of votes from the first round, and any candidate who gains a two-thirds (2/3) majority vote in the second round shall be elected President of the Jubaland State of Somalia;
 - (d) If no candidate gains the necessary two-thirds (2/3) majority in the second round, a third round of voting shall be conducted between the two candidates with the greatest number of votes from the second round, and the candidate who gains the greatest number of votes in the third round shall be elected President of the Jubaland State of Somalia
 - (e) If there are only two Presidential candidates there will be only round of voting. The elected President will be the candidate who receives a simple majority of votes of Members present.

Article 72: The Powers and duties of the President

1. The President shall be the head of the government and the chair of the Executive. He/she is the symbol of the unity of the people of Jubaland.
2. The President shall be responsible to protect the Constitution and other laws of Jubaland.
3. The President, in consultation with the Vice President, shall form the government within twenty-one (21) days of being elected. The President may form the government from within or outside the State Assembly. If a minister from within the State Assembly is appointed to Council of Ministers, then he or she must first resign the Assembly seat.
4. The President cannot be absent from Jubaland for more than thirty consecutive days unless justifiably medically indisposed
5. The President has the power to appoint or dismiss, in consultation with the Vice-President, the Members of the Council of Ministers, heads of autonomous and independent institutions as well as all other public officials that this Constitution or the laws empower him to appoint or dismiss.
6. The President shall approve or disapprove, in accordance with the Constitution, and all laws of Jubaland State, the policies of general administration to be implemented by the government.
7. The President shall negotiate the terms of participation of Jubaland State in the Somalia Federal Republic and sign agreements with the federal authorities, which shall require ratification by the Council of Ministers and by the State Assembly.
8. The President shall receive official visits of foreign delegations, and recognize such visitors as guests of Jubaland State.
9. The President shall confer honors and distinctions on Jubalanders or foreigners who so merit.
10. The President may grant amnesty for political and other offences after consultation with the judiciary.
11. The President shall address the opening sessions of the State Assembly.
12. The President may issue emergency decrees to prevent the impact of:
 - (a) disasters such as drought, cyclones, and flood.
 - (b) unlawful internal uprisings in the Jubaland State.
13. The President shall submit emergency decrees for approval of the State Assembly within thirty (30) days for its approval as set out in the articles of this Constitution.
14. The President shall announce officially the date of the election set by the Electoral and

Boundaries Commission .

15. The President shall issue regulations adopted by the Council of Ministers for the implementation of the laws adopted by the State Assembly. No regulation shall contradict any law passed by the State Assembly.
16. The President shall act on all responsibilities and powers conferred by the laws of Jubaland State.
17. The President, in consultation with the Vice President, shall nominate the Chief Justice of the High Court and other Judges of the High Court after having received proposals from Judicial Services Commission.
18. The President shall appoint the Chief Justice, judges and attorneys of the Tribunal of the Armed Forces.

Article 73: Powers and responsibilities of the Vice President

1. The Vice President shall assume the responsibilities of the President when the President is out of the country, or temporarily incapacitated.
2. The Vice President shall advise the President on the appointment and dismissal of ministers, Deputy Ministers and other senior public officials of the state.
3. The Vice President shall carry out the duties assigned to him by the President that fall within the powers of the President.
4. If the President dies, resigns, is impeached or permanently incapacitated, the Vice President shall be sworn in as the President to complete the remaining time in the term of office.
5. In the events referred to in section 4 above, the State Assembly shall elect a new Vice President within 30 days.
6. If both the President and the Vice President are deceased, resign or are impeached at the same time, the Speaker of the State Assembly shall assume their responsibilities until a new President and new Vice President are elected within 60 days.

Article 74: Impeachment and Discharging of Duties of President or Vice President of Jubaland

- (1) The State Assembly can propose the dismissal of the President or Vice President of the the State of Jubaland if he is accused of treason, or gross violation of the Constitution or the laws of the State of Jubaland.
- (2) The motion for dismissing the President or the Vice President of the State of Jubaland may be introduced by no less than one-third (1/3) of the total membership of the State Assembly, and if adopted, must be presented to the Constitutional Court, which shall preside over the case to decide whether it has legal grounds.
- (3) If the Constitutional Court determines that the case has legal grounds, the President or Vice President of the State of Jubaland may be dismissed by a two-thirds (2/3) majority vote of the total membership of State Assembly.
- (4) If the President of Jubaland is dismissed in accordance with the Constitution of Jubaland, the Vice President of the State Assembly shall assume the duties of the President of the State of Jubaland for the remainder of the term.
- (5) In the event of the Vice President being impeached, the President shall nominate a Vice President, who will be presented to the State Assembly for approval, by simple majority.

Article 75: Resignation of the President of the State of Jubaland

The President of the State of Jubaland may resign by writing formally to the Speaker of the State Assembly.

Article 76: Oath of the President of the State of Jubaland

Before assuming office, the President of the State of Jubaland shall take an oath before the State Assembly, administered by the Chief Justice of the High Court, or the Speaker of the State Assembly, which shall be as follows:

“I swear in the name of Allah that I will perform my duties honestly and faithfully and in the best interest of the State of Jubaland and Religion, and that I will abide by the Constitution of the State of Jubaland and the other Laws of the Country.”

Article 77: Election of the Speaker and Deputy Speakers of the State Assembly

- (1) At its first session, presided over by the eldest member, the State Assembly of Jubaland shall elect a Speaker and two (2) Deputy Speakers from amongst its members.
- (2) If on any occasion neither the Speaker nor the Deputy Speakers are present, the State Assembly shall elect one of its members to preside temporarily.
- (3) Before assuming office, the Speaker shall relinquish any official position in a political party, and shall be strictly neutral in the performance of his or her functions.
- (4) The Speaker and his or her deputies shall be elected through a secret ballot by a majority vote of the members of the State Assembly of Jubaland, and may be removed by a two-thirds majority vote of the members of the State Assembly of Jubaland

Chapter 5: The Independent Commissions

Article 78: General Principles

1. An independent Commission is a body that is independent of government or political control, and authorized to make use of expertise relevant to the particular area of its work.
2. In its mandate and operation, an independent Commission shall embody and reflect the spirit of human rights, democracy and transparency.
3. The Independent Commission must not be subject to the direction or control of any person or institution.
4. The funding of each independent Commission shall be allocated by a separate vote in the National Budget.

Article 79: The Formation of Independent Commissions

The Jubaland State of Somalia shall have independent Commissions, and their obligations, duties and numbers shall be defined in a law passed by the State Assembly.

Article 80: Human Rights Commission

1. There shall be a human rights Commission that shall be mandated to:
 - a) Promote respect of human rights and culture of human rights
 - b) Promote protection, development and maintenance of human rights.
 - c) Monitor and assess the observance and respect of human rights in the State of Jubaland of Somalia
2. In accordance with the Constitution of Jubaland, the Human Rights Commission shall have powers to perform the following functions:
 - a) To investigate, report on the observance or violation of human rights
 - b) To take steps to secure appropriate redress where human rights have been violated.

- c) To carry out research
 - d) To educate the public and state officials on international standards standards relating to human rights
3. The Human Rights Commission will be independent, impartial and inclusive.
 4. The members of the Human Rights Commission shall be five persons(5) of which two women.
 5. A law shall be adopted by the State Assembly of Jubaland which will establish the structure and the duties of the Human Rights Commission.

Article 81: Anti-Corruption Commission

1. There shall an Anti-corruption Commission whose mandate is to investigate allegations of corruption that involve the public sector.
2. The Anti-corruption Commission has the authority to conduct independent investigations without necessarily receiving any complaint on corruption.
3. The mandate of the Anti-corruption Commission includes the following :
 - a) To promote and strengthen measures to prevent and combat corruption more effectively and efficiently
 - b) To advance, facilitate and support international cooperation related to non-corruption policies
 - c) To promote integrity, accountability and the proper management of public matters and property.
4. The powers of the Anti-corruption Commission include:
 - a) To prevent, investigate, solicit, and publish corruption allegations
 - b) To freeze sleaze or confiscate any gains from criminal activities.
 - c) To support the adoption of anti-corruption laws or other measures necessary to effectively prevent and prosecute alleged criminals related to corruption.
5. The scope of the Anti-corruption Commission includes issues relating to:
 - a) Corruption of national or foreign official or officials of public international organizations without prejudice to any international agreements and Conventions to which the Federal Government of Somalia is a party.
 - b) Embezzlement, misappropriation or any other diversion by a public oficial of a public and private property.
 - c) Influence peddling
 - d) Abuse of functions and illicit enrichment.
6. The Anti-corruption Commission shall be independent, impartial , representative and inclusive
7. The members of this Commission shall be seven (7) in number, of which at least two (2) women.
8. A law shall be adopted by the State Assembly of Jubaland which will establish the structure and the duties of the Anti-corruption Commission.

Article 82: Land Use and Dispute Resolution Commission

1. There shall be established a Land Use and Dispute and Resolution Commission which shall encourage the development of policies on land use and tenure systems in Jubaland with a view to its fair and equitable use.
2. The Commision shall foster reconciliation, unity, healing and ensure that the matters relating to property dispute are addressed through a legal and state directed process.
3. Members of the Land Use and Dispute Resolution Commission shall not be more that seven (7) members of which at least two (2) women.
4. A law shall be adopted by the State Assembly of Jubaland which will establish the structure and the duties of the Land Use and Dispute and Resolution Commission.

Article 83: Independent Security Forces Commission

1. Security Forces Services and Complaints Commission is an independent organization comprising experts on security and social issues.
2. The mandate of the Commission includes:
 - a) To investigate and develop security mechanism that serve the interests of Jubaland.
 - b) To propose to the government Bills on security issues and framework to stabilize the general security of Jubaland.
 - c) To propose a mechanism for monitoring the expenses of security institutions.
 - d) To seek redress for victims of violence by the security institutions.
3. The following are the powers of the Commission :
 - a) Prevention of piracy.
 - b) Reintegration, education and training of former members of militia .
 - c) Compensation for the security personnel harmed whilst in the line of duty.
4. To help carry out its mandate, the Commission shall establish sub-committees comprising of experts on security and social affairs.
5. The Commission shall have 5 members, at least two of whom are women, proposed by the Executive and approved by the the State Assembly .
6. A law shall be adopted by the State Assembly of Jubaland which will establish the structure and the duties of the Security Forces Commission

Article 84: Peace-building and reconciliation Commission

1. There shall be established a peace-building and reconciliation Commission to foster healing in the State of Jubaland, reconciliation and unity to ensure that matters relating to impunity, revenge and other triggers of violence are addressed through legal and state directed process.
2. The peace-building and reconciliation Commission shall be independent, impartial and representative , and shall include traditional elders and leaders, members of the State Assembly, respected members of civil society, judges and security personnel.
3. The mandate of the peace and reconciliation Commission shall include:
 - a) Promoting forgiveness, reconciliation, and Jubaland state unity
 - b) The State Assembly of Jubaland shall approve a special law stipulating the powers and responsibilities of the peace-building and reconciliation Commission.

Article 85: The Public Services Commission

1. The Jubaland State Government shall establish the Independent Public Services Commission.
2. A law shall be adopted by the State Assembly of Jubaland which will establish the structure and the duties of the Public Services Commission.

Article 86: Appointments to the Independent Commissions

1. Unless the Constitution provides otherwise, the relevant Minister shall propose the names of Commissioners to the Council of Ministers. If the Council of Ministers approves, the names shall be submitted to the State Assembly of Jubaland. If the State Assembly of Jubaland approves the names they shall be sent to the President for formal appointment.
2. The selection process for independent Commissioners shall performed through a fair and transparent competition and shall be based on the administrative competence and expertise of the candidates.
3. The Independent Civil Services Commission of Jubaland shall supervise the mechanism through which the civil servants working in the independent Commissions are selected.

Article 87: Regulations of the Independent Commissions

A law shall be adopted by the State Assembly of Jubaland which will establish the regulations of the Independent Commissions.

Chapter 6: The Autonomous Offices and Institutions

Article 88: The Office of the State Auditor General of Jubaland

1. There shall be established the Office of the Auditor General which shall abide by the law of Jubaland.
2. The Office of the Auditor General shall be located in the capital of Jubaland with jurisdiction over the entire territory of Jubaland.
3. The nomination and resignation of the Auditor General shall be proposed by the Council of Ministers, and shall be approved by the State Assembly of Jubaland.
4. Eligibility criteria of the Auditor General :
 - a) A Jubalander.
 - b) At least 40 years of age.
 - c) Graduate with a university degree and proven competence in accounting skills as well as at least five (5) years of relevant work experience.
5. With the exception of the Auditor General, the staff members shall be selected through a fair and transparent process supervised by the Jubaland Public Services Commission.
6. A law shall be adopted by the State Assembly of Jubaland which will establish the regulations of the Office of the State Auditor General of Jubaland.

Article 89: The Auditor General

The Auditor General shall have the following powers and responsibilities:

1. Fighting corruption in all public institutions of Jubaland.
2. Supervising the revenue and expenditure of the government institutions.
3. Ensuring that government expenses are properly managed in accordance with the Jubaland budgetary laws.
4. Ensuring that expenses are utilised for the sole purpose intended by the National Budget.
5. Monitoring the Jubaland officials, local governments, independent institutions and every organization that manages public funds by using the relevant financial laws of Jubaland.
6. Monitoring and investigating mismanagement of the public funds managed by civil servants of the public institutions and international organizations, and imposing fines and penalties if found guilty of corruption. If investigation indicates that criminal acts were committed, the auditor general should submit the case to the Attorney General for prosecution.

Article 90: The Jubaland State Bank

1. The Jubaland State Bank is an independent institution responsible for:
 - a. The Treasury of the state government
 - b. The authority and supervision over commercial financial institutions
2. The bank is composed of the following seven (7) members:
 - (a) The Bank Commissioner
 - (b) The Director General of the Ministry of Finance
 - (c) Three (3) members with proven integrity, high level financial and economic skills
 - (d) Two (2) members nominated by the Chamber of Commerce
 - (e) Another member with no voting rights who is appointed for the Jubaland bank
3. The Commissioner of The Jubaland State Bank shall be nominated by the Executive.

4. A Commissioner may be removed from their post for violation of the law. Their appointment and resignation must be approved by the State Assembly of Jubaland.
5. A law shall be adopted by the State Assembly of Jubaland which will establish the structure, operating rules and the duties of the Jubaland State Bank.

Article 91: Jubaland Security Force

1. Jubaland security forces include the following:
 - a) The police.
 - b) The Custodial corps and prison warders.
 - c) The intelligence forces.
 - d) The Darvish force
 - e) The Coast Guards
2. A law shall be adopted by the State Assembly of Jubaland which will establish the structure, operating rules and the duties of the Jubaland Security Forces.

Chapter 7: Relations with the Federal Government of Somalia

Article 92: Relations of the State of Jubaland and Federal Government

1. The State of Jubaland is a Federal Member State of the Federal Government of Somalia.
2. The relationship of the State Government of Jubaland and the Federal Government and Jubaland is determined *inter alia* by Chapter (5) and Chapter (12) of the Provisional Constitution of the Federal Republic of Somalia.
3. The following responsibilities shall be subject to negotiations between the State of Jubaland and the Federal Government:
 - a) Natural resources
 - b) Revenue sharing
 - c) Environmental conservation
 - d) State heritage
 - e) Infrastructure revenue
 - f) Inter- state business
 - g) Wildlife
4. The state Government of Jubaland shall be responsible for the following:
 - a) Education, recreational centres and child day-care
 - b) Health and Public sanitation
 - c) Agriculture and Livestock Development
 - d) Business Licensing, taxation and development of small business, and industry
 - e) Local government and housing
 - f) Internal security
 - g) Infrastructure
 - h) Marine resources and environmental protection
 - i) Tourism

Article 93: Independent Boundaries and Electoral Commission

1. Subject to consultations and agreement between Jubaland State government and the Federal Republic of Somalia, and in conformity with 111.G and various other provisions of the the Provisional Constitution of Federal Republic of Somalia, the Independent Boundaries and Electoral Commission of the State of Jubaland is established.

2. The Commission is independent, neutral and represents the entire Jubaland territory.
3. The Commission will collaborate, negotiate and seek harmonization in administrative and legal issues with the National Independent Electoral Commission in the following areas:
 - a) Procedures regarding the creation and compilation of a single electoral list, the registration of electors, candidates registration and the resolution of legal grievances
 - b) Establishment and designation of electoral districts throughout Jubaland
 - c) Confirmation of the state boundaries of the State of Jubaland
 - d) Registration of political parties and appointment of Returning Officers
 - e) Support to Presidential, State Assembly and local elections
4. Other duties:
 - (1) May engage technical experts who should carry out investigations and research, including the drawing of maps such as those that should be used for the elections, census and Jubaland administration.
 - (2) May carry out an investigation on changes in the environment and natural variances, and population movements,
 - (3) The independent boundaries and electoral Commission is composed of seven (7) members who shall be proposed by the Minister of Justice and approved by the State Assembly.
3. 3) A law shall be adopted by the State Assembly of Jubaland which will establish the structure, operating rules and the duties of the independent boundaries and electoral Commission

Chapter 8: Final Clauses

Article 94: Constitutional Review and Implementation Committee

1. The State Assembly of Jubaland shall establish a parliamentary Constitutional Review and Implementation Committee that shall review the Provisional Constitution of Jubaland adopted by the Constituent Assembly
2. The Constitutional review and Implementation Committee will strive to seek harmonization with the Provisional Constitution of the Federal Constitution of Somalia.
3. The Constitutional Review and Implementation Committee will seek counsel from organizations of civil society, the Judiciary, and the Executive of Jubaland, and will seek the advice of experts in Somalia and elsewhere in the democratic world.
4. The Constitutional Review and Implementation Committee will make recommendations to the State Assembly of Jubaland, which will deliberate the proposals prior to adoption in a Jubaland Referendum.

Article 95: Constitutional Amendment

1. A proposal to amend this Provisional Constitution shall be presented by:
 - (a) at least one fifth (1/5) of the members of the State Assembly of Jubaland, or
 - (b) the Council of Ministers, or
 - (c) not less than 5,000 voting citizens.
2. Once a proposal has been received in by the State Assembly of Jubaland, it shall be analyzed by Constitutional Review and Implementation Committee and, with the recommendations of this committee, debated by the State Assembly of Jubaland after by a simple majority in order to initiate debate of the amendments
3. The State Assembly will hold parliamentary Committee hearings to seek the views and

opinions of all interested parties.

4. A program of information and awareness concerning any proposed amendment shall be initiated by the State Assembly of Jubaland to inform the public of all amendments to the Provisional Constitution.
5. In not less than one month, the State Assembly of Jubaland shall submit all draft amendments for approval which must be achieved by a majority of two thirds (2/3) of the Members of the State Assembly of Jubaland.
6. A constitutional amendment once adopted shall be published in the official bulletin and shall not be subject to presidential veto.

Article 96: Implementation of the Constitution

1. The Jubaland State Constitution shall be officially enacted after the referendum confirming its acceptance by Jubaland citizens; such a referendum may take place either by popular plebiscite or through delegates.
2. Pending the referendum, this Constitution shall be in force from the day the State Assembly of Jubaland approves it in place of the previous provisional Constitution.

Article 97: Interim Charter

The Draft Interim Charter of the State Government of Jubaland of Somalia is hereby abrogated

