



THE JUBBALAND STATE OF SOMALIA

DRAFT CONSTITUTION

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Kismaayo

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CHAPTER 1: THE BASIC PRINCIPLES OF JUBALAND

Article 1: The Jubaland State of Somalia

1. The Jubaland State was established based 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 is democratic and is founded on the principles of inclusive representation of the people of Jubaland a multi-party system and social justice.
4. Apart from Allah, power is vested in the people, and they directly use it through relevant authorities in accordance with the constitution and the regulations of Jubaland.
5. The unity of the State of Jubaland is inviolable.

Article 2: Religion

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

Article 3: Right to life

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

Article 4: Supremacy of the Constitution

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 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 5: The Basic Principles

1. Jubaland State is a part 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. All the people of Jubaland are equal before the law, and enjoy rights, dignity and social just
4. 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.
5. The Jubaland State is established on the basic principles of federal system of power sharing.
6. The Constitution of Jubaland upholds human rights, the administering of the rule of law, the general standards of international law of separation of powers, e.g. the legislature, the executive and the judiciary of the government, so as to ensure transparency, good governance and the general public interest.
7. Women shall be fully involved in all the state institutions, particularly elective and nominative posts within the three branches of the government and independent institutions.

Article 5: The people

1. Jubaland people are the Somali people who inhabit Middle Jubba, Lower Jubba and Gedo.
2. A Jubalander is any person who has resided in the State of Jubaland for at least six consecutive months.

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 before the year 1991.
3. 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 boundries are inviolable.

Article 7: Flag and Emblem

1. The flag of Jubaland is illustrated on Schedule 2.
2. The Jubaland emblem is illustrated on Schedule 3.
3. The official coat of arms of Jubaland is illustrated on 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 Jubaland shall be determined by special law.

Article 9: Language

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

CHAPTER 2: INDIVIDUAL RIGHTS AND FREEDOMS

Article 10: 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, property, opinion, attitude, political perception, language and origin.
3. Minorities have constitutional and human rights.

Article 11: Women Rights

1. From the legal perspective, the human rights, economic rights, political rights and the freedoms of women stipulated in the Islamic Sheria shall be protected.
2. Abortion is illegal unless the life of the mother is in endangered as certified by a medical practitioner specialized in the field.
3. Female Genital Mutilation is prohibited.and is considered torture.

Article 12: Child Rights

1. Children have the right to life, name, nationality, care, education and custody.
2. Children shall 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 stipulated in this article refers to a child under the age of 18 year old.

Article 13: Prohibition of Enslavement

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

Article 14: Freedom of Religion and Creed

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

Article 15: Freedom of Speech and Opinion

1. Everybody has the right to be entitled to and express their opinion, information, thoughts and speech.
2. Every person has the right to expression in the communications media, in a written form, through illustration, through artistic poetry form and other forms that is in accordance with the law and ethics. Any censorship is unlawful.
3. Every person has the right to express their creative art, their knowledge freedom and information gathered through research.

Article 16: The press

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

Article 17: Right to Representation

1. All citizens have the right to political representation at the Jubaland Government level.
2. All citizens have the right to participate the administrative affairs of Jubaland.
3. Jubaland Parliament will enact the election regulations.

Article 18: Right to Property Ownership

1. Every Jubaland citizen has the right to own property, to reside, to enjoy, to sell and to transfer at will.
2. Property rights are inviolable. Parliament shall enact law on property ownership.

3. The government may only legally and transparently expropriate property when justified by common interest. Any person whose property is legally expropriated has the right to fair.

Article 19: Right to life and security

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

Article 20: Rights of an accused person

1. An accused person is innocent until found guilty by a court.
2. An accused person shall not be detained for more than 48 hours before they are brought before a court.
3. An accused person may be released on bail during the course of their trial.
4. An accused person has the right to legal representation.

Article 21: Right to Integrity of the Home

1. It is unlawful to inspect, or to enter the house of a person without a justifiable warrant from a judge, unless a criminal has entered that abode.
2. It is mandatory that the warrant from the judge be read out to the resident of the house and it is unlawful for the person carrying out the inspection to violate the law.

Article 22: Right to freedom of Association

1. Every person has the right to join an association or group of their choice.
2. Every person has the right to create or to become a member of an organization such as trade unions, political parties 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 23: Freedom of Assembly, Demonstration, Complaints and Public Petition

1. Every Jubaland citizen is free to organize, to participate peaceful demonstrations in accordance

with the law.

2. Everybody has the right to forward a written complaint to the government authorities of Jubaland State.

Article 24: Freedom of Assembly, Demonstration, Complaints and Petitions

1. Every Jubalandperson is free to organize, or to participate in a peaceful demonstration in accordance with the law.
2. Every person has the right to submit a petition or written complaint to the appropriate government authorities.

Article 25: The Duties of the Citizens

Every citizen has to:

1. Protect their Islamic religion, the constitution and the other laws of the land.
2. Cooperate with the lawful security agencies.
3. Preserve the law, and to abide by the provisions of the law that are ordered to them.
4. Protect the unity of the citizens of Jubaland.
5. Protect peace and stability of Jubaland.
6. Pay the lawful taxes.
7. Register themselves and vote during the elections
8. Preserve the environment.

Article 26: The Electoral Rights of Citizens

- a) Every person who is 18 years and over has the right to vote in an election and to be elected.
- b) Members of the Armed forces and judges are not allowed to become members of a political party and may not run for elected office.
- c) Government officials may not run for elected office unless having resigned from their position.
- d) The right to vote is suspended, while serving a prison sentence greater than six months.
- e) A person having been convicted by a criminal court of law of a sentence greater than five years is ineligible for elected office.

CHAPTER 3: ELECTORAL SYSTEM OF THE STATE OF JUBALAND

Article 27: The General Elections

1. The President, Vice-President, the members of the Regional 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 Commission.
3. The Election is to be based on universal polling, in a secret ballot. It is unlawful to interfere with the voting choice of a person to elect a candidate of her or his choice.
4. The timing of the election shall be determined by the independent electoral commission. The start of the electoral period must not be less than two (2) months prior to the Election Day itself.
5. A special law governing the elections shall be adopted during the transitional period

Article 28: The Political Parties

1. The Jubaland State Government shall have a multi-party political system.
2. All the parties that comply with the requirements that will be stipulated in the law of the political parties may participate in the elections.
3. Any party that wins the highest number of votes in the election becomes the ruling party.
4. Particular law shall govern the electoral process.

Article 29: Ineligible persons in the election

1. Armed forces and judges are not allowed to become members in the political parties; hence they shall not run for elections.
2. Government officials shall not run for elections unless they resign from their posts.

CHAPTER 4: THE GOVERNANCE SYSTEM OF JUBALAND STATE OF SOMALIA

Article 30: The Regional State Government

1. The Jubaland State of Somalia a Presidential system.
2. During the transitional period in which general elections cannot be conducted, the Parliament elects the President.
3. During the transitional period the Vice President shall nominated by the President, subject to approval by the Assembly in a simple majority (50%+1)
4. After the transition period, the President and Vice-President are elected in a secret ballot. in a General Election

Article 31: The Branches of Government

The three branches of the Jubaland State Government are:

1. The Parliament
2. The Executive
3. The Judiciary

Article 32: The Structure and Term of the Parliament

1. The Regional Assembly is the people's chamber of Jubaland and comprises 75 members. After the transitional period the Assembly must comprise a minimum of fifteen per cent women. The term of the Parliament shall be four (4) years starting from the swearing in day.
2. The Parliament sessions shall commence within 30 days starting from the day election results is announced.

Article 33: Eligibility Criteria for Membership of State Assembly

Membership is open to:

1. Every Jubalander.
2. The candidate shall be of Minimum age of 25 years of age and be registered as a voter.
3. The candidate must not have a criminal conviction of five (5) years or greater in last ten (10) years.
4. The Jubaland Independent Electoral Commission shall ensure that the regional assembly

candidates have complied with above requirements.

Article 34: Criteria for Disqualification of Membership of the State Assembly are:

1. Death of the member of State Assembly.
2. The acceptance of a member's resignation letter by the speaker of the House.
3. A conviction of a member of a criminal offense by a court of law.
4. Failure of member to perform his/her duties continuously.
5. Failure to attend two ordinary consecutive parliamentary sessions without a valid reason.
6. The electoral law shall regulate the procedures for replacement in the event of a vacant seat, while the swearing in of the new member shall take place in 30 days.
7. If a member accepts to serve another government post, they shall lose their Parliamentary seat.

Article 35: Powers and responsibilities of the Jubaland State Assembly

35.1: Powers of Parliament

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

35.1.1: Legislative powers

1. To review, approve, reject, amend, or abrogate, from the laws of the State of Jubaland.
2. To ratify 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 ratify 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 reject new districts or regions proposed by the government of Jubaland.
5. To elect the President and Vice-President of Jubaland State individually and equitably by secret ballot or raising of hands with a two thirds majority vote in the first two rounds and a half plus one majority vote in the third round.
6. To elect the following senior officials: the Human Rights Defender, three (3) members of the Jubaland Electoral Commission and two judges of the Constitutional Court, in accordance with Parliamentary procedure for elections.
7. The approval and rejection of members of the Executive who are entitled to immunity.
8. To approve or reject the government program.
9. To approve or reject the annual budget presented by the government and any subsequent

modification.

10. To approve or reject the closing of accounts of the budget of the previous year;
11. To approve or reject taxes that the State shall collect from the inhabitants of Jubaland.
12. To approve the cabinet by at least a half plus one (1/2+1) majority of its members.
13. To withdraw immunity from any public official elected or confirmed by the Assembly
14. 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.
15. To approve or reject government proposals with regard to the establishment or dissolution of state institutions;

35.1.2: Oversight

1. To discuss, monitor, deliberate and hold to account the government's policies and programs;
2. To monitor and evaluate the implementation of the laws approved by the Assembly
3. 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 vote on a no-confidence resolution against the official;
4. 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.

34.1.3: Representation

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

Article 35: The Immunity of the Members of Parliament

The immunity enjoyed by the members of Jubaland Parliament: are as follows:

1. A member of Parliament shall not be prosecuted for expressing his/her views during Parliamentary committees or during the sessions of the Parliamentary commissions.
2. Unless otherwise Parliament withdraws immunity of member, a member of Parliament cannot be prosecuted for a criminal offence during his/her tenure in the Parliament.
3. A special regulation shall proscribe the immunities enjoyed by the members of the Jubaland Parliament.
4. The Budget and remunerations of Jubaland Parliament shall be included in the annual Budget of the Jubaland government

Article 36: Sessions of Jubaland State Assembly

1. A newly elected Parliament shall convene its 1st session 30 days after the electoral commission has announced the official election results.
2. The Parliament shall have 2 ordinary Parliamentary sessions annually. Each session shall sit at least a period of 4 months.
3. The Rules of Procedure of Parliament shall proscribe the timing, date and duration of the recess of Parliament.
4. The Parliament can convene an extraordinary session if:
 - a) The President of Jubaland makes a formal request to Parliament following a consultation with his/her cabinet
 - b) The Parliament Speaker of the Parliament summons
 - c) Twenty percent (20%) of the members of Parliament submit a written petition based on legal constitutional grounds, and justified by the rules of procedures of Parliament.

Article 37: The Dissolution of Parliament

1. After the term of Parliament expires, Parliament shall be dissolved
2. The Parliament may be dissolved if:
 - a) The majority of the members of Parliament resign.
 - b) The Parliament fails to convene two consecutive sessions without a valid reason.
3. The President shall submit a written request to the constitutional court for investigation if one or all of the above conditions have been met.
4. If the constitutional court finds clear evidence that the conditions referred to in Article 36(2), the constitutional court shall submit a report to the President, regarding the findings of the court.
5. If the constitutional court finds that the conditions referred to in Article 36(2) have been met, the President shall issue a Presidential Decree resolving the Jubaland State Parliament. The Presidential Decree shall state that the next elections will be held in forty five (45) days.

Article 38: Vote of No Confidence

1. The Parliament may table a motion of no confidence against cabinet ministers.
2. At least 20 members of Parliament can table a motion of vote of no confidence against the cabinet.

3. Parliament cannot table a motion of no confidence against individual ministers.
4. a motion of no confidence succeeds if at least two thirds (2/3) of the members of Parliament vote for the motion.
5. If the vote of no confidence succeeds, the President shall nominate a new cabinet. If the vote of no confidence does not succeed, the outgoing cabinet shall serve as a caretaker cabinet, until a replacement cabinet is formed, with a condition that the caretaker cabinet shall not have authority to propose new government programs.
6. The President may reappoint a cabinet that has lost vote of confidence, for only one time.
7. If the cabinet loses on a vote of no confidence motion, the President shall appoint a new cabinet in 21 days starting from the day of the vote of no confidence.

Article 39: Rules of Procedures for Jubaland State Assembly of Jubaland

1. The Parliament shall adopt Rules of Procedure for Parliament that can enable for full participation of Parliamentarians in daily businesses of Parliament.
2. The Parliament shall form house committees that will carry out the duties of Parliament.
3. When a draft bill is proposed in the Parliament, the bill shall be assigned to a relevant committee for a review after which the committee will report to the plenary of the Parliament and may make recommendations and amendments to the Parliament.
4. No draft bill rejected by the Parliament shall be retabled in Parliament for a period of four (4) months, beginning from the date the draft bill was disapproved.
5. The Parliamentary deliberations and debates and also those of Parliamentary committees shall be made open to the public through the utilisation of the media. The Rules of Procedures shall govern when and how the media will be provided Access to Parliament.

Article 40: Initiating Draft legislation:

1. A draft bill can be proposed in the Parliament by:
 - a) At least 10 members of the Jubaland Parliament
 - b) The cabinet
 - c) A group of Jubaland citizens of at least 5,000 persons who are registered voters.

Article 41: Citizens Initiatives on Draft Legislations:

1. If Jubalanders initiate and propose a draft legislation, they shall attach to the draft bill personal identification documents, their age, proof of their residency in Jubaland and their signatures .
2. The individuals referred to under Article 40(1) shall attach to proposed draft bill the names of two resigned applicants to be contacted.
3. The individuals referred to under Article 40(1) are not allowed to submit a draft proposal on matters pertaining to revenue system, budgetary and financial matters, defence or security issues.
4. The Parliament may review the draft proposal by the citizens within the current session or the sessions after which the Parliament shall provide response on it.

Article 42: Debate on Draft Bills in Parliament

1. Each draft legislation tabled before Parliament shall be debate don an article by article before a vote is calle don it.
2. If a draf bill is adopted by Parliament,the speaker shall sign the bill in three (3) hard copies and submit them to the President.
3. A draft bill disapproved by the Parliament shall not be returned to it within the session it hasbeen rejected.

Article 43: Assent and Gazzettement

1. he President shall either assent the bill approved by the Parliament into law in 30 days or reject.
2. If the President has no objection against the bill, he shall assent it and send to the office of the Attorney General for the purpose of official gazzettement; copies of the new law shall be kept in the Parliament, President's office and office of Attorney General of Jubaland.
3. After having been officially gazzetted, the new law comes into force fifteen days (15)after the date of the Gazzettement.

Article 44: The Presidential Veto

The President has the authority to reject a draft law approved by Parliament by the Parliament; but such rejection shall be justified by a written letter to the Parliament outlining the reasons for the rejection.

Article 45: Rebuttal of the Presidential Veto

1. After the Presidential veto of a draft bill approved by Parliament, the bill to the Parliament, such a Presidential veto on the bill can be defeated if two thirds (2/3) of the entire members of the Parliament vote for the bill.
2. The speaker of the house shall again submit it to the President attaching a letter informing him/her that his/her veto has been defeated.
3. When the President is notified of the defeat of his/her veto by Parliament, he/she shall assent the bill into law and forward the bill to the Office of the Attorney General for official gazzetterment. shall ask the chief justice to put it in the official gove the new law will come into force after fiveteen days (15 days) after gazzetterment.

Article 46: Challenge of Legislation

1. A law that has been approved by Parliament and properly signed and assented into Law can be challenged on Constitutional grounds and may be challenged through an appeal to the Constitutional Court.
2. A law can be challenged through an appeal to the Constitutional Court by:
 - a) 1/3 (onethird) of the Parliament.
 - b) The cabinet
 - c) At least 5,000 registered voters.

Article 47: The Executive

1. The Executive of the Jubaland State of Somalia comprises of:
 - a) The President
 - b) The vice President
 - c) The ministers
2. The executive power of Jubaland State Government is vested on the Cabinet as stipulated in section 2 of this article.
3. The Cabinet is the highest execute organ of Jubaland government and it includetheministers, stateministers and theassistantministers.
4. ThePresidentof Jubaland shall nominate the ministers, the state ministers and the assistant ministers. The members of the cabinet can be drawn from. No member of Parlliament is allowed to serve in the Cabinet of the Jubaland State Government, and in the evnt a member of

Parliament accepts to serve in a ministerial post, he or she automatically loses his or her Parliamentary seat.

Article 48: The structure and the requirements of the Executive

1. The Executive comprises of the President, the vice President and a maximum number of 15 ministers.
2. The following are the criteria for membership in the Cabinet:
 - a) To be a citizen of Jubaland State.
 - b) To be a holder of a university degree, or 10 years experience.
 - c) 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 not allowed to manage their own private businesses during their tenure in office.
4. A member of the Executive shall not participate in deliberations and voting of matters that may involve them in a conflict of interest.
5. The President, the vice President, the ministers, the state ministers and the assistance ministers shall declare their assets to the Auditor General in the first month in office after swearing in.
6. All decisions reached by the cabinet through a majority vote are collective responsibility.

Article 49: Appointment of the Executive

1. The executive shall be:
 - a) Nominated by the President of Jubaland
 - b) Be approved by the Parliament by a simple majority (50%+1)
2. The Executive shall be nominated and approved by the Parliament within a period of not more than 30 days from the date the President is sworn in.

Article 50: The Structure and Duties of the Jubaland State (the Executive)

1. The State of Jubaland shall
 - a) Use the executive powers
 - b) Conduct its duties and responsibilities in conformity with the principles of democracy

- c) Be responsible of the security, stability and the development of Jubaland.
- 2. The State of Jubaland comprises of:
 - a) The Executive
 - b) Regional administrations
 - c) District administrations
- 3. A special regulation shall govern the powers and the relations between the State Government and the regional and district administrations.
- 4. The State Government shall:-
 - a) Assume jurisdiction over local economic development, security, education, agriculture, and health plans as well as other development plans.
 - b) Shall plan and execute financial policies that attract investment.
 - c) Shall prepare the annual budget allocated for Jubaland.
- 5. The State Government is responsible of the development of:
 - a) Health services
 - b) Education
 - c) Public policies
 - d) Environmental conservation.
- 6. The powers and jurisdictions of the State Government shall be proscribed a by special legislation.
- 7. Regional and district administrations
 - a) The regional governors and district commissioners as well as the heads of divisions within the regions shall be nominated by the President on the advice of the relevant minister.
 - b) The selection criteria of the nominees mentioned in Article 50 (7) (a) shall be based on the knowledge, capacity and experience of the potential nominee.
 - c) Every region and every district shall have a local council that is elected. The law governing local councils of Jubaland shall be enacted by the Parliament, and it shall specify the powers and jurisdictions of the Regions and districts.

Article 51: The Powers and the Responsibilities of the Cabinet of Ministers

The cabinet of ministers shall have the following responsibilities:

1. The cabinet presents, organizes, executes political strategies on security, economy and social development
2. It limits the special powers of the departments that fall under the jurisdiction of the executive
3. It presents the tax system. It amends the previous revenue system in accordance with the needs of the people. The cabinet requests the Parliament to approve those programs.
4. It prepares the annual budget of the State Government, yearly expenses, finalizes the accounts and formulates tax policy. The role of the civil servants and their salaries shall be submitted to the Parliament by the ministers at least 3 months prior to the commencement of the fiscal year.
5. It may impose an emergency state on the condition that it obtains authorization from the Parliament.
6. Appoints Independent Institutions and tables to Parliament relevant legislations founding these institutions.
7. It appoints and presents to the Parliament:-
 - a) The high court judges, the appeal court judges and the judges of the constitutional court.
 - b) The Attorney General
 - c) The Auditor General
 - d) The Chairperson of the Jubaland Bank.
8. It deliberates overall issues and matters that the President presents as a cabinet agenda.

CHAPTER 5: JUBALAND ELECTORAL SYSTEM**Article 52: The Jubaland Presidential Electoral Procedure**

1. The Parliament of Jubaland shall elect the President during the transition period in an electoral process presided by the Speaker of Parliament. After the transition period ends, the President shall be elected on the basis of Universal Polling.
2. At least 2/3 (two thirds) of the members of Parliament shall form a quórum in such a Presidential
3. Each Presidential candidate shall obtain the signatures of at least 10 members of Parliament.

4. Every candidate shall submit his/her candidacy application and political platforms and programs to the Parliament.
5. The President shall be elected in the following manner:
 - a) The Presidential election shall be conducted in a secret ballot
 - b) The candidate that accumulates 2/3(two thirds) of the total votes of the members of Parliament shall be announced to be the winner of the Presidential election.
 - c) If no candidate obtains 2/3 (two thirds) of the votes during the 1st round, the four (4) candidates with the highest number of votes cast in the 1st round shall proceed to the 2nd round. The candidate that gets 2/3 of the total votes cast in the 2nd round shall win the Presidential election.
 - d) If no candidate manages to win 2/3 of the votes cast in the 2nd round, the two candidates with the highest number of votes cast in the 2nd round shall remain in the ballot in the 3rd round. The candidate that wins the Fifty Percent Plus (50% plus 1) votes in the 3rd round shall be proclaimed the winner of the Presidential election of Jubaland.
 - e) A special regulation shall govern the procedure of the Jubaland general election which shall be under the supervision of the Jubaland Independent Electoral and Boundaries Commission.

Article 53: The Criteria of Presidential Candidates

1. A Presidential candidate shall: -
 - a) Be a Somali citizen and a Jubalander.
 - b) Be a Muslim
 - c) Be of sound mind
 - d) Be 40 years or older.
 - e) Be of good character
 - f) Have university level education or at least a minimum of 10 years of leadership or administrative experience.
 - g) Not be someone who was convicted of a criminal offense by a court of Law during the previous 5 years.
2. A President shall serve a maximum of two (2) terms in office for a maximum of eight (8) years of four (4) years each term.
3. The President shall not spend more than thirty (30) consecutive days out of Jubaland unless

otherwise necessitated by ill health.

Article 54: The Powers and the Responsibilities of the President of Jubaland

1. The President is the head of state and the head of the Executive Branch.
2. The President is the symbol of unity for the people of Jubaland.
3. The President is the commander in chief of the armed forces of Jubaland.
4. The President is the responsible of the protection for the Islamic Religion, the constitution, other laws of the land and the protection of the interests of Jubaland.
5. In consultation with his deputy, the President shall set up his government in 21 days after he is sworn in.
6. In consultation with his deputy, the President is in the position of appointing and resigning the members of the Executive Branch of the government, the top officials of the independent offices, the army commanders and the other officials that this constitution authorizes him to nominate or resign.
7. In line with the constitution and the other laws of the land, the President may accept or reject administrative politices that the government may intend to execute.
8. He signs the agreements with the regional governments in Somalia, the federal government and international governments after which he shall submit such an agreement to the Parliament for approval.
9. The President receives the international delegations and recognizes that such delegates are guests for Jubaland.
10. The President awards badges of merit to any person who merits.
11. The President may pardon prisoners after consultations with the judiciary. The President cannot pardon a prisoner who was sentenced to death, or was sentenced in accordance with the Islamic sharia law.
12. The President opens and delivers speeches at the Parliamentary sessions.
13. The President issues a decree ordering a state of emergence so as to prevent:
 - a) Natural disasters such as droughts, floods, storms, etc.
 - b) The President may declare war for the people of Jubaland to take part in it in defending their territory
 - c) Violence or internal uprisings with the intention of destroying the existance of Jubaland

14. The President shall submit a decree on a state of emergence to the Parliament in 30 days for approval.
15. The President may issue directives on the execution of legislations the Parliament has approved. The directives of the President shall not oppose the Parliamentary legislations.
16. The President fulfils his responsibilities and the powers enshrined in the law of Jubaland for him to exercise.
17. In consultation with his deputy, the President appoints the chairperson and the judges of the courts following suggestions from the high commission of the judiciary.
18. The President appoints the chairperson, the judges and the attorney of the Jubaland court martial.
19. The President delivers an annual speech and a report reflecting the development and the situation of Jubaland before the Parliament.

Article 55: The Powers and Responsibilities of Jubaland Vice President

1. The vice President shall assume the responsibilities of the President in the absence of the President or if the President continuously fails to deliver.
2. The vice President shall give recommendations on the appointments and the resignations of the ministers and the assistant ministers and the other government officials.
3. The vice President carries out the duties assigned to him by the President.
4. If the President resigns, dies, is resigned or fails to deliver his duties due to poor health, the vice President shall be sworn in for presidency so that he can assume office during the remaining time of the tenure.
5. If what has been stated in section 4 above happens, the new President shall appoint a new vice President, after which the new vice President shall be sworn in by the Parliament.
6. If the President and his deputy die at once, if they resign at once, or if they are resigned, the speaker of the Parliament shall assume their responsibilities up until a new President and new vice President are elected in 60 days.

Article 56: Resigning the President and His Deputy

1. The Parliament may suggest the resigning of the President or his deputy had they been found violating the constitution and the other laws of Jubaland
2. The motion in which the President and his deputy are being resigned may be proposed by at least 1/3 (one third) of the members of the Parliament

3. Debating on the motion against the President or his deputy shall be approved by the Parliament through a simple majority (50%+1).
4. The President or his deputy may be resigned by at least 2/3 (two thirds) of the members of Jubaland Parliament following statement by the constitutional court that they violated the constitution or the other laws of Jubaland.

Article 57: The Resignation of the President

1. If the President intends to resign, he or she shall send an official resignation letter to the speaker of the Parliament.

Article 58: The Swearing in Procedure of the Jubaland President

Prior to assumption of power, the President shall be sworn in in the Parliament before the direct election. The President shall be sworn in by the chairperson of the high court. The swearing in shall be of this nature: ***“I swear in the name of Allah that I will carryout my responsiblity in an honesty manner, in accordance with the interest of the nation,the religon and the country, and to protect the constitution and the other laws of the land.”***

Article 59: Electing the Speaker and His Deputy

1. In the 1st session chaired by the oldest Member of Parliament, the Parliament shall elect speaker and 2 deputy speakers.
2. Before assuming responsibility, the speaker shall resign from any official post that they hold in a political party, and they shall be neutral during their tenure.
3. The speaker and their 2 deputies shall be elected in a secret ballot by the majority of the Parliamentarians. They may be resigned with a 2/3 (two thirds) of the votes of the Parliamentarians.
4. At least 1/3 (one third) of the members of the Parliament can propose a motion of no confidence against the speaker of the Parliament and his 2 deputies.
5. In the absence of the speaker and his deputies, the Parliament shall elect one of their members as an interim speaker.
6. The Parliament shall have a secretary general who is not a member of the Parliamentarians, but appointed by the speaker of Parliament.
7. The 1st session of the Parliament shall be used to endorse the bylaw governing the Parliament businesses.

CHAPTER 6: THE JUDICIARY

Article 60: The Structure of Jubbaland Judiciary

1. The judiciary of Jubbaland comprises of:
 - a) Constitutional court
 - b) The high court
 - c) The regional court of appeal
 - d) Degree one court (for the regions & districts).
2.
 - a) The judiciary is independent from the other arms of the government.
 - c) The high court judges have the right to complete their tenure

Article 61: The Powers and the Responsibilities of the Judiciary

The powers of the judiciary are:

1. The hearing and the judgement of cases; the verdict of the judiciary shall be based on Islamic sharia, the good Somali cultural practices, the constitution of Jubbaland, the constitution of the Somali Federal Republic, the international laws and the laws of the land.
2. The court martial shall hear the cases of army personnel only.
3. A special legislative law shall govern the powers of the judiciary after the Parliament has endorsed.

Article 62: The High Commission of the Judiciary Administration

1. The independent commission of the judicial service governs the Jubaland judicial institutions.
2. The judiciary commission comprises of:
 - a) The commissioner of the high court.
 - b) The commissioner of the constitutional court.
 - c) The Attorney General.
 - d) Two respectable persons within the society who are from civil society organization, at least one of them being a woman.
 - e) Two lawyers who the President appoints from the members of the public.
 - f) The duties and the responsibilities of the high commission of the judicial administration shall be governed by a special law that the Parliament has passed.

Article 63: The Powers and the Duties of the High Commission of the Judicial Administration

1. The High Commission holds the following powers and responsibilities:
 - a) Proposing the appointments, the resignations, the replacements of the judiciary of Jubaland.
 - b) Prior to the establishment of the judicial administrative High Commission, the ministry of justice proposes the judges of the courts.
 - c) Preparing the legal administrative framework of judiciary staff, before submitting it to the Minister of Justice for the cabinet to approve.
 - d) The Commission establish and adminstrates training centers for judges and their secretaries with a view of strengthening the technical know how of the judiciary personnel. The ministry of justice shall contribute to this.
 - e) A special law will be adopted to establish the legal framework for selecting the judges and the other staff members of the judiciary.
 - f) The decisions of the High Commission of the judiciary administration with regard to the proposing of the nomination, resignation, promotion, the replacement of the judges of the regional, district and appeal courts, and Jubaland deputy attorney generals shall be issued by decree.

Article 64: Criteria for the appointment of the High Court Judge

1. The High Court judge shall meet the following criteria:
 - a) Must be a Somali national, a practicing Muslim, and a Jubaland citizen
 - b) Must not have been convicted by a court of law for a punitive crime for five (5) years and more
 - c) Must be aged at least forty years old
 - d) Must hold a university or sharia degree in law Must have a minium of five years experience in judicial matters or at least six years experience as a lawyer
 - e) They shall be honest and shall be conversant with legal matters.

Article 65: 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 submits to the high commission of the judicial administration a draft law

in which the by-laws pertaining to the judicial administrative matters are reviewed

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 a case of Appeal appealed cases from the lower courts.
5. The High Court resolves the legal litigations other courts have not experienced with
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 decides on all the requests regarding whether a person in Jubaland who committed a crime from another country be deported.
8. The High Court supervises the lower courts and the administrative framework of the judiciary.
9. The High Court hears the administrative cases of the senior officials
10. The powers of the High Court include the other powers that the Jubaland law gives to it
11. The number of the High Court judges shall be decided in a special regulation.

Article 66: The Constitutional Court of Jubaland

1. Jubaland shall have a Constitutional Court composed of five judges including the commissioner of the constitutional court and 4 other judges nominated from the general public
2. The five (5) judges shall be nominated within thirty days following Parliament's approval of the regulations to establish the Constitutional Court of Jubaland.
3. After the Assembly of Jubaland has approved the proposed judge, the President will appoint the judge in question to become one of the constitutional court judges of Jubaland.
4. Those judges will elect a commissioner and deputy from among their ranks.
5. The constitutional court of Jubaland will have a secretary and other staff members
6. If a vacancy emerges in the constitutional court, the vacancy must be occupied within a period of 45 days
7. The headquarters of the constitutional court shall be based in the capital city of Jubaland.
8. Prior to the establishment of the constitutional court the government will prepare a special regulation to define the structure of the court and powers for the Parliament to approve.

Article 67: The Powers and the Responsibilities of the Constitutional Court

1. The constitutional court answers to and interprets the law and how it has been applied or applied in specific cases.
2. The constitutional court has the authority to nullify a law, a law, a decree and administrative directive in part or in full if they they contradict the constitution.
3. The constitutional court will hear cases of a citizen claiming that their constitutional rights were violated.
4. The constitutional court will respect the objectives of the Islamic sharia law, the Provisional Consitution, the Jubaland constitution and the other laws of the land
5. The constitutional court adjudicates on the disputes among Jubaland Government institutions, their powers and their constitutional responsibilities.
6. The constitutional court responds to the requests submitted by the State Assembly with regard to the constitution or a draft law that is being debate on
7. A special law shall define the procedure in which the constitutional court shall carry out its functions.

Article 68: The Judgement Procedures of the Constitutional Court

1. The constitutional court passes judgment on the cases it hears on a simple majority.
2. The members of the public must be informed of the judgments of the constitutional court and they must be published in the Official Gazzette of Jubaland.
3. The secretary will deliver the decisions of the constitutional court to all involved parties and institutions.

Article 69: The Requirements of the Constitutional Court Judges

1. The selection requirements of the the constitutional court judges are the same as those of the High Court judges as stated in Article 60 of this constitution.

Article 70: Disqualification from membership of 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 71: The Regional Courts of Appeal

1. The seat of the Courts of Appeal shall be in the capital cities of the regions of Jubaland.
2. The Courts of Appeal shall hear appeals from rulings by the District Magistrates Court.
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 Supreme Court, as set out in this Constitution. A judge of a Court of Appeal shall possess a recognised legal certificate or great understanding of Islamic Sharia.

Article 72: District Magistrates Court

District Magistrates Court

1. The District Magistrates Courts shall be the courts of first instance, with the exception of government administration cases and cases which the Constitution indicates shall be heard by the High Court.
2. The number of judges on the District Magistrates Courts shall be determined by law.

Article 73: The Office of the Attorney General of Jubaland

1. The Office of the Attorney General shall be part of the judiciary.
2. The Office of the Attorney General shall be subject only to the law.
3. The seat of the Office of the Attorney General shall be the capital city of Jubaland.
4. The Attorney General shall have jurisdiction over the whole of Jubaland State.
5. The Office of the Attorney General shall consist of:
 - a) The State Attorney;
 - b) The Deputy of the State Attorney; and
 - c) The regional State Attorneys.

6. The regional State Attorneys shall have the same authority as the judges of the Appeal Courts. Their appointment and dismissal shall be enacted by the Supreme Judicial Service Council.
7. The regional Attorney General shall have the same rights and immunities as the judges of the courts.

Article 74: Appointment of the Attorney General and His Deputy

1. The Executive shall propose the nomination of the Attorney General and his deputy. After having approved by the Parliament, their nomination shall be issued in a Presidential decree.
2. The requirements of the Attorney General and his deputy:
 - a) They shall be Somali citizens and practicing Muslims
 - b) They shall be at least 40 years of age
 - c) They shall hold university law degrees, shall have work experience of at least five (5) years in the judicial matters or six (6) years as lawyers
 - d) They shall be of sound behaviour and shall have a recognized experience in their professions.

Article 75: 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..

Article 76: The Powers and the 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 takes over.
2. The deputy Attorney General advises the Attorney General on matters under the jurisdiction of the 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 77: The removal of the Attorney General and His Deputy

1. The Attorney General and his deputy can only be removed from their positions in accordance with the law.
2. The Attorney General and his deputy can only lose their positions if found in commission of 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 Parliament for the removal of the Attorney General/his deputy's immunity. The Attorney General/his deputy shall then be prosecuted before a criminal court of law.

Article 78: The Office of Jubaland Solicitor General

The following are the responsibilities of the Office of the Solicitor General;

1. Protection of the government properties in Jubaland and abroad.
2. Review and oversight of the agreements the government signs with other entities.
3. mediation between government institutions.
4. Maintaining databases of laws and international treaties.
5. Gazetting new laws, Presidential, decrees and agreements in the official gazette of the government.
6. The eligibility criteria, powers and the responsibilities of the Solicitor General shall be proscribed by a legislation approved by Parliament.

CHAPTER 7: THE INDEPENDENT COMMISSIONS

Article 79: The General Principles

1. An independent commission is a body that is independent of government or political control, and able 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 80: 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 Parliament.

Article 81: The Judicial Service Commission of Jubaland

1. There shall be a Judicial Service Commission which shall advise the State Government on the administration of justice including recruitment, dismissal and any action taken against judges..
2. The Judicial Service Commission shall be independent, neutral and non-partisan and shall ensure the Independence of the judiciary.
3. The Judicial Service Commission shall have powers and the responsibilities stipulated in the constitution and state laws.

Article 82: The 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 attainment of human rights.
 - c) Monitor and assess the observance of the conduct of human rights in the State of Jubaland of Somalia
2. In accordance with the constitution, the human rights commission shall have powers to perform the following functions:
 - a) To investigate, report on the observance of human rights

- b) To take steps to secure appropriate redress where human rights have been violated.
 - c) To carry out research and
 - d) To educate the public and state officials on international standards relating to human rights
3. The powers and the activities of the human rights commission shall be stipulated in the Human Rights Commission Act which shall be approved by Parliament..
 4. The human rights commission shall be independent, impartial and inclusive.
 5. The members of the Human Rights Commission shall be five (5).

Article 83: The Anti-Corruption Commission

1. There shall be an anti-corruption commission and its mandate is to investigate allegations of corruption that implicate the public sector.
2. The anti-corruption commission has the authority to conduct independent investigations without 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) The advancement, facilitation and support of the international cooperations related to non corruption policies, and
 - c) To promote integrity, accountability and the proper management of the public matters and property.
4. The powers of the Anti-corruption Commission include:
 - a) To prevent, investigate, inject, and publish corruption allegations
 - b) To freeze, seize or confiscate any gains from criminal activities.
 - c) To support the adoption of such laws or other measures necessary to effectively prevent and prosecute criminal matters relating to corruption.
5. The scope of Anti-corruption Commission includes issues relating to:
 - a) corruption of national or foreign officials or officials of public international organisations.
 - b) Embezzlement, misappropriation or any other diversion by a public official of a public and private property.

- c) Trading in influence, and
 - 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.
 8. A special law shall be approved by the Parliament which proscribes the structure and the duties of the Anti-corruption Commission.

Article 84: Land Use and Dispute Resolution Commission

1. There shall be established a Land Use and Dispute and Resolution Commission which shall foster reconciliation, unity, healing and ensure that the matters relating to property dispute are addressed through a legal and state directed process.
2. The responsibilities and the duties of this commission shall be stipulated in a special law approved by the Jubaland Regional Assembly.
3. Members of the Land Use and Dispute Resolution Commission shall not be more than seven (7) members.

Article 85: Independent Security Forces Commission

1. Security Forces Service and Complaints Commission is an independent organization comprising of 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) Rehabilitation, 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 proposed by the Executive and approved by the Parliament.

Article 86: The Civil Service Commission

- 1. The Jubaland State Government shall establish the Independent Civil Service Commission.
- 2. The powers, responsibilities and membership of the commission shall be defined in a special law which shall be approved by Parliament.

Article 87: The Appointment of the Independent Commissions at State Level

- 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 Parliament. If the Parliament approves the names they shall be sent to the President for formal appointment.
- 2. The selection process for independent commissioners shall be fair and transparent contest and shall be based on the administrative knowledge and expertise of the candidates.
- 3. The Independent Civil Service Commission of Jubaland shall supervise the mechanism through which the civil servants working in the independent commissions are selected.

Article 88: Regulations of the Independent Commissions

- 1. The regulations of Jubaland Independent Commissions shall be stated in a law passed made by the Parliament.

Article 89: The Office of the 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 overall jurisdiction covering the entire territory of Jubaland.
- 3. The nomination and resignation of the Auditor General shall be proposed by the cabinet, and shall be approved by Parliament.
- 4. The following eligibility criteria of the Auditor General :

- a) The Auditor General Shall be a Jubalander.
 - b) He/she shall be of least 40 years of age.
 - c) He/she shall hold a university degree and shall have accounting skills as well as at least five (5) years of relevant work experience.
5. Safe for the Auditor General, the rest staff members shall be selected through fair and transparent process supervised by the Jubaland Civil Service Commission.
 6. The Rules of Procedure and administrative structure of the Office of the Auditor General shall be defined in a special law approved by Parliament.

Article 90: The Powers and Responsibilities of 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 pupose indended by 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. Monitoringand investigating mismanagement of the public funds managed by civil servants of the public institutions and international organizations, and it imposing a fine if found guilty of corruption. If investigation prove that criminal acts were committed, the auditor general shall submit the case to the Attorney General for prosecution.

Article 91: The Jubaland Bank

1. The state government bank is an independent institution responsible of:
 - a) The treasury of the state government
 - b) Authorizes the private financial institutions
 - c) Supervises the financial institutions in Jubaland
2. The bank is headed by the following seven (7) staff members:
 - a) The Bank Commissioner

- b) The Director General of the finance ministry
 - c) 3 staff members with high level financial and economic skills
 - d) 2 staff 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 Jubaland bank shall be nominated by the Executive. They may be removed from their post if they violate the law. Their appointment and resignation shall be approved by the Parliament.
 4. A special provision shall define the mode of operation of the bank.

Article 92: Peace building and reconciliation commission

1. There shall be established a peace building and reconciliation commission to foster healing in the state of Jubbaland, reconciliation and unity to ensure that matters relating to impunity, revenge and other triggers of violence are addressed through illegal 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 peace and reconciliation commission shall include;
 - a) Bearing witness to record and grant amnesty to the perpetrators of crimes relating to human rights violations and rehabilitation of the criminals, and
 - b) Promoting forgiveness, reconciliation and Jubaland state unity.
 - c) The Jubaland Parliament shall approve special law stipulating the powers and responsibilities of the peace building and reconciliation commission.

CHAPTER 8: JUBBALAND SECURITY FORCES

Article 93: Jubaland Security Forces

1. Jubaland security forces include:
 - a) The police.
 - b) Custodial corps and prison warders.

- c) The intelligence forces.
 - d) Darvish army.
 - e) Coastal guards.
2. A special regulation shall stipulate the structure and the responsibilities of all the security forces.

CHAPTER 8: THE RELATION WITH THE FEDERAL GOVERNMENT

Article 94: The Relation Between the Jubaland State Government and the Federal Government of Somalia

1. Jubaland is a member of the Federal Government of Somalia.
2. The relationship between the Federal Government and Jubaland shall be guided by unit five (5) of the constitution of the Federal Republic of Somalia.
3. The following agendas shall be jointly discussed by Jubaland and Federal Government:
 - a) The natural and the manmade resources
 - b) Income sharing (income distribution)
 - c) Tourism and the environmental and wildlife protection
 - d) Heritage and historic sites
 - e) Economic infrastructure
 - f) The trade between regional states
 - g) Revenue sharing (revenue distribution)

Article 95: The Independent Boundaries and Electoral Commission of Jubaland

1. Depending on the negotiations between Jubaland state government and the Federal Republic of Somalia, the Independent Boundaries and Electoral Commission shall be established for Jubaland for the purpose of protecting the boundaries of Jubaland and for the state government to become an important member of the Federal Republic of Somalia.
2. The commission may utilize: experts who shall carry out investigations and research. Their tasks also include the drawing of maps such as those that shall be used for the elections, census and Jubaland administration.
3. The commission shall carry out an investigation on changes in the environment, the society,

politics, and the economy, and it shall also cooperate with the Federal Government on boundaries issues

4. The commission is independent, neutral and represents the entire Jubaland territory.
5. The boundaries and the electoral commission is independent from the other government authorities. The commission is authorized to manage its own budget.
6. The duties of this commission include:
 - a) Preparing the Presidential election
 - b) Preparing the Parliamentary election
 - c) Supporting the smooth-running of the voters registration
 - d) Registering the election candidates
 - e) Preparing district level elections
 - f) Registering political parties
 - g) Solving of election disputes
 - h) Facilitating election activities such as monitoring and evaluation
 - i) Managing of electoral resources
 - j) Preparing the electoral bylaws meant for the candidates and the political parties
 - k) Supervising the mechanism in which the political parties shall nominate their candidates
 - l) Enhancing awareness among voters
 - m) The independent boundaries and electoral commission comprises of seven (7) members who shall be proposed and hence approved by the Parliament.
- 3) A special provision shall regulate the activities and the duties of the independent boundaries and electoral commission.

Article 96: The Responsibilities of Jubaland State Government

1. The Jubaland State Government is responsible of:
 - a) Education, recreational facilities and children entertainment gardens
 - b) Health and sanitation and environmental hygiene

- c) Industrial, agricultural, veterinary and fishery development
- d) Issuing business licenses, tax collection and business development
- e) Local government and housing
- f) Local security
- g) Economic infrastructure
- h) Resources and environmental safety
- i) Tourism

Article 97: Governance System

1. Jubaland State Government is a member of the Federal Government of Somalia, hence the Jubaland State Government has the responsibility of contributing to the implementing of federal based Somali government.
2. The powers the Jubaland government shall hand over to the Federal Government of Somalia and the duties that it shall have towards the Federal Government shall be based on negotiations and agreement between the two entities which shall be defined in the constitution of the Federal Republic of Somalia and in the constitution of Jubaland, whereas this shall undergo review and progression.
3. The stand Jubaland shall have on disputes with the Federal Government of Somalia shall rely on the constitutional decision by the Constitutional Court following the submission of the dispute to it and following its recommendation on the matter.

CHAPTER 9: MISCELLANEOUS

Article 98: The Transitional Period

1. The transitional constitution is the official law in the land during the transitional period and afterwards.
2. This constitution shall come into force following approval by the envoys.
3. This constitution shall become official after having been voted in a public referendum.
4. The Jubaland government shall speed up the constitutional review and its development with a view of the paving the way for a referendum in the near future.

Article 99: Constitutional Amendment

1. The power to amend this transitional constitution is the responsibility of the Parliament.
2. Prior to the commencement of the amendment of the constitution, the Independent Constitutional Review and Implementation Commission shall prepare a comprehensive report indicating the provisions of constitution that are in need of review and amendment.
3. The constitutional amendment may be proposed by:
 - a) One quarter (1/4) of the members of the Parliament.
 - b) At least 5,000 voters.
4. The amendment of the constitution shall be approved by two thirds (2/3) of the members of the Parliament.

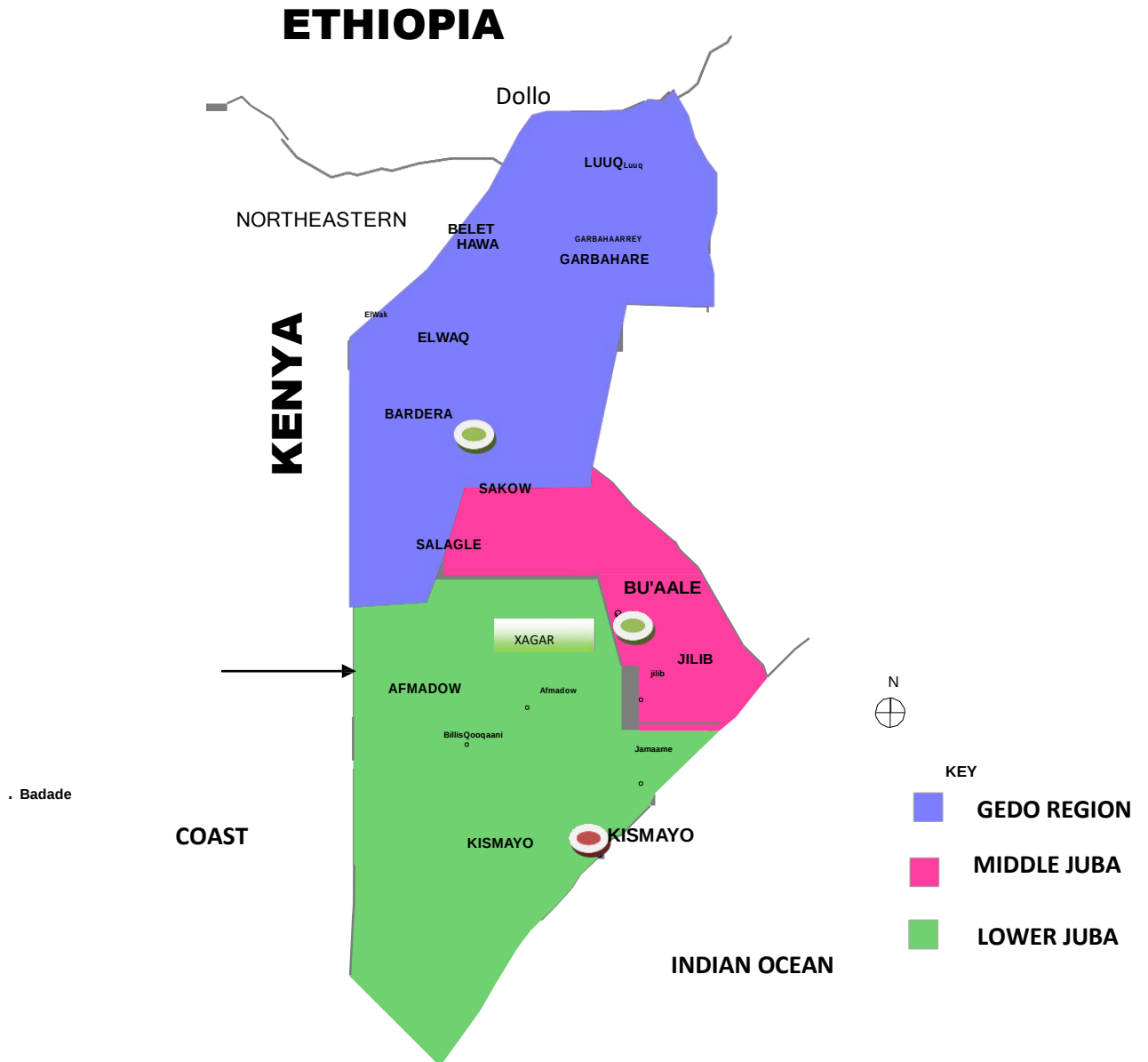
Article 100: Solving Constitutional Disputes

1. Any dispute on the interpretation of the provisions of this constitution shall be submitted to the Jubaland Constitutional Court which will issue a judgement on it in a period of ninety (90) days starting from the date the dispute was submitted to it.
2. If the decision of the Jubaland Constitutional Court is unsatisfactory, the case shall be referred to the Constitutional Court of the Federal Republic of Somalia.

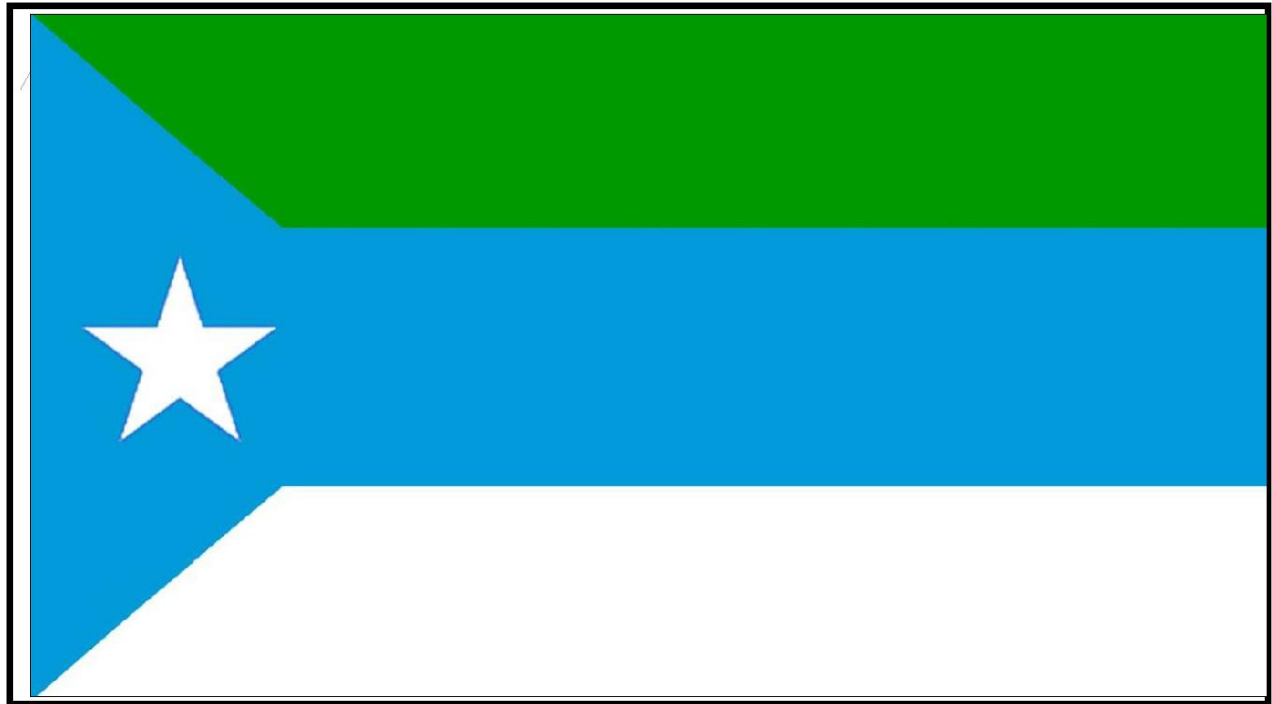
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SCHEDULES

SCHEDULE ONE: MAP OF JUBALAND STATE OF SOMALIA



SCHEDULE TWO-THE STATE GOVERNMENT OF JUBALAND FLAG



SCHEDULE THREE: THE STATE GOVERNMENT OF JUBALAND EMBLEM

