

**CONSTITUTION OF THE
REGIONAL PUNTLAND STATE
OF SOMALIA**

FIRST DRAFT

The Regional State of Puntland
First Draft of Revised Constitution

Introductory Note:

This draft of the revised Constitution of Regional State of Somalia is the result of the first phase of the constitutional review process. This draft should in no way be considered as the final constitutional revision as it still needs to go through the very important process of being presented key stakeholders for their consultative inputs. The printing of this draft will be used during the stake holders' forums, which marks the second phase of this work. The forums will provide an opportunity for stakeholders to voice their issues and concerns for consideration to be incorporated into a second draft of the Constitution. The second draft will be presented to the Puntland Government, who will then pass it on to the Puntland Parliament for submission to a popular referendum.

I'm extending my gratitude to the Puntland Regional State for its historic decision to review the provisional constitution and its support to the process. Similarly, I'm expressing my appreciation to Interpeace for the financial and technical support availed throughout this initiative.

Finally, I thank the members of Constitutional Review Committee for their unreserved commitment as well as the secretary of the committee, who has played an essential role in this drafting exercise.

Chairman of the Constitutional Review Committee (CRC) of
Regional State of Puntland.

Mohamed Hassan Mohamud

Title I
**THE PUNTLAND STATE AND ITS FOUNDING
PRINCIPLES**

Article 1
NAME AND PURPOSE

1. The name of the State shall be Regional Puntland State of Somalia.
2. Puntland State has been created for the sole purpose to develop conditions for the well being of all the Puntlanders; its activities will be oriented to ensure a peaceful, just and productive life for all its inhabitants and to contribute to those goals for the whole Somali people.

Article 2
SUPREMACY OF THE LAW

1. The Law is above every one.
2. All State institutions and the entire population of Puntland shall be subject to the Law.

Article 3
SYSTEM OF GOVERNMENT

1. Puntland State is part of Somalia; it is her duty to contribute to the establishment and protect a Somali Government based on the Federal System.
2. The powers that Puntland State shall cede to the Federal Government of Somalia and the rights that will be preserved shall be determined through negotiation.
3. Pending the completion of the Federal Constitution approved by a popular referendum, Puntland State shall have the status of an independent State.
4. All power shall be vested in the people and delegated to public officials in accordance with the Law; public officials are the servants of the people and shall exercise their public functions in accordance with the Law, doing only what the Law orders or allows them to do.
5. No individual, group or part of society shall exercise sovereignty exclusively to themselves.
6. The political system of Puntland State is based on the guiding principles of:
 - (a) Sharia law
 - (b) democracy,

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- (c) good governance,
 - (d) consensus building,
 - (e) supremacy of public interest over private interest,
 - (f) multi-party competition for public office, and
 - (g) territorial decentralization of functions.
7. Puntland recognizes the policy of self-determination for the peoples of the world.
 8. Puntland promotes the principle of solving existing and future disputes, at the international level, through dialogue and peaceful means.

Article 4
THE PEOPLE

1. All persons holding Puntland nationality constitute the people of Puntland.
2. Every person born in the territory of Puntland or whose parents or one of them were born in the territory of Puntland shall be deemed as a national of the Puntland State.
3. The nationality acquired in accordance with this article shall be protected by the Law.
4. The Law will define the procedures for acquiring and losing nationality.

Article 5
THE CENSUS

1. A census shall be conducted in Puntland once every ten years.
2. A Law dealing with the timing and procedures for conducting the census shall be enacted.

Article 6
LAND AND BOUNDARIES

1. Puntland consists of the Regions of Bari, Nugaal, Sool, South Togdheer (Buuhoodle district), Mudug (save for Hobyo and Haradheere) and Sanaag (save for Ceelafweyn and Northwest Ceerigaabo District).
2. The Boundaries of Puntland are those of her regions and districts before the outbreak of hostilities in 1991.
3. The Puntland territory comprises: the airspace; the soil and the subsoil; the territorial waters, its contiguous zone and the Exclusive Economic Zone at sea up to a distance of 200 nautical miles from the mean low water mark, and with the Continental Shelf.
4. The territorial sovereignty of Puntland is supreme and cannot be ceded or violated.

**Article 7
LANGUAGE**

Somali and Arabic languages are official languages of Puntland State, while English is the secondary language.

**Article 8
RELIGION**

1. Islam shall be the only Religion of the Regional Puntland State of Somalia.
2. With the exception of Islam, no other religion can be spread in the Puntland State; the Laws and culture of the people shall be based on the Islamic Religion.

**Article 9
THE CAPITAL CITY**

1. The capital city of the Puntland State shall be Garowe; it shall also be the seat of government.
2. Legislation governing the administration of the capital city shall be enacted within 3 months of the implementation of the constitution.

**Article 10
FLAG, SYMBOL AND ANTHEM OF PUNTLAND STATE**

TO BE DECIDED.

**Title II
THE FUNDAMENTAL RIGHTS AND GUARANTEES
OF THE PERSON**

**Chapter One
INDIVIDUAL RIGHTS AND THEIR SUSPENSION**

**Section 1
INDIVIDUAL RIGHTS**

**Article 11
EQUALITY OF THE CITIZENS**

1. All persons are equal before the Law.

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2. No person shall suffer any form of discrimination based on colour, religion, birth, nationality, property, beliefs, political affiliation, language or race.
3. The constitution safeguards and respects the rights of the minorities.

Article 12
FREEDOM OF WORSHIP

1. Every person has the freedom to worship in what he/she believes and shall not be forced to accept another.
2. A Muslim cannot renounce her/his religion.

Article 13
FREEDOM OF THOUGHT

1. Everyone is free to have his/her thoughts and can publicise them. Prior censorship is forbidden.
2. An individual can express his/her thoughts through speech, the media, scripture, propaganda, visual arts, poetry and in any manner consistent with the Law and moral standards.

Article 14
THE RIGHT TO FORM AND JOIN SOCIAL ORGANIZATIONS

1. Any person shall have the right to form or join organizations pursuing socio-economic, sport, cultural, or scientific objectives.
2. The formation of an association shall be consistent with the Law and the interest of the Puntland people.
3. Associations of clan or military nature are forbidden.

Article 15
FREEDOM OF MOVEMENT

1. Any person shall be free to travel or settle wherever he/she wishes and also to travel out of the Puntland State and back whenever he/she wishes.
2. Only Laws and by-laws can introduce limitation to this freedom of movement.

Article 16

RIGHT OF OWNERSHIP OF PROPERTY

1. Every person shall have the right to own, administer and dispose of property by lawful means.
2. Laws will establish the rules and procedures which could limit this right of ownership of property.
3. The freedom to produce goods is recognized, but the producer ought to comply with the legal and administrative requirements existing in the country.
4. No person shall be charged levy/expenses or be deprived of his or her property unless it is according to the Law.

Article 17

THE RIGHT TO LIFE AND THE PROTECTION OF THE BODY

1. Every person has a right to his/her life; save for capital punishment imposed in accordance with the Law.
2. Every person shall have a right to protection of his/her body and self esteem.
3. Violations of the individual right to life and protection such as massacre, torture, detention, and execution without trial are prohibited.

Article 18

PERSONAL LIBERTY

1. No person shall be deprived of his/her personal liberty; any restriction by the public authorities to this right must be explicitly established by the Law.
2. Slavery and slave trade is prohibited.
3. All personal liberties should not in anyway contradict/contravene the Islamic Sharia Laws, the by-Laws, moral decency, stability of the country or the rights of another person.

Article 19

POLITICAL ASYLUM AND EXTRADITION

1. Any foreigner who requests political asylum may be granted if he/she fulfils the terms and conditions for granting asylum and with respect to the international treaties.
2. It is prohibited to extradite a citizen of Puntland to another country.

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3. Puntland may extradite a criminal or an accused foreigner who escaped from his/her country if an extradition treaty exists between Puntland and the country requesting the extradition.
4. No person shall be extradited on political grounds.

Article 20
SECURITY OF THE HOMES

1. Homes and other residential areas shall be respected.
2. Inspection of, spying on, and forceful entrance into a person's house is prohibited without a court warrant or other judicial directives. The police may enter a private house without a warrant in the immediate pursuit of a criminal or when a crime is being inside the property.
3. It is mandatory that the court warrant is read to the owner/occupant of the house prior to inspection/entrance and the searcher should not violate the court orders.

Article 21
THE MEDIA RIGHT

1. The press and media shall be free and no intervention or limitation shall be applied to it unless it is specified by the Law.
2. Specific Laws shall be enacted to regulate the modus operandi of the media.

Article 22
FREEDOM OF COMMUNICATION

There shall be no interference in a person's letters, telecommunications, press or written material, save for judicial directives that permit their search, follow-up, or listening to, however, even then there must be a court order giving full explanation for the action taken.

Article 23
PUBLIC GATHERING

1. Every person shall have the right to assemble and mobilize and participate in peaceful demonstrations but he/she should issue prior notice to the Authorities concerned.
2. Assemblies and demonstrations shall be prohibited if they happen to be against the Islamic Religion, public health, security, decency, or stability. A Law will regulate the authority and procedures to implement these prohibitions.

Article 24

THE RIGHT TO ACCUSE AND SELF DEFENCE

1. Every person shall have the right to institute legal proceedings in a competent court.
2. Every person shall have the right to self defence in front of court.
3. The Puntland State shall appoint a lawyer for any person unable to defend himself/herself, or devoid of means to procure one.
4. The access to justice is free of any fee or charge unless established by Law.

Article 25

OFFENCE AND PUNISHMENT

1. The punishment for any offence shall be charged solely against the person that has committed the said offence.
2. No one shall be detained or punish for an act, unless it is considered unlawful by the Law. Penal Laws cannot be applied retroactively,
3. No one can be subjected to a punishment that was not decreed by a competent court of Law.

Article 26

THE RIGHTS OF THE ACCUSED

1. Any person who is charged with a criminal offence shall be presumed innocent until he/she is proven guilty in a competent court of Law.
2. The accused shall have the right to protection, security and human dignity.
3. An accused person shall not be detained in a facility other than those legally recognized.
4. The accused shall within 48 hours be brought before a court of Law.
5. The offence shall be read to the accused in detail and explained to him/her by the court of Law.
6. The accused shall have the right to be visited by his/her relatives, Lawyer, doctor, and friends; he/she shall also have the right to be released on bail if permitted by the Law.
7. The accused shall have the right to engage the services of a Lawyer to defend him/her; the government shall guarantee free legal services for the accused if he/she cannot afford it.
8. An accused person shall not be forced to confess to the crime against himself or herself.

Article 27

THE RIGHTS OF THE CONVICTED PERSON

1. Any person sentenced by a court of Law shall have the right to protection, security and dignity as a human being.
2. Every prisoner shall have the right to be visited by his/her relatives, Lawyer, doctor and friends.
3. Every prisoner shall be entitled to medical attention, food and education.
4. Every prisoner shall be entitled to the universal rights granted to prisoners worldwide.
5. Every prisoner shall have the right to appeal against the court sentence.

Section 2

STATE OF EXCEPTION OF INDIVIDUAL LIBERTIES

Article 28

STATE OF EMERGENCY

1. In the event of war, invasion of the territory, rebellion, natural calamity, catastrophe, epidemic or grave disturbance of the public order, the guarantees established in Articles 13, 15, 20, 21, 22 and 23, could be suspended temporarily. In the case of the right to assemble and demonstrate the suspension can not be applied to cultural, religious and sportive gatherings.
2. The state of emergency can be declared for the whole of the territory or for part of it.
3. The only competent authorities to declare a state of emergency are the House of Representatives by a legislative decree or the Council of Minister by an Executive Decree.
4. The state of emergency can only be declare for a period of not more than 30 days; if the conditions that prompted it continue to affect the population, it could be renewed for further periods of not more that 30 days and only by the House of Representatives.
5. If the causes disappear or there is no renewal of the decree by the House, the state of emergency will end.

**Chapter Two
SOCIAL RIGHTS**

**Section 1
THE FAMILY**

**Article 29
FAMILY RIGHTS**

The family is the basic unit of the society and is entitled to protection by the Law. It is formed by a man and a woman, both of age and legally married, and includes their offspring.

**Article 30
THE RIGHTS OF CHILDREN**

1. A minor is any individual below the age of 15.
2. A minor has a right to life, name, nationality, education and support.
3. Any kind of labour that could have a negative impact on a child's life, culture, upbringing, or education are prohibited.
4. Abortion is prohibited, save where it is medically prescribed by a medical doctor.

**Article 31
EDUCATION**

1. Each and every person has a right to education.
2. The promotion and expansion of education shall be the duty of the Puntland State.
3. It is the responsibility of the Puntland State to eradicate illiteracy in Somali language.
4. Primary education is compulsory for every child. It is the responsibility of the government to provide the educational facilities and personnel to provide for it. When the circumstances allow, the government may raise the compulsory level of education.
5. The Puntland State will encourage religious and private institutions of education.
6. It is the responsibility of the government to elaborate and supervise a common syllabus at primary and secondary levels of education.
7. Islamic teaching is fundamental and shall be compulsory at all educational levels.

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8. All adults have the freedom of choice to select what he/she learns and his/her trade (profession). The government shall develop specific programs to overcome adult illiteracy and to develop a policy of female education.
9. The founding of schools, technical institutes and universities by private individuals and institutions shall be encouraged, according to the needs and educational policies of the Puntland State and complying with the curriculum and other regulations established by the Government.
10. It is the responsibility of the government to promote culture and heritage.
11. It is the duty of the Government to set up institutions of higher education.
12. A special Law shall regulate private education.

Article 32

HEALTH

1. It is the Government's responsibility to provide public health, both preventive and curative, to all the inhabitants, but special care must be taken for the health condition of women and children.
2. The universal vaccination of children under five years old is a priority and the parents or guardian of the child is under the obligation to cooperate with the health authorities.
3. In order to fulfil these responsibilities, the Government will set up and develop a national health system.
4. The private practice of medicine is allowed, as well as the opening of private clinics, health centres and hospitals. The practice of running private facilities shall be regulated by proper legislation and supervised by the government.

Article 33

PHYSICALLY AND MENTALLY DISABLED

1. For the disabled or any other persons that cannot sustain himself/herself and has nobody to sustain him/her, it shall be the responsibility of the Government to sustain him/her.
2. The Government should encourage and establish organizations that support persons referred to in this article.
3. A special Law shall define the categories of people who cannot sustain themselves

Article 34

RIGHTS OF WOMEN

It is the duty of the government to protect and promote the rights, independence and roles of women in the social, economic and political spheres, respecting the Islamic religious norms.

**Article 35
LABOUR**

1. It shall be the duty of the government to create additional employment opportunities and upgrade training of personnel.
2. Forced labour is prohibited unless the Law states otherwise; the Law shall explain such provisions in detail.
3. Each employee shall have a right to a salary commensurate with the work he/she performs.
4. Each worker/employee shall have the right to be paid for one day weekly rest and annual leave and public holidays as stipulated in the Laws, additionally women will have the right to a maternity paid leave without infringing on her salary.
5. The government shall assist the workers both physically and morally.
6. On matters of work conditions and remuneration, the workers have the right to strike according to the procedures established by Law. The Forces cannot strike.
7. Each worker has a right to select the employer of his/her choice.

**Article 36
SOCIAL SECURITY**

1. The Puntland State shall establish the legislation and institutions to guarantee the employees, public and private, the right to a pension.
2. Every person working for the government who is injured, falls sick, or becomes incapacitated to work shall be granted assistance in accordance with the Law.
3. The government will set up a social security system for public and private employees, financed by contributions from the government, the employers and the employees.

**Chapter Three
CITIZENSHIP AND ELECTORAL PROCEDURES**

**Article 37
CITIZENSHIP**

1. To become a citizen it is necessary to be a national of Puntland State and eighteen (18) years of age.
2. A citizen shall not lose his/her citizenship even if he/she acquires the citizenship of another country.

**Article 38
THE CITIZENS RIGHTS**

Every citizen has the right to:

- (a) participate in elections and to vote,
- (b) set up or to associate with political parties, and
- (c) compete for public office in elections.

**Article 39
THE RIGHT TO ADDRESS AUTHORITIES**

1. Every citizen has the right to write a letter of petition or of complaint to the President, the Parliament, the Cabinet or any other official authority.
2. The authority shall respond within forty-five (45) days.

**Article 40
THE CITIZENS DUTIES**

1. The citizen is under the obligation to:
 - (a) vote in all the elections,
 - (b) strengthen the unity of the people and safeguard the existence of the statehood of Puntland,
 - (c) respect the Islamic Religion, the Constitution, the Laws of the land,
 - (d) pay taxes, and
 - (e) participate in the defence of Puntland State when called upon or when it becomes imperative.
2. An act of parliament shall describe the punishment to those who default on this Article.

**Article 41
SUSPENSION OF CITIZEN RIGHTS**

The exercise of the citizen rights are suspended if:

- (a) the person has been declared by a Court of Justice under formal imprisonment. The suspension will last until the person is declared free by the tribunal or completed his prison term;
- (b) the person is deprived of its mental faculties;
- (c) the person is declared by a judge to be incapable to perform his/her responsibilities; the suspension will last until the judge declares the person able to perform those duties; or

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- (d) a person, elected by the people to public office, refuses to perform the duty without a reasonable cause. The suspensions of the citizen rights will last for the period that person were elected.

Article 42
ELECTIONS

1. All citizens that fulfil the conditions/qualifications required by Law have the right to vote and to be elected.
2. The House of Representatives and the District Councils are offices to be elected by the direct vote.
3. Voting for these offices shall be made in a democratic way regulated by the Law and conducted by an autonomous institution of the Puntland State, vested with constitutional powers.
4. The vote shall have the following characteristics: universal, equal for all the citizens, personal, secret and free of any outside interference.
5. For the House of Representatives and the District Councils, the Law will established the electoral circumscriptions and the system of election shall be by proportional representation. In both elections, the number of seats will be based on the population.
6. The date for each election shall be determined by the electoral authority, but it shall not be less than two months nor more than four months before the end of the period of the elected functionaries.
7. Before holding any elections, a Law shall be put into effect in order to regulate all the aspects necessary for a democratic election.

Article 43
PROHIBITIONS

1. The members of the Armed Forces in active duty, the members of the police forces and the judges shall not have membership in any political parties, nor become candidates in any election.
2. Government functionaries cannot become candidates unless they resigned their post. The Law will establish the period of time for complying with this.

Article 44
POLITICAL PARTIES

1. The multi-party system shall be practiced in the Puntland State.
2. There shall be a maximum of three political parties. In the first District Council election, of all the political associations participating, the three (3) associations getting the most

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votes will have the right to become Political Parties. From there on, in every uneven election for local authorities, associations will be allowed to vie for becoming a political party as the procedure explains above.

3. Political parties of military, religious or tribal character shall be prohibited.
4. Any person who wins a seat through a party and thereafter deserts the party shall automatically loose the seat.
5. Public property destined to common use and the mass media controlled by the Government may be used by the political parties only for electoral or party activities, on an equal basis for all. Neither other Puntland State installations nor Puntland State resources can be used for party activities or for electoral propaganda.
6. Any individual accused of using the national wealth for political party ends shall be arraigned before a court of Law.
7. Rules and regulations governing political parties shall be addressed in separate Laws to be introduced by the Government and approved by the House.

Article 45

CONDITIONS FOR OPENING A POLITICAL PARTY

1. No party shall participate in elections if it has not been legalized by the Puntland Electoral Commission.
2. For a party to be legalized it is required to present a program of action and the internal by Laws that will regulate its activities.
3. The Puntland Electoral Commission shall examine these documents and could only deny the inscription if the program or internal by Laws contains violation of constitutional norms.
4. A specific Law, regulating the implementation of the rule stated in Article 44. 2, as well as other the requisites and procedures for legalizing a political organization or a party, and the conditions under which a party could be penalized or cancelled, shall be pass by the House.
5. In the event of the political party disappearing or being cancelled, the leader of the political Association that got the fourth majority in the last district council election, will be called by the Puntland Electoral Commission, to become a political party.

**Title III
ECONOMY**

**Article 46
THE ECONOMIC ORDER PURPOSE**

The economic order will be oriented to give all the inhabitants of Puntland a way of life in accordance with their dignity as human beings, satisfying the basic material and spiritual needs of all the persons in the society, in consonance with the principles of social justice.

**Article 47
SOCIO-ECONOMIC SYSTEM OF A FREE ENTERPRISE**

1. Puntland's economic order shall be based on the socio-economic system of a free enterprise; it shall encourage and guarantee investment in the country, be it that of foreigners or local entrepreneurs.
2. Commercial activities shall be practiced based on free competition.
3. A Law shall be enacted to promote and regulate free competition.

**Article 48
NATURAL RESOURCES**

1. Puntland natural resources belong to Puntland people and can be exploited in conformity with the Law.
2. The Puntland State is responsible for the protection and exploitations of the natural resources.
3. The Puntland State may make agreements with national or foreign companies and give them the exploitation of natural resources
4. The concession shall be approved by the House of Representatives and can not last for more that twenty-five (25) years.

**Article 49
PROTECTION OF THE ENVIRONMENT**

1. It is the responsibility of the Puntland State and of all its inhabitants to restore and protect the environment.
2. Desertification/extermination is prohibited as well as contaminating the environment.
3. Export of charcoal, female animals and wildlife is prohibited

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4. Settlements can not be developed in non-suitable areas.
5. Proper and comprehensive legislation shall be approved by the house of the Representative in order to develop these responsibilities.

Article 50

THE ROLE OF THE STATE IN THE ECONOMY

1. The Puntland State shall promote economic development and will cooperate with the private sector to increase production and productivity. Special care will be taken in promoting and protecting small and medium size enterprises, as well as cooperative forms of economic organization.
2. The Puntland State shall protect the country's resources, ensuring that a rational and sustainable use of the resources is made for all the participants in the economic process.
3. It is a direct responsibility of the Puntland State to defend the consumer's interests.

Article 51

JOINT VENTURE COMPANIES

1. The Government may set up or enter into joint venture companies with the participation of private or public investors, be they national or foreigners.
2. The head of such company shall jointly be approved by the minister under whose docket it falls and the organ of the company.

Article 52

TRANSACTION OF PUBLIC PROPERTY

1. Any transfer of Puntland State's property shall be done according to procedures contained in the Law.
2. It is prohibited to transact public property if the government is not a party to such transactions.
3. For any form of transfer of property owned by the Puntland State, the Law will specify the limit of the value of the property that the President or a corresponding minister could authorize, as well as the limit that will need Cabinet authorization; any transaction of a higher value shall be approved by the House of Representative.

Article 53

NATIONALISATION OF PRIVATE PROPERTY

1. A person's legally acquired property cannot be expropriated except for public interest in exchange for equitable and timely compensation.

2. A Law shall define the private property that can be expropriated for public interest.

Title IV

THE STRUCTURE OF THE GOVERNMENT

Chapter One

THE FUNDAMENTAL ORGANS OF THE STATE

Article 54

PARLIAMENTARY REGIME

The regime's form of Puntland shall be parliamentary.

Article 55

THE THREE ORGANS OF THE STATE

The three fundamental organs of the state in which the power is vested are as follows:

- (a) The House of Representatives;
- (b) The Executive which is the Government;
- (c) The Judiciary.

Article 56

SEPARATION OF ORGANS

1. Each organ is independent in the exercise of its functions and is not subordinated to the other organs, except in the specific cases that this Constitution explicitly establishes.
2. Delegation of the functions and responsibilities from one organ to the other is forbidden.
3. No individual shall be allowed to be a member of more than one of the three organs of the Puntland State at the same time.

Article 57

COOPERATION OF ORGANS

Cooperation among the three Organs of the Puntland State is necessary and shall be developed by the head of each organ in a systematic way.

**Chapter Two
THE LEGISLATURE**

**Section 1
THE HOUSE OF REPRESENTATIVES**

**Article 58
HOUSE OF REPRESENTATIVES**

1. The legislative powers of Puntland shall be vested in the House of Representatives which represent the people of Puntland as a whole.
2. The House of Representatives shall consist of 66 Deputies directly elected by the people by universal suffrage.
3. The term of the House of Representatives shall be five (5) years; the tenure shall commence from the date the election results are announced. A member of the House of Representatives may be re-elected.
4. The functions of the House of Representatives shall officially commence within 30 days from the date of the election results are announced.

**Article 59
ELIGIBILITY CRITERIA FOR MEMBERSHIP OF THE HOUSE OF
REPRESENTATIVES**

The criteria for eligibility as a member of the House of Representatives is as follows:

- (a) He/She must be Puntlander, responsible and with sound mind, and not less than 25 years of age.
- (b) He/She shall have not suspended his/her citizen's rights in the previous 5 years due to a judicial sentence.
- (c) He/She must possess a secondary school certificate or its equivalent in experience.
- (d) Before any candidate is accepted to the House, the Puntland Electoral Commission will make sure that he/she complies with these requisites.

**Article 60
CRITERIA FOR LOSING MEMBERSHIP OF THE HOUSE OF
REPRESENTATIVES**

1. A member shall lose his/her seat in the House of Representatives if:
 - (a) the member dies;
 - (b) the member submits a letter of resignation and the House of Representatives accepts;

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- (c) failure to attend two subsequent sessions without valid cause; or
 - (d) the member's citizenship rights are suspended.
2. If a member loses his/her seat in the House of Representatives he/she shall be replaced by the person who, in conjunction with the previous elections, happens to legally merit the position
 3. The Electoral Law will detail the procedures for choosing the substitute and that person must be sworn into office within 30 days.

Article 61

INTERNAL REGULATION OF THE HOUSE

1. At the first opening meeting the House of Representatives shall elect the Speaker of the House and two deputy speakers: a 1st Deputy Speaker and a 2nd Deputy Speaker.
2. At the first session of the House of Representatives, the internal by-laws organizing the legislative work shall be approved.
3. The House of Representatives will have plenary sessions for debating, approving and/or rejecting the matters brought to their attention.
4. The plenary sessions are open to the public, but if the government requests it or the leadership of the House of Representatives consider that the matter to be debated needs privacy, the plenum could determine to hold the session behind closed doors.
5. The members of the House of Representatives will be assigned by the leadership to a number of permanent committees set up by an internal by-law of the House and according to the subjects that are brought to the House for decision;
6. The committees must reflect the balance of political forces in the plenary and their task will be to prepare, process and present to it the matters that the plenary will debate. The issues that may be brought to the plenary for decision shall be only those that have been agreed upon by the corresponding committee.
7. In matters of urgency, the plenary could deal directly with an issue without a committee report, however, to do so it is necessary to first obtain an affirmative vote from the House to forgo the committee.
8. The House of Representatives shall elect from its members a standing committee entrusted to compile the work of the House during recess.
9. The House of Representatives shall have a Permanent Secretary, who is not a member of the House.
10. The House of Representatives shall have advisors and clerks to illustrate the debates at the committee level and to do the paperwork of the committees.
11. The quorum for installing, maintaining deliberations and taking decisions in a plenary or a committee meeting is half plus one of the total numbers of members of the House of

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Representatives or the committee. A different quorum will be required only if this constitution orders so.

12. The votes in the House of Representatives will be taken by a system of raising hands, unless this constitution orders a different way. Raising hands may be substituted by an electronic voting system when installed in the House.

Article 62

THE POWERS OF THE HOUSE OF REPRESENTATIVES

The House of Representatives has the following powers and responsibilities:

1. To approve, reform, or derogate the Laws of the Puntland State;
2. To make legal and general interpretations or clarifications of any Law whose meaning is considered obscure or ambiguous.
3. To declare that a Law is of public necessity.
4. To declare war and to ratify peace.
5. To ratify by a majority of two-thirds (2/3) of the members any international treaty or agreement to which the Puntland State is to be party to.
6. To ratify by a majority of two-thirds of the members any monetary obligation that the Puntland State contracts with a foreign lender.
7. To approve new districts or regions proposed by the government.
8. To discuss, debate, criticise and contribute to the Government's policies.
9. To follow-up the implementation of the Laws approved by the House of Representatives.
10. To elect the President and Vice president of the Puntland State in a secret ballot. With a 2/3 majority in the first two rounds and by a simple majority in the third. In the case of other functionaries whose election is made by the House of Representatives, if not stated otherwise, a majority of the elected members will be sufficient and the election will be done by public and nominal vote.
11. To elect the following High Officials: the Human Rights Defender, two members of Puntland Electoral Commission and two Judges of the Constitutional Court, by public nominal vote.
12. To ratify the functionaries appointed by the Executive and that this Constitution mandates to do so. The functionaries that require ratification could start to exercise their duties once the President has notified the House of Representatives of their designation; if in the 3 months that follow, the House has not taken a vote on ratification it is presumed that the House is in agreement with the Executive.
13. To approve the government program.

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14. To approve the annual budget presented by the government or any subsequent modification of it. The House of Representatives cannot increase the total amount of expenditure in the budget. If the House intends to reduce the budget or modify the distribution, they shall inform the Executive and consult its opinion before a vote is taken. If the Executive does not respond within three (3) days, it is presumed the Government is in agreement with the modifications.
15. To approve the financial report of the budget execution of the previous year, presented by the Auditor General, and to make recommendations to the executive branch or reforms in the Laws that regulate this matter.
16. To decree taxes and any other contribution that the government or the local authorities are going to collect from the inhabitants.
17. To create, suppress or modify public employees' posts and assign them salaries.
18. To establish and regulate the national currency.
19. To approve/refuse, within 30 days, emergency decrees issued by the Government. If the emergency decree is rejected it shall become null and void, however, the activities already implemented based on the emergency decree should be valid, unless declared unconstitutional by the Court.
20. To ratify the cabinet presented by the President at the beginning of the presidential period or after any total or partial change to it. Once the cabinet or the new ministers has been officially presented, the House of Representatives has no more than two weeks to debate and vote for ratification; if they fail to do so, the minister(s) will be considered legally ratified by the House.
21. To summon a member of the Cabinet and/or heads of autonomous institutions to answer questions and to provide information on issues that the House of Representatives or its committees are considering. If the functionary does not observe the summons, without a valid reason, the plenary will vote on a no confidence resolution against the functionary.
22. To withdraw immunity of prosecution to any of its members or the functionaries elected or ratified by the House of Representatives, whenever the Attorney General submits to the House enough proof of a crime committed by the official. In the case of impeachment of the President or Vice-President a special majority is required.
23. If any member or any of the functionaries elected by the House of Representatives is caught in committing a flagrant act of crime, the House will discuss and approve the arrest or the institution of legal criminal procedures against him or her.

Article 63

SESSIONS OF THE HOUSE OF REPRESENTATIVES

1. The House of Representatives shall hold two (2) ordinary sessions annually, June and October.

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2. Extraordinary sessions may be convened by the Speaker of the House at the request of the President or upon requisition by one quarter of the members of the House of Representatives.

Article 64

DISSOLUTION OF THE HOUSE

1. The House of Representatives may be dissolved:
 - (a) when a majority of the members of the House resign;
 - (b) when the House fails to seat two consecutive sessions, without any valid reason;
2. The President shall request, in writing, the Constitutional Court to investigate if one or several of these conditions exist.
3. If the Constitutional Court considers that, beyond any reasonable doubt, the violation exist, it shall submit its findings to the president.
4. Following the ruling by the Constitutional Court, the President shall issue a decree dissolving the House of Representatives, and, in the same decree, setting the date for the election of a new House to take place within forty-five (45) days.

Article 65

NO CONFIDENCE VOTE AGAINST MINISTERS.

1. A vote of no confidence can be passed against one or more ministers or the whole Cabinet.
2. At least 6 deputies shall be required to table a motion to debate a vote of no confidence against the ministers.
3. At least one third (1/3) of the members of the House of Representatives must agree to the motion of the vote of no-confidence against the ministers in order for the motion to be debated.
4. Two thirds (2/3) of the members of the House of Representatives must vote against the minister(s) in a vote of no confidence.
5. If the no confidence motion is passed, the Cabinet or the affected minister(s) will be replaced by the President; the cabinet will continue with its responsibilities until a new cabinet is formed, however, they cannot initiate new programs.
6. If the Cabinet must be change, the President will submit a new cabinet to the House of Representatives for ratification within no more than one month.

**Section 2
THE PROCESS OF LAW FORMATION**

**Article 66
LAW INITIATIVE**

The capacity to present a Law to the House of Representatives is restricted to:

- (a) any member of the House;
- (b) the President of the Republic through the corresponding minister;
- (c) the Supreme Court of Justice in matters related to the administration of justice;
- (d) the Electoral Authority in matters of elections and political parties;
- (e) District Councils on local taxes;
- (f) a group of no less than five thousand (5,000) citizens.

**Article 67
RULES ON THE CITIZENS' INITIATIVE**

1. In the written initiative, every petitioner has to be properly identified, with an official document of identity, or at least by name, age, signature and a declaration of being citizens of the Puntland State.
2. The petition ought to be accompanied by the text of the proposed Law and the name and address of at least two (2) persons with whom to communicate.
3. No Laws on taxation, Puntland State expenditure, national defence or internal security may be presented.
4. The House of Representatives is under obligation to consider this type of initiative in the session that they are presented with the initiative, or in the next one and to give a response to the petitioners

**Article 68
DISCUSSIONS OF LAWS IN THE HOUSE**

1. Any Law that is brought before the House of Representatives shall be debated article by article and voted on.
2. Any Law passed by the House of Representatives will be signed by the leadership of the House in three (3) exemplars and sent to the President.

Article 69

PRESIDENTIAL SIGNATURE AND PUBLICATION.

1. The President has up to thirty 30 days to sign the Law or to express his disagreement with it after it has been passed by the House of Representatives and sent to the President.
2. If the President has no objection he must sign the Law, send an official copy back to the House of Representatives and order its publication in the official bulletin of the Government, also keeping one official copy in the president office.
3. If the House of Representatives has declared the Law of public utility, the President will have only fifteen (15) days to sign and publish it or to reject it.
4. Once published, the Law shall come into effect in 15 days, unless it has been declared of public utility, in which case it will enter into effect immediately.
5. If the Law is in the hands of the president for more that 30 days without publication, the leadership of the House of Representatives will order its publication in any written mass media of the country.

Article 70

PRESIDENTIAL VETO

The president has the powers to refuse to sign any Law passed by the House of Representatives thereby submitting a memorandum to the House in which he indicates the reasons for his refusal.

Article 71

VETO REJECTION

1. The President's veto can be rejected by the vote of two-thirds (2/3) of the majority of the House.
2. The leadership of the House will send the Law to the president with a note officially communicating the rejection.
3. The President shall publish the Law within the fifteen (15) days following receipt of the notification by the House.

Article 72

REDISCUSSION OF A REJECTED PROJECT OF LAW

Any project of Law rejected by the House can not be reintroduced in the same session.

**Chapter Three
THE EXECUTIVE**

**Article 73
COMPOSITION**

1. The Executive organ of the Puntland State is composed of the President, the Vice President, the Ministers, the Vice Ministers and all the functionaries and employees that work under their direct authority.
2. The Executive organ of the Puntland State shall be directed by the President or by the Vice President in absence of the President.
3. In this chapter “Government” is synonymous to “Executive”.

**Article 74
COUNCIL OF MINISTERS**

The Council of Minister or Cabinet shall consist of the President, Vice president, Ministers and Assistant ministers.

**Article 75
POWERS AND RESPONSIBILITIES OF THE EXECUTIVE COUNCIL**

The Council of Ministers has the following responsibilities.

1. To set, coordinate and implement the political strategy related to the security, economic development and social wellbeing of the Puntland State.
2. To decree the by-law organizing the executive power.
3. To approve the proposal of annual government budget containing the estimate of resources the government plans to receive and detailing all the expenditures the government and all the public offices are expected to use during the fiscal year and the roll of all the public employees with their corresponding salaries and present it to the House of Representatives, no less than three months before the beginning of the fiscal year.
4. To approve the emergency decrees and to give immediate notice to the House of Representatives as to its contents.
5. To approve the decree declaring the State of Emergency.
6. To approve and propose to the House of Representatives the creation of parastatal and autonomous agencies.

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7. To appoint the Attorney General, the Auditor General, the Governor of the Central Bank and one of the external judges of the Constitutional Court and to submit its nominations to the House of Representatives for confirmation.
8. To consider and decide on all the matters submitted to the Council by the President.

Article 76

INTERNAL REGULATIONS

1. The eligibility criteria for Minister or Vice Minister are the same as for members of the House of Representatives and, additionally, the person shall have university level education as well as specific and substantive knowledge of the fields related to the ministry.
2. The President, Vice President, Ministers and senior officials shall not engage in private business while they hold office.
3. The President, Vice President, Ministers and senior government officials shall declare their wealth to the Accountant General in the first month of holding office. Failure to do so makes their appointment null.
4. All of the Executive orders, decrees and by-laws have to be signed by the President and the corresponding Minister.
5. For all the decisions taken by the Council of Ministers, their members present at the moment of the meeting are collectively responsible, unless they explicitly state their disapproval.
6. The Executive Council shall prepare the handover to the newly elected Council during the last two months of its term.

Article 77

CRITERIA FOR ELECTING THE PRESIDENT

1. Every citizen of Puntland could aspire to be nominated to the post of President or Vice President provided that such a person fulfils the requirements of the office.
2. The requisites to be elected as President or Vice president are:
 - (a) He/she must be: a Puntland citizen, a practicing Muslim, of sound mind, at least 40 years of age when coming into power and not married to a foreigner, nor marry a foreigner during his/her term of office.
 - (b) He/she must possess a level of education corresponding to higher education, have knowledge and experience in leadership, as well as in Somali culture and traditions.
 - (c) He/she must be in complete exercise of his/her citizen rights and not have had them suspended in the previous five (5) years due to judicial sentences.

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- (d) He/she has to be a person of high moral standards and not have been convicted of treason, or offences against humanity.
3. If the President or Vice president Elected is a member of the House, He/she shall be granted a leave of absence for the period of his/her tenure of the presidential office. A substitute will occupy his/her seat in parliament.

Article 78
PERIOD OF OFFICE

The President and Vice-President shall hold office for a term of five (5) years and can be elected only 2 times to office.

Article 79
THE POWERS AND RESPONSIBILITIES OF THE PRESIDENT

1. The President is the head of the Executive. He is the symbol of the unity of the people of Puntland.
2. The President is responsible to protect the Islamic religion, the Constitution and the Laws of the Country.
3. The President is the General Commander of the Armed Forces.
4. The President, in consultation with the Vice President, shall form the government within twenty-one (21) days of being elected by the House.
5. The President has the power to appoint or dismiss, in consultation with the Vice-President, the Members of the Cabinet, heads of autonomous institutions as well as all others functionaries that this Constitution or the Laws call on him to do so.
6. The President shall devise or approve, according to the Constitution and all of the Laws of the Puntland State, the policies that his government is going to implement in the different fields of the public administration and to oversee its implementation, with the objective to provide the inhabitants of Puntland security and social and economic development.
7. The President shall negotiate the terms of participation of the Puntland State in the Somalia Federal Republic and sign agreements with the federal authorities, such agreements require ratification by the House of Representatives.
8. The President shall direct and develop the international relations of the Puntland State and negotiate and sign international agreements.
9. The President shall receive official visit of foreign dignitaries, and declare them Guest of the Puntland State.
10. The President shall confer honours and distinctions to foreign personalities or to Puntlanders that merit it.

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11. The President shall grant amnesty for political crimes and common crimes connected to political activities, or to grant pardons for any crime. In both cases, the President shall seek the advice of the Legal Profession. A person condemned according to sharia law cannot be pardoned by the President.
 12. The President shall address the opening sessions of the House of Representatives.
 13. The President shall issue emergency decrees to counteract the negative consequences of:
 - (a) the occurrence of disasters such as cyclones,
 - (b) inter-armed aggression or declaration of war by the Puntland State, or
 - (c) internal chaos/upheaval aimed at the destruction of the existence of the Puntland State.
- The President is under obligation to submit such decrees to the House of Representatives within thirty (30) days for its approval.
14. The President shall sign and order the publication of the Laws passed by the House, or exercise the right to veto them if the President considers the Law is unconstitutional or against the interest of the people.
 15. The President shall announce officially the date that the Electoral Authority has established for the election.
 16. The President shall issue by-Laws as the legal instrument for the implementation of the Laws passed by the House of Representatives. No by-Law shall contradict any Law passed by parliament.
 17. The President will act on all the others responsibilities and powers conferred to him by the Laws of the Puntland State.

Article 80

THE POWERS AND RESPONSIBILITIES OF THE VICE PRESIDENT

1. The Vice President shall assume the responsibilities of the President when he is out of the country, or temporarily incapacitated.
2. The Vice President shall advise the President on the appointment and dismissal of Ministers.
3. The Vice President shall carry out the duties assigned to him by the President which does not fall outside the presidential docket.
4. If the President dies, resigns, is permanently incapacitated or impeached, the Vice President shall be sworn in as President for the remainder of the term.
5. In the event referred to in clause 4 of this article, the House of Representatives shall elect a new Vice President within 30 days.

Article 81
PRESIDENTIAL IMPEACHMENT

To accuse the President and or the Vice President of tyranny, gross incompetence, violation of the constitution or any other serious crime, the following procedure shall be observed:

- (a) At least one fourth (1/4) of the members of the House of Representatives or the Attorney General have to initiate the procedures, asking the House to impeach the functionary and offering proof of the charges.
- (b) The House will examine the charges, offering the accused the opportunity to exercise his or her right of defence;
- (c) The House will vote on the accusation and shall approve it only if a majority of two thirds (2/3) of its members vote for impeachment in a secret vote; where the majority indicated above is reached, the functionary will be removed from the post.

Article 82
RESPONSIBILITIES OF THE MINISTER

1. The Minister is the political and administrative head of his/her respective Ministry.
2. The Minister implements the Government's policies in the area of his/her Ministry.
3. The Minister, in consultation with the Assistant Minister, will decide on the personnel policy in his/her Ministry.

Article 83
RESPONSIBILITIES OF THE ASSISTANT MINISTER

1. In the absence or temporary incapacity of the Minister, the Assistant Minister assumes all of the responsibilities of the Minister.
2. The Assistant Minister shall advise the Minister on the activities of the Ministry.
3. The Assistant Minister shall carry out the duties assigned to him/her by the Minister which is within the context and responsibilities of the Minister.

Article 84
THE CENTRAL BANK

1. The Central Bank is an autonomous institution of the Puntland State and is responsible for:
 - (a) implementing the monetary policy of the government;
 - (b) issuing currency as the sole source;
 - (c) authorizing private financial enterprises, and

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- (d) supervising public or private financial institutions operating in Puntland; the last two responsibilities shall be carried out until a specific public institution is set up to fulfil them.
2. The Central Bank will be directed by a board composed of seven (7) members:
- (a) the Governor General of the Bank,
 - (b) the Director General of the Ministry of Finance,
 - (c) the director General of the Ministry of Commerce,
 - (d) the Director General of the Ministry of Labour.
 - (e) three (3) members appointed by the Chamber of Commerce, and
 - (f) a non-voting secretary that will be the Director General of the Bank.
3. The Governor General of the Central Bank will be appointed by the Council of Ministers for a period of five years; during such period he/she can only be dismissed by the causes established in the Law and the appointment or the dismissal must be ratified by the House of Representatives.
4. The organization and functioning of the Central Bank will be stated in a Law approved by the House of Representatives.

Article 85

PARASTATAL AGENCIES

1. The Council of Ministers can create parastatal agencies entrusted with certain defined duties.
2. Parastatals or autonomous agencies can only be set up if a specific Law has been passed by the House of Representatives creating and regulating them.

Article 86

THE SECURITY FORCES

The forces of Puntland consist of:

- (a) the police, and
- (b) the Custodian Corps.

Chapter Four
THE JUDICIARY

Article 87

STRUCTURE AND PRINCIPLES

1. The Judiciary Organ of the Puntland State is composed of:

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- (a) the Supreme Court of Justice,
 - (b) the Constitutional Court,
 - (c) the Regional Appeal Courts,
 - (d) the Magistrate Courts,
 - (e) the Judicial Service Council.
2. Only the Judiciary organ of the Puntland State has the faculty to judge and to order the execution of it's rulings in constitutional, civil, criminal, commercial, administrative and labours matters, as well as in any other matters established by the Law.
 3. In the exercise of their functions the Judiciary will have complete independence from the Legislative and Executive organs of the Puntland State, and shall be subject only to the Constitution and the Laws. Judges shall not be subject to interference in their judicial functions from any persons.
 4. The structure, branches, jurisdiction and functioning of the judiciary will be established by a Law proposed to the House of Representatives by the Supreme Court of Justice.
 5. Military tribunals shall have jurisdiction only over military offences established by the Law.
 6. Judges shall not perform duties incompatible with their functions.
 7. Judicial proceeding shall be open to the public; however the Law or the judge may decide, for reasons of morality, protection of minors or witnesses, hygiene or public order to hold the proceeding via camera.
 8. No judicial decision shall be taken unless all the parties have had the opportunity to present their case, unless the Law states otherwise.
 9. No one can nullify, modify or cease to obey a ruling by a Court, unless it is modified or revoked by a Higher Court.
 10. The Court shall explain to the accused the crime for which he/she is being punished.

Article 88

THE SUPREME COURT OF JUSTICE.

1. The Supreme Court of Justice is a collective body composed of five (5) members: the president, the vice president and 3 judges.
2. The tribunal shall have two (2) alternate judges that will be called by the President of the tribunal, to make rulings whenever a judge is under leave of absence or a judge excuses himself or herself in a specific case. Alternate members of the Court, will be elected in the same way as the judges and will require the same requisites.
3. The House of Representatives will elect each judge with no less that two third of the votes, choosing from three nominees for each seat presented by the Executive. If after

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two (2) votes none of the nominees has achieved the stated majority, the leadership of the House will communicate the same to the Executive and ask for a new nominees list.

4. The Supreme Court judges shall be elected for a period of eight (8) years and can be re-elected. Every four years the House of Representatives will partially renovate judges and alternates. In the first election the House will elect three (3) judges and two (2) alternates for an eight (8) year period and the two additional judges (2) and two alternatives (2) for a four (4) year period.
5. The seat of the Court shall be the capital of Puntland; the Court can hold cases anywhere in the territory of the Puntland State.
6. Dismissal of the Supreme Court judges can only be made by a two-thirds (2/3) majority of the House of Representatives and for causes established by the Law.

Article 89

CRITERIA FOR ELECTING A SUPREME COURT JUDGE

To become a judge of the Supreme Court it is necessary:

- (a) to be a citizen of Puntland and have the citizens rights not been suspended in the previous 5 years;
- (b) to be at least forty (40) years of age;
- (c) to hold a legal university degree in Law;
- (d) to have experience as a judge for at least six (6) years, or to have been accepted as a Lawyer for at least 10 years;
- (e) to be of honest character and competent in legal matters.

Article 90

RULES FOR THE DECISIONS OF THE SUPREME COURT

1. In its ruling the Court will take decisions by the majority of its members; the judge or judges that did not concur on the ruling, may state their dissenting vote.
2. The rulings of the Court shall be communicated directly by the Court Secretary to the involved parties.

Article 91

POWERS AND RESPONSIBILITIES

1. The Supreme Court is the highest tribunal of the land and has jurisdiction over the whole territory of the Puntland State.
2. The Supreme Court shall propose to the House of Representatives the creation of new tribunals.

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3. The Supreme Court shall submit to the House of Representatives projects of Laws or reforms to the existing ones on matters related to the administration of justice.
4. The Supreme Court shall solve the controversies over jurisdiction among tribunals.
5. The Supreme Court shall make final rulings in cases that have been sentenced by the lower Courts but not to the satisfaction of one or various of the contending parties.
6. The Supreme Court shall solve the legal controversies that have not been adjudicated to other authorities.
7. The Supreme Court shall rule on all the procedures that have to be carried out outside the country and to grant permission to carry on procedures or execute sentences in Puntland dictated by a foreign tribunal.
8. The Supreme Court shall rule in all requests of extradition.
9. The Supreme Court shall oversee the lower courts exercise of justice and to take the measures necessary to achieve an efficient and impartial ruling by judges.
10. The Supreme Court shall judge public functionaries in the cases required by the Laws.
11. The Supreme Court's powers and responsibilities shall include all others powers and responsibilities established by the Laws.

Article 92

THE COURTS OF APPEAL

1. The seat of the Courts of Appeal shall be in the capital cities of the Regions.
2. The Courts of Appeal shall hear cases whose judgments were appealed against the ruling of a Magistrate's Court.
3. The Powers of the Court of Appeal is confined to its region.
4. Each Court of Appeal shall have at least three (3) judges.
5. In addition to the requirements indicated for becoming a member of parliament, the judges that shall be appointed to the Court of Appeals should also have a recognized certificate in law or a great understanding of Islamic Sharia.

Article 93

THE MAGISTRATES COURTS

1. The Magistrates Courts of the Districts are the courts where hearings of all types of cases start, with the exception of Government cases, which are heard by the Supreme Court.
2. The number of judges in the Magistrates Courts shall be determined by the Law.

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3. The Law regulating the judiciary career will establish the requisites to become a judge in a Magistrates Court.

Article 94

THE CONSTITUTIONAL COURT

1. The Constitutional Court shall be formed when four judges selected from outside the judiciary, are added to the members of the Supreme Court
2. The four judges from outside the judiciary shall be in office within thirty (30) days from the date of the establishment of the Supreme Court.
3. Two of the judges shall be elected by the House of Representatives and the other two by the Council of Ministers and confirmed by House.
4. The four judges shall have the same rights as the judges of the Supreme Court.
5. The chairman of the Supreme Court shall be the chairman of Constitutional Court.
6. The Constitutional Court shall be answerable only to the Law, be it in its execution of legal proceedings or in its management,
7. The Secretary of the Supreme Court shall also be the Secretary of the Constitutional Court.
8. If one or more vacancies arise within the ranks of the Constitutional Court for whatever reason, it must be filled within forty-five (45) days.
9. The seat of the Constitutional Court shall be the capital of the Puntland State.
10. Special Law shall structure the powers and system of the Constitutional Court. The Laws shall be prepared during the first session of the House of Representatives.

Article 95

POWERS AND RESPONSIBILITIES OF THE CONSTITUTIONAL COURT

1. The Constitutional Court has the power to declare any Law, by-law or executive decree to be null and void, totally or partially, on the grounds that it violates the Constitution. Any citizen could ask the Court to do so, stating the reasons for its petition.
2. The Constitutional Court shall rule the cases in which a citizen is alleging that the Government is violating its constitutional rights.
3. The Constitutional Court shall harmonize in its rulings the Islamic Sharia and the Constitution.
4. The Constitutional Court shall resolve any controversy among the different organs of the Puntland State, about its constitutional powers and responsibilities.

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5. The Constitutional Court shall give, upon request by the House of Representatives, a reasoned opinion on the constitutionality of a project of Law they are discussing.

Article 96

RULES FOR THE DECISIONS OF THE CONSTITUTIONAL COURT

1. The Constitutional Court will take its decisions by a simple majority of its members.
2. The ruling and opinions of the Court shall be public statements registered in writing and made known to the public. They must be printed in the official Government Bulletin.
3. The rulings must be communicated directly by the Court Secretary to the involved parties.

Article 97

**CRITERIA FOR SELECTING THE JUDGES OF THE
CONSTITUTIONAL COURT**

The judges of the Constitutional Court, which are not members of the Supreme Court, shall fulfill the criteria stated in article 89.

Article 98

**DISQUALIFICATION FROM MEMBERSHIP OF THE
CONSTITUTIONAL COURT**

Disqualification from membership of the Constitutional Court shall follow the same criteria used for members of the House of Representatives.

Article 99

THE JUDICIAL SERVICE COUNCIL AND ITS COMPOSITION

1. The Judicial Service Council is the organ for the administration of the Judiciary.
2. The Judicial Service Council shall be composed of:
 - (a) the President of the Supreme Court, as the chairman of the Council,
 - (b) two (2) Judges from the Supreme Court, and
 - (c) two (2) lawyers selected from the public sector, proposed by the Government and confirmed by the House of Representatives.
3. The Judicial Service Council shall function under special Laws to be proposed by the Supreme Court to the House of Representatives.

Article 100

THE POWERS AND RESPONSIBILITIES OF THE COUNCIL

The Council shall have the following powers and responsibilities:

1. To appoint, dismiss, transfer, promote, and discipline all judges of the Appeal and Magistrate courts and the all other employees of the judiciary.
2. To prepare the legal norms for the establishment of the administrative careers of the judiciary employees, to be forwarded to the Supreme Court of Justice for presentation to the House of Representatives.
3. To set and administer a judiciary training centre for developing the juridical and technical capacity of the judges and secretaries of the Courts.
4. The criteria used by the Council in employing judges and other employees of the judiciary shall be explained in the Laws of the Judiciary.

Article 101

RECOGNITION OF TRADITIONAL NORMS AND USES

1. The Constitution recognizes the traditional norms that do not contravene Islamic Sharia, the Constitution and the Laws of the Puntland State.
2. The titled elders are the depositaries of the authority of chieftaincy.
3. In order to protect the dignity and impartiality of the traditional leaders it is forbidden for them to participate in political association and parties.
4. In cases of disputes and misunderstanding that threaten the peace among clans or sub-clans, the traditional leaders will be called upon in order to give advice or to find a peaceful solution.
5. The decision for reconciliation, mediation or agreement in solving disputes, which traditional leaders achieve using traditional norms and methods, shall be recognized as valid by all authorities and the authorities should offer their help to traditional leaders in the implementation of their decisions.
6. Once a decision has been reached by traditional leaders, using traditional norms, the content of the decision must be registered at the Magistrate Court in the district where the case was settled.

**Chapter Five
OTHER FUNDAMENTAL INSTITUTIONS OF THE STATE**

**Section 1
THE OFFICE OF THE ATTORNEY GENERAL**

**Article 102
THE ATTORNEY GENERAL OFFICE**

1. The institution of the Attorney General shall consist of:
 - (a) the Attorney General;
 - (b) two (2) Deputy Attorney Generals, one for the prosecution of crimes and the other for legal defence and protection;
 - (c) the Regional Attorneys, based on each region;
2. The Law that organizes and regulates the functioning of this office will create specific prosecutors according to the needs of society.
3. The seat of the Attorney General shall be the capital of the Puntland State.
4. The Attorney General has jurisdiction on the whole of the Puntland State.

**Article 103
APPOINTMENT OF THE ATTORNEY GENERAL**

1. The Cabinet will appoint the Attorney General and present him or her to the House of Representatives for confirmation.
2. To be selected as Attorney General the following conditions must be fulfilled:
 - (a) he/she must be a Puntlanders;
 - (b) he/she must be at least forty (40) years old;
 - (c) he/she must be a lawyer with at least ten (10) years experience in the judiciary or on the bar;
 - (d) he/she must be of good behaviour and recognized as a capable person in his/her field of expertise.
3. The same requisites are needed for the two Deputy Attorney Generals, except the experience as a lawyer must be at least five (5) years and he/she must be at least thirty-five (35) years old.
4. The Attorney General will be appointed for a period of five (5) years and can be re-elected.

Article 104

**THE POWERS AND RESPONSIBILITIES OF THE ATTORNEY
GENERAL**

1. To institute legal proceedings and prosecute senior government officials in a court of Law, according to the norms established by this Constitution.
2. To defend the interests of the Puntland State and society.
3. To direct the investigation of crimes, and institute and prosecute criminal charges in court whenever considers it necessary. For the investigation of criminal actions, the Police Force shall be under the authority of the Attorney General.
4. To defend the economic interests of the Puntland State.
5. To represent the Puntland State in all court procedures in which the government is part and in all contracts in which the Puntland State acquires or disposes of real property.
6. To name special commissions in order to help fulfil his/her duties.
7. To oversees the conditions of prisons and rehabilitation centres.
8. To provide defence attorneys if the accused person is devoid of such means.
9. To safeguards and protect the rights of the family, the orphans, the children, the mentally disabled and all those who require legal protection.
10. To appoint, direct and dismiss the personnel of the office.
11. All the others powers and responsibilities that the Laws order him/her to fulfil.

Article 105

DISMISSAL OF THE ATTORNEY GENERAL

The dismissal of the Attorney General will be only possible if based on a legal cause stated by the Law and with the approval of the majority of members of the House of Representatives.

Section 2

**THE OFFICE FOR THE DEFENCE AND PROMOTION OF
HUMAN RIGHTS**

Article 106

THE OFFICE OF HUMAN RIGHTS

1. The Office for the defence and promotion of human rights shall consist of:
 - (a) the Human Rights Defender,

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- (b) the regional representatives of the Human Rights Defender, and
 - (c) the personnel assigned to the offices.
2. The seat of the Human Rights Defender shall be the capital of the Puntland State.
 3. The Human Rights Defender has jurisdiction on the whole of the Puntland State.

Article 107

APPOINTMENT OF THE HUMAN RIGHTS DEFENDER

1. The Human Rights Committee of the House of Representatives shall submit to the plenary a list of candidates for the post and the House will elect the Human Rights Defender with a majority of two-thirds (2/3).
2. The Human Rights Defender shall fulfil the following conditions to be elected:
 - (a) he/she must be a Puntlander;
 - (b) he/she must be at least 40 years old;
 - (c) he/she must have training and experience in human rights issues;
 - (d) he/she must be of good behaviour and recognized as a capable person in his/her field.
3. The Human Rights Defender will be appointed for a period of five (5) years and can be re-elected.

Article 108

THE POWERS AND RESPONSIBILITIES OF THE HUMAN RIGHTS DEFENDER

The Human Rights Defender has the following responsibilities and powers:

1. To prevent violations of human rights, giving advice to the corresponding authorities.
2. To promote awareness and respect, among the population and the authorities, of the human rights consecrated in the Constitution, the Laws of the country, and stated in the international protocols and conventions of Human Rights.
3. To defend the human rights, consecrated by this Constitution and the Laws of the country, whenever a Puntland State authority has violated them.
4. To investigate any claim levelled by citizens or social organizations regarding violations of human rights in the country, to present to the corresponding authorities and the public the result of those investigations and to make the corresponding recommendation to guarantee the observation of human rights in the Puntland State.
5. To assist the victims of human rights violations, defending them in court or in public.
6. To name special commissions in order to fulfil his/her duties.

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7. To carry out inspections in any place in which he/she suspects human rights violations have been or are being committed.
8. To campaign for the reform of Laws or administrative practices in order to increase the observance and respect for human rights.
9. To present to the House of Representatives and to the public an annual report on the condition of Human Rights in the Puntland State.
10. To present to the House of Representatives with the necessary considerations and observations on any Law project that is related to human rights.
11. All the other powers and responsibilities that the Laws of the country give to this office.

Article 109

DISMISSAL OF THE DEFENDER OF HUMAN RIGHTS

The Human Rights Defender can be dismissed but only according to a legal cause stated by the Law and with the approval of two thirds (2/3) majority of the House of Representatives.

Section 3

THE AUDITOR GENERAL

Article 110

THE OFFICE OF AUDITOR GENERAL

1. The office of the Auditor General is an independent institution and subject only to the Law.
2. The office of the Auditor General is located in the capital but its authority covers the entire territory of the Puntland State.
3. The Auditor General shall be appointed for a period of five years by the Council of Ministers and can be dismissed but only by causes explicitly stated in the Law; in both cases confirmation of the House of Representatives is required.
4. The requisites to become Auditor General include being a Puntlander, being at least forty (40) years old, having technical knowledge of the field of public accounting and having no less than five (5) years experience in accounting.
5. Except for the Auditor General, all other staff members of the office shall be recruited in accordance with civil service Law of the Puntland State.
6. The organization and procedures of this office will be developed in specific legislation.

Article 111
THE RESPONSIBILITIES AND THE POWERS OF THE AUDITOR
GENERAL

The Auditor General has the following responsibilities and powers:

1. To fight corruption in the public administration at all levels.
2. To exercise the control of legality on all expenditures made with public funds by any public institution, ensuring that the expenditures are done in conformity with the Puntland State budget.
3. To scrutinize the legality of government acts, which involve expenditures of public funds and the legitimacy of the actual expenditures.
4. The Auditor General has the power to investigate, at any time, the Puntland State institutions, local governments, companies co-owned by the government, and any other place or entity that administers public resources, in accordance with financial Laws and accounting procedures of the Puntland State.
5. The Auditor General has the power to judge any functionary that has improperly used public funds and to impose fines according to the gravity of the misdeed; if the investigation determines that a crime has been committed, the Auditor General will refer the case, with the corresponding documentation, to the Attorney General for penal prosecution.
6. The Auditor General has the power to demand or sequester any document from any public institution if he/she considers it necessary in the investigation of fraud or mishandling of Puntland State property.
7. The Auditor General must submit two annual written and documented reports to the House of Representatives: one report at the beginning of the first session of the House, dealing with the budgetary performance of the different institutions of the Puntland State during the previous fiscal year; and the other report at the beginning of the second ordinary session, dealing with the situation of public finances and the performance of the Auditor General's office. In both cases, the Auditor General will include in the reports the recommendations he/she considers necessary for the betterment of public finances.
8. The Auditor General has the power to issue by-laws regulating the procedures and modalities of the different functions and responsibilities of the office.
9. All the other powers and responsibilities that the Laws of the country give to this office.

**Section 4
ELECTORAL AUTHORITY**

**Article 112
PUNTLAND ELECTORAL COMMISSION**

1. The Puntland Electoral Commission is an institution, which is subject only to the Law and will act independent of any other organ of the Puntland State.
2. In electoral matters the Commission is the highest authority in the country and its decisions in this field cannot be contradicted or invalidated by any other Puntland State authority. The Commission's rulings can only be challenged by the Constitutional Court and only on Constitutional grounds.
3. The Puntland Electoral Commission shall be composed of seven (7) members, elected for a period of six (6) years, and can be re-elected.

**Article 113
ELECTION PROCEDURE**

The commissioners shall be elected by the House of Representatives in the following way:

- (a) The Speaker of the House of Representatives will call for nominations at least one month before the day set for the election.
- (b) Each political party will nominate one commissioner and the President will nominate two persons of different gender,
- (c) The House of Representatives will ensure that all the nominees fulfil the conditions established by the Law. If a nominee is rejected by the House for legal reasons, the party or the President will present a new candidate in no more that fifteen days.
- (d) The House of Representatives will elect the nominees by a simple majority vote but the two remaining commissioners will be elected directly by the House, must be persons of different gender, and must have a majority of two thirds (2/3). If any nominee does not achieve a majority of votes, the Speaker of the House shall inform the party or the president and ask for a new name to be presented within 15 days.
- (e) If any political party or the President fails to present the names, the House of Representatives will proceed to the election and fill all the vacancies.

**Article 114
POWERS AND RESPONSIBILITIES OF THE PUNTLAND
ELECTORAL COMMISSION**

1. The Puntland Electoral Commission has the following powers and responsibilities:

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- (a) to conduct and administer the electoral process ordered by this Constitution as well as referendums;
 - (b) to exercise jurisdictional powers in electoral matters, solving disputes, adjudicating rights and imposing penalties on any person that violates the electoral legislation;
 - (c) to authorize political parties, oversees the legality of their actions and adjudicate rights whenever a member of any party demands their rulings, be that individually or as part of a group; and
 - (d) to administer, in the territorial jurisdiction of its competence and according to the Federal Laws, the electoral processes ordered by the Federal Constitution.
2. A comprehensive legislation shall be approved by the House of Representatives, regulating the activities of the Puntland Electoral Commission.
 3. The Puntland Electoral Commission can only be dismissed by the House of Representatives on legal grounds.

Article 115

INTERACTION WITH POLITICAL PARTIES

1. The political parties have the right to oversee all steps of the electoral processes. The Law will institutionalize the forms and limits of their participation.
2. The political parties have the right to be present in all of the organisms conducting the electoral process at the national, regional and local level in all of the polling stations, especially during the counting of the votes; the Puntland Electoral Commission will take especial care to ensure that those organisms are not dominated by persons of the same political tendency.
3. The Law will regulate campaigning by parties and candidates and must impose limits on private donations to them, as well as on the amount of money they may expend in the election.
4. The political parties competing in an election have the right of access, on equal terms, to the media owned by the Puntland State during the electoral campaigns.
5. The Puntland Electoral Commission is responsible for the enforcement of the above activities.

**Chapter Six
REGIONAL AND DISTRICT ADMINISTRATION**

**Section 1
REGIONAL ADMINISTRATION**

**Article 116
DECENTRALIZATION OF REGIONAL AND DISTRICT
ADMINISTRATIONS**

1. The Puntland State's system of administration shall be based on decentralization.
2. For administrative purposes the Puntland State is divided into Regions and Districts.
3. The Government is responsible for the reorganization and the demarcation of the boundaries of the Regions and Districts of Puntland.
4. Special Laws shall be instituted to regulate these activities to be approved by the House of Representatives.

**Article 117
THE POWERS AND RESPONSIBILITIES OF THE REGIONAL
GOVERNOR**

1. In each region the government will appoint a Governor for the Region.
2. The powers and responsibilities of the Regional Governors are:
 - (a) to chair the meetings of the regional development and regional security committees;
 - (b) to oversee the government services and operations in the region;
 - (c) to chair the joint meetings of the executive committees of district councils in the region; and
 - (d) The Regional Governors are the chain of connection between the Puntland central administration and the District administrations in its Region.

**Article 118
REQUISITES TO BE APPOINTED GOVERNOR**

To be appointed governor it is necessary:

- (a) he/she must be a Puntlander;
- (b) he/she must be at least 25 years old;
- (c) he/she must have been born in the Region or have lived in it at least for 5 years;

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- (d) he/she must have maintained his or her citizens rights for the previous 3 years to the appointment.
- (e) he/she must have knowledge of the conditions and problems of the Region.

Section 2
DISTRICT ADMINISTRATIONS

Article 119
DISTRICT COUNCILS

1. Each Region of Puntland, for the purpose of local administration, is divided into Districts. A Law will determine the number, name and boundaries of the Districts and will classify them according to the resident population of the territory cover by each District.
2. Each District shall enjoy autonomy on economic and administrative affairs, and shall be ruled by a District Council. The Districts Law will establish the general principles for its organization, functioning and the exercise of its autonomous powers, as well as the number of councillors for each District, based on the population living in it.
3. The District Council shall be elected by the citizens of each district for a period of five (5) years. Its members can be re-elected.

Article 120
INTERNAL ORGANIZATION

1. The members of the District Council, in their first meeting, will elect a chairperson and a vice chairperson that will be presiding over the Council.
2. The District Council will elect a Mayor and a Vice Mayor, from among the members of the Council.
3. The Mayor will be the chief executive of the local government and will be the link between the Council and the regional authorities.
4. The Mayor will present to the Council, for discussion and approval, the members of the Executive Committee of the District, composed of Councillors in a number not exceeding one third (1/3) of the Council.
5. The Executive Council, presided over by the Mayor, will be responsible for implementing the decisions of the Council and the day to day administration of the District.

Article 121

THE POWERS AND RESPONSIBILITIES OF DISTRICT COUNCIL

1. To introduce, modify or suppress the payments that the community has to make for the services the Council provides, and to establish specific contributions for the financing of specific public works in its jurisdiction.
2. To approve and make known to the public the annual budget of its administration, containing all the income that is expected to be received and all of the expenditures the Council plans to carry out.
3. To employ, promote or dismiss all of the public employees working for the District.
4. To decree by-laws or instructions regulating public activities in the territory of the District.
5. To prepare the decree on local taxes and to present it to the House of Representatives for its discussion and approval.
6. To approve the local development plan and to request the cooperation of the State authorities for its implementation.
7. To administer the patrimony of the District as well as any other income and give detailed account of it to the Auditor General. The Auditor General can only exercise fiscal control a posteriori, over the municipal budget.
8. To collaborate with other public institutions in the implementation of development plans, be they at the National, State, or Regional level.
9. All other powers and responsibilities invested in them by this Constitution and the Laws.

Article 122

ELIGIBILITY CRITERIA FOR MEMBERSHIP OF THE DISTRICT COUNCIL.

1. Any citizen who is responsible, of sound mind, a citizen of Puntland, and is at least twenty-five (25) years old can be elected to the District Council.
2. He/she shall not have suspended his/her citizen's rights in the previous 5 years.
3. He/she must have been born in the District or have resided in the District for no fewer than ten (10) years.

Title V

THE ADMINISTRATIVE REGIME OF PUNTLAND

Chapter One **THE CIVIL SERVICE**

Article 123 **CIVIL SERVANTS**

1. Puntland State functionaries and civil service employees are at the service of the people and the Puntland State and not to any particular political fraction or interest group; they must exercise their functions in accordance with the Constitution and the Laws of the country. It is prohibited to use public offices for political objectives or personal interests.
2. The functionaries and employees will be recruited based on the merits and capacities of the aspirant for the job, and no consideration of political affiliation, clan pretence or family and friendship relations shall be taken into consideration.
3. It is recognized the Civil Servant career. A special Law will deal with recruitment procedures, grading, promotions, training, dismissals, benefits and all the others aspects of the bureaucratic career.
4. The Law will determine the restrictions of certain functionaries to assume positions of leadership in the political parties.

Article 124 **PRINCIPLES OF GOOD ADMINISTRATION**

All functionaries and public employees will adjust his or her behaviour to the following principles:

- (a) taking all decisions solely in terms of public interest and not for private gain;
- (b) avoiding any situation that might influence him/her in the performance of his/her official duties, or where his/her integrity might be questioned;
- (c) making decisions solely on merits;
- (d) being held accountable for his/her decisions and actions and cooperating with any scrutiny that is appropriate to his/her office;
- (e) making decisions in an open and transparent manner and making information as accessible as possible;
- (f) declaring any private interest and taking steps to resolve any conflict of interest.

Article 125

MISMANAGEMENT OR MISAPPROPRIATION OF PUBLIC FUNDS

Any functionary or public employee that mismanages or misappropriates public money or resources, or participates in any such misdeeds, shall commit a serious offence and will be punished according to the penal Law and will be obligated to restitute the resources mismanaged or misappropriated.

Article 126

IMMUNITIES

1. The granting of immunity to the holders of certain public offices is a way to protect the office holder against misguided accusation or unlawful pressures in the exercise of his/her responsibilities. There are different levels of immunity.
2. The President and Vice President of the Puntland State cannot be detained nor accused by any authority; criminal procedures against them shall follow what is established in the Article of this Constitution addressing Impeachment.
3. Members of the House of Representatives can not be accused of any serious crime from the day they are elected until the end of their constitutional period or their resignation, unless the House waives their immunity. For less serious crimes and faults committed during this period they cannot be detained, nor called to declare in court until they have finish their period as members of the House or resigned the office.
4. The immunity granted to all the functionaries elected or confirmed by the House of Representatives will protect them from being detained by any authority or accused of a serious crime unless the Attorney General request the House of Representatives to wave the immunity; if the House of Representatives, after analyzing the case, concludes that there are merits for exercising penal action, the officer will be automatically suspended from office and will be tried in a Regional Appeal Court; if the House considers that there is not merit, the case will be sent to the archives.
5. Judges serving in the Regional Appeal Courts and in the Magistrate Courts shall not be arrested and their domicile or vehicle shall not be subject to search. The Attorney General will ask the Supreme Court of Justice to lift the immunity of any of them.
6. If any of the functionaries mentioned in the previous articles of this Constitution is caught in a flagrant crime, the authority making the detention will immediately hand over the suspect, contemplating clauses two, three and four above, to the Speaker of the House and the leadership of the House will decide what to do until the procedure for waving the immunity is completed. If the person is a judge, he/she will be handed over to the President of the Supreme Court.
7. Governors and District Councillors can be accused, but they have to be tried in the Appeal Court in the first instance.

**Article 127
CONSTITUTIONAL OATH**

Any person who shall assume high office in the State of Puntland shall have to swear/take oath in front of the Supreme Court before assuming office, the oath shall read as follows:

“In the name of Allah I swear I shall honour the Islamic Religion, the Constitution of the Puntland State and its Laws, shall protect, discharge faithfully the duties entrusted to me, to serve loyally the land and people”

**Chapter Two
PUBLIC FINANCES**

**Article 128
THE STATE PATRIMONY**

The Puntland State patrimony is composed of:

- (a) all the liquid financial assets own by the State;
- (b) all the credits in favour of the State; (active credits)
- (c) all the properties and goods acquired by the State based on a legal title;
- (d) all the rights that could be derived from the application of all the fiscal Laws of the country, as well from any contribution established by Law; and
- (e) the obligations charged to the public finances are all the debts recognized by the State as well as any public expenditure that has been lawfully authorized.

**Article 129
RESPONSIBILITY TO CARE FOR THE STATE PATRIMONY AND
PUBLIC FINANCES**

1. All the inhabitants of the Puntland State have the obligation to care for the conservation of the state patrimony.
2. The functionaries and civil servant shall take special care to maintain in good order the part of the Puntland State Patrimony at his or her disposal to perform public duties.
3. The administrative head of any national, regional or local dependency of the Puntland State, will respond legally for the fulfilment of this obligation.
4. The Minister of Finance and the Auditor General will have the responsibility to legally enforce this obligation.
5. The Executive branch of the Puntland State, through the Ministry of Finance will be responsible for managing the public finances.

Article 130

THE STATE BUDGET

1. The Puntland State budget is the Law containing the estimate of all the income the State hopes to receive during the fiscal year and the authorization for all the expenses considered necessary by the government to fulfil the State goals.
2. The financial year of Puntland State starts on the first day of January of every year and ends on the last day of the same year.
3. The autonomous institutions of the Puntland State, as well as any other that is financed totally or partially with public funds, will have special budgets that have to be incorporated into the State budget and approved by the House of Representatives.
4. A special Law will order all the matters concerning the preparation, approval, execution and reporting of results of the budget.
5. If for any reason, at the end of the fiscal year the new budget has not been approved by the House of Representatives, the budget of the immediate previous fiscal exercise will continue to operate until the new budget is approved by the House.

Article 131

BUDGETARY PROCEDURES

1. The budget is initiated by the Minister of Finance on the basis of the financial projections presented by Ministers, other state institutions, and data compiled and processed by financial experts and other staff of the budgeting department of the same ministry; and shall be submitted to the Council of Ministers no later than September 30 of the preceding year.
2. The budget proposal approved by the Council of Minister shall be presented to the House of Representatives for final approval two months before it is put into operation.

Article 132

CLOSING OF ACCOUNTS OF A FINANCIAL YEAR

The report on the closing of the accounts of the previous fiscal year shall be submitted to the House of Representatives by the Minister of Finance, no later than June 30, after studying and discussing it the House will endorse or reject it.

Title VI

**SUPREMACY AND REFORM OF THE
CONSTITUTION. TRANSITORY DISPOSITIONS**

Article 133

PRE-EMINENCE OF THE CONSTITUTION.

1. The Constitution is the supreme Law of the Puntland State, save for Islamic sharia and the Federal Constitution of the Federal Republic of Somalia.
2. Any Law, by-law or administrative decree which contradicts this Constitution is null and void.
3. The Constitutional Court shall protect any individual whose constitutional rights are violated. A special procedure will be established by Law in order to ensure an immediate protection.

Article 134

CONSTITUTIONAL REFORMS

1. A proposal to amend the Constitution requires such amendment to be presented by:
 - (a) at least one fifth (1/5) of the Members of the House of Representatives, or
 - (b) by the Council of Ministers, or
 - (c) by no less than 5000 citizens.
2. Once the proposal has been received by the plenum, it will be analyzed by a special committee in which all the legislative factions will participate and with the recommendations of this Committee, will be discussed by the plenum and approved by a simple majority.
3. A campaign of information and discussions over the reforms shall be launched by the House of Representatives, to ensure the widest participation of the citizenship in the process.
4. No less that one month later, the House will submit the proposal for ratification and it will be ratified by a majority of two thirds (2/3) of the members.
5. Reforms related to Title One, Section One, Articles One, Two, and Three of this Constitution, can be only done by popular referendum, in accordance with the corresponding Law.
6. A Constitutional Amendment will be publicized in the Official Bulletin without presidential sanction.

Article 135

**HARMONIZATION OF THIS CONSTITUTION WITH THE
FEDERAL CONSTITUTION**

1. Once the Federal Constitution of Somalia has been approved by the Federal Parliament and accepted by the people in a referendum, the House of Representatives will set up a special Committee, composed by members of all the political factions to review the present Constitution in order to determine if there are discrepancies and/or contradictions between the two constitutions.
2. If such discrepancies or contradictions exist, the Special Committee will reform this Constitution in order to harmonize it with the texts of the Federal Constitution, taking into account the primacy of the Federal Constitution over the Puntland State Constitution.
3. In this process the Special Committee will hear the opinions of the Executive, the Supreme Court and the Attorney General on the changes needed or proposed. The Committee will call any other functionary or person it considers relevant to illustrate the points under consideration.
4. The Committee will present its finding to the plenum of the House of Representatives, who will discuss and vote, approving amendments with a simple majority, without following the procedures set up in article 134. The Speaker of the House will send the reforms for publication in the official record of the Puntland State.
5. It is forbidden to use this procedure for any other reform to the Constitution that are not directly related to the harmonization of the Puntland State Constitution and the Federal Constitution.

Article 136

ENFORCEMENT OF THE CONSTITUTION

The Puntland Regional State Constitution will be enforceable eight (8) days after the referendum confirming the acceptance of it by the Puntlander citizens.

Reviewed By:

Secretary - Constitutional Review Committee of the Regional State of Puntland
ABDIRAHMAN A. KABOSHAGLE

Approved By:

Chairman - Constitutional Review Committee of the Regional State of Puntland
MOHAMED HASSAN MOHAMED

Annex 1

TRANSITORY DISPOSITION

1. The first Puntland Electoral Commission shall be transitory and composed of five (5) members two (2) of which are nominated by the President and approved by the parliament and three (3) directly elected by the parliament.
2. The transitional Puntland Electoral Committee shall be responsible in conducting the referendum of and the first election of Local Councils as well as the legalization of the three (3) political parties that emerge from thereof.
3. In the fulfilment of its mandate, the transitional Puntland Electoral Commission shall have the powers stated in Article 114 of this constitution.
4. Following the expiry of the mandate of transitional Puntland Electoral Commission, a new Puntland Electoral Commission shall be instituted in conformity with section four of chapter IV of title IV.