



# **TRANSITIONAL CONSTITUTION OF PUNTLAND REGIONAL GOVERNMENT**

# **Puntland Constitution**

## **Introduction:**

In the Name of Allah, the Merciful and gracious , we the Puntland people, have the determination to initiate a new era, in order to recover from the tragedy consequent effect and the legacy left behind by the civil wars.

We are struggling hard for the purpose of initiation and the establishment of a new procedure system based on justice and democracy.

Having considered the principles of idea sharing, and the distribution of the benefits, based on justice, we are willing to have a peaceful co-existence and co-operation with our Somali brothers in mutual respect and reciprocally understanding way. We believe that the Somali unity can be born by a peaceful atmosphere and the expression of consensus of the Somali people.

We are working with the spirit of appealing to our Somali brothers to struggle for the restoration of the disintegrated Somali Nation.

Taking into account these supreme wisdoms and the historical events, based on the Somali believes that emanated from the Islamic Religion and constructive norms of the Somali customs, we successfully achieved in 1998 to constitute the Regional Government of Puntland, which is an integral part of Somali Federal State.

Therefore, the House of Representatives of Puntland, in respect with the previous hard times and implementing in accordance with the Transitional Charter in conformity with Article 28<sup>th</sup>, had established a Constitutional Commission for Puntland State, in the 3<sup>rd</sup> session of the House of Representatives. After a long debate and idea sharing, the Constitutional Commission has proposed the Puntland Constitution.

The House of Representatives, having considered the will of the people of Puntland, had discussed in a careful manner at two sessions on the proposed constitution, and finally the House has approved this Constitution on 05/06/2001.

The new Constitution of Puntland is based on the following:

- Islamic Sharia
- The system of idea sharing and collective decision making
- The proportionality of Government Powers: Legislative, Executive and Judiciary
- Decentralization of the governmental power
- The multi-party system
- Ensuring the existence of private ownership and the free market
- Ensuring the individual fundamental rights and life, security and general stability

**The New Constitution Comprises of:**

1. 5 parts of which each of them has its Titles and Articles
2. 11 Titles and 100 Articles consistently formulated

The House of Representatives is conveying to the people of Puntland, to study this Constitution comprehensively in order to approve it by their votes in the future.

**Part I**  
**1<sup>st</sup> Section**  
**General Provisions**  
**Article 1.**

**Supremacy of the law**

The law is above of all.

**Article 2.**  
**The name and the system of the Government**

1. The official name of the Regional Government is Puntland State of Somalia.
2. Puntland is an independent Regional Government of Somalia based on the system of idea sharing, democracy and multi-party system.
3. The system of the government is decentralized, while the highest power is entrusted to the people with the exception of Allah's will, using the power directly in conformity with the Constitution and the laws; and no party of the people, nor any individual may claim sovereignty to assume the right to exercise it.
4. Puntland is an independent integral part of Somalia and has the obligation to restore and maintain the unity of Somalia on the basis of a Federal System.

**Article 3.**  
**Territory, Borders and Its Inviolability and Sacredness**

1. The territorial sovereignty of Puntland shall extend to: East Region of Bari, Nugal, Sool, South Togdher (Buhodle District), Mudug except the Districts of Hobyo and Haradhere and Sanag Region except the District of El-Afweyn and Northeast of Erigavo District.
2. The Puntland Regional State borders are those they had previously with the regions and districts of Somali Republic before the Somali Civil War. The unity of Puntland is sacred and inviolable; land territory, territorial sea and the air space.

**Article 4.**  
**The People**

1. The people of Puntland Regional Government comprises of all citizens and are indivisible

**Article 5.  
Citizenship**

1. The citizens of Puntland State are attested from the districts that they live in.
2. The citizen shall not lose citizenship even if they achieve other citizenship.
3. Three months after the Constitution enters into force, a special law of citizenship will be passed.

**Article 6.  
Religion**

Islam shall be the only religion of Puntland State of Somalia. No any other religion can be propagated in Puntland State, while the Islamic Religion and the traditions of the people of Puntland are the bases of law.

**Article 7.  
The Capital City**

The Capital City of Puntland is Garowe and the Headquarters of the Central Government. After the enforcement of the Constitution, there shall be a special law provided for the Capital City within three months.

**Article 8.  
Language**

The Somali Language is the official language of the Regional Government of Puntland; other languages could be used.

**Article 9.  
Emblem, Flag and the National Anthem**

The Emblem, Flag and the National Anthem of the Regional Government of Puntland are those of the Somali Republic.

**2<sup>nd</sup> Section  
Article 10.  
Negotiations and Federalism**

1. Puntland Regional State shall be part of a Somali Federal State, and shall negotiate with any party of the Somali factions who truly believe in the restoration and the membership of a Somali Government based on the Federal System.
2. Puntland Regional Government shall hand over to the Somali Federal State the institutions including immigration affairs, defense, foreign relation and co-operation, postal official stamp, currency board and measurement units.
3. Besides the issues mentioned here, other required issues shall come through negotiations between the Federal Government of Somalia and the Regional State of Puntland.

**Article 11.**  
**Foreign Relations and Co-operations**

1. The Puntland Regional Government shall maintain the International Conventions that the Somali Republic convened with the Foreign Governments, if such conventions are not contradictory to the interests of Puntland.
2. The Puntland State of Somalia shall respect the agreements (contracts) that the previous Somali Governments concluded with the foreign companies, if not contradictory to the Puntland interests.
3. Puntland Regional Government recognizes and applies the UN Charter and the International Laws and respects the International Appeals for human rights, not contrasting the Islamic Sharia and Puntland Laws.
4. Puntland recognizes and applies the Charter of the Organization of African Unity, the Arab League, and Inter Governmental Agency for Development (IGAD) and the Organization of Islamic Co-operation.
5. Puntland recognizes the principles of self determination of the peoples of the world.
6. Puntland State supports the solutions of conflicts by means of peaceful manner and by negotiation.
7. Puntland State opposes and fights global terrorism.

**Political Organization of Puntland State**

**Article 12.**  
**Political Parties**

1. Multiple party systems shall be applied in Puntland.
2. Only three political parties shall be legalized.
3. Political parties and associations that are secretly organized in a military character or tribal denominations shall be prohibited.
4. Any member of a party that wins a seat in a party candidacy and resigns from the membership of that party will automatically lose the seat.
5. The Government shall prepare a law decree regulating the political system and shall be approved by the Houses of Representatives.
6. National property could not be used for political affairs.
7. Who ever are accused for using public property for political party shall be prosecuted before a court.

**Article 13.**  
**Conditions for Institutionalizing Political Parties**

Any political party applying to be established shall fulfill the following conditions:

- a. Have a political program with national ambitions
- b. Have a party constitution.
- c. Have a capital fund capable of carrying out the implementation of its programs, for an amount of 100 million So. Shillings to be deposited in the Central Bank.

**Article 14.**  
**Majority Party**

1. The party that wins at least by 51% of the seats in the House of the Representatives shall form the Government.

**Article 15.**  
**National Census**

1. A National census of Puntland population shall be taken once for every ten years.
2. A special law shall be promulgated prior to the starting of the census.

**Article 16.**  
**Electoral Commission**

1. The proposed Electoral Commission shall be appointed by the chairmanship of the House of Representatives and the House of Representatives shall approve it.
2. The Electoral Commission shall be nominated 3 months before the elections, whose validity period shall be for 3 months after the proclamation of the electoral results.
3. The Electoral Commission shall abide by the Electoral Law only.
4. After the approval of the Electoral Commission Members, they shall neither be dismissed nor replaced.
5. The Electoral Commission shall submit the report of the electoral result to the President of the House of Representatives, Presidency and the Supreme Court.
6. Nomination of the Chairman of the Electoral Commission shall be proposed by the President of the House and approved by the House of Representatives.
7. The Electoral Commission shall be composed of not less than 15 commissioners.
8. The powers and responsibilities of the Electoral Commission shall be regulated by a legislative law issued and approved by the House of Representatives.

**3<sup>rd</sup> Section**  
**General Principles and Social Affairs**  
**Article 17**  
**Protection of Family**

1. The family is the fundamental element of the society originated from the marriage between a male and a female and shall be protected by the Constitution of the State.

**Article 18**  
**Women's Rights**

1. This Constitution ensures the women's rights of independence, socio-economic and political rights that is not forbidden in the Islamic Sharia.
2. The Puntland State shall protect the women's rights in this Article.

3. If the life of the pregnant woman is endangered, the abortion shall be carried out, after obtaining of a specialized prescription.

**Article 19.  
Children Rights**

1. Children are defined as any child under the maturity age of 15 years.
2. The child has the right to life, name, citizenship, upbringing up, care and education.
3. Labor of any kind that can endanger, hurt the life, behavior, rising up, and care and the education of children shall be prohibited.
4. The abortion shall be prohibited unless the conditions mentioned in Article 18 exist.

**Article 20  
Orphans, Handicapped and Mentally Affected**

1. The State shall guarantee and promote the protection of the orphans, handicapped, mentally affected and abandoned children and any citizen who is incapable of self-care taking.
2. The Puntland State shall promote social security and assistance institutions by law.

**Article 21  
Health**

1. Puntland State shall promote the public health care of the mother and child, prevention of the contagious diseases and encourage public health sanitations.
2. The State shall protect the health and promote the health institutions.
3. The State shall promote and encourage private institutions for health as regulated by the law.

**Article 22  
Education**

1. The State shall encourage and improve scientific knowledge and education, as being fundamental interest of the community
2. Illiteracy of the mother language is the major enemy of the people, so that the Puntland State has the responsibility to fight against it.
3. The basic education is considered as the Quranic Schools, elementary schools, intermediate and secondary schools, sports and physical education, adult education and domestic education for women. while the Government shall take the obligation to implement a uniformed public curriculum.
4. Every citizen has the right to get educational opportunity.
5. The adult citizen has the right of choice to educational professions.
6. Organizations and individuals shall have the right to establish private professional schools and institutions of higher educations within the limits prescribed by the law.
7. Institutions of culture and higher education shall be established by the State.
8. The private education shall be regulated by law.

**Part 3**  
**4<sup>th</sup> Section**  
**Fundamental Rights and Duties of Men**  
**Article 23**  
**Social Equality**

1. All citizens of Puntland State are equal before the law
2. No one can be discriminated by color, religion, citizenship, origin, financial status, opinion, political attitude, language and ethnics.
3. The constitution safeguards the rights of the minority groups.

**Article 24**  
**Freedom of Faith**

1. No one can be forced to a faith; different from his/her believes.
2. The Muslim person does not have the right to convert from the Islamic faith.

**Article 25**  
**Freedom of Opinion**

1. Every person shall have the right to display free expression of his/her opinion.
2. The person can freely express his/her opinion in oral, press, writing, media, audio-visual, literature and other methods according to the law without any interference.

**Article 26**  
**Right to Vote**

1. Every citizen who possesses the qualifications required by law shall have the right to vote, and shall be equally illegible for candidacy.
2. The vote shall be personal, equal, free and secret.

**Article 27**  
**Right to Petition**

1. Every citizen shall have the right to address a written petition to the President of Puntland State, House of Representatives and the Government.
2. The Government shall reply to any petition in conformity with the law within 90 days.

**Article 28**  
**Right of Association**

1. Every illegible citizen for the vote shall have the right to associate in political parties, for the purpose of taking part or establishing socio-economic, social, scientific, and cultural associations.
2. The political parties and associations that are contrary to the national interest and fail to abide by the law are forbidden.

3. The conventions committed by members in the name of their juridical association shall have a common responsibility of their acts before the law.

**Article 29**  
**Right of Residence**

1. Every citizen shall have the right to reside any part of the territory of the State and shall not be subjected to deportation.
2. Locations and times that are restricted to access shall be regulated by law.

**Article 30**  
**Right of Ownership**

1. Every citizen shall have the right to have his/her own property, within the framework of the law.
2. Any unlawful act of producing is prohibited.
3. No personal commission or property levy may be imposed not in compliance with the law.

**Article 31**  
**The Right to Life and Physical Safety**

1. Every citizen shall have the right to life and can be deprived off with the exception of Allah's will, only when convicted of a punishable crime and sentenced to death by a competent court.
2. Every person shall have the right of securing his body and personal dignity.
3. The commitment of crimes against the rights of human being such as killing without trial is prohibited.

**Article 32**  
**Right to Personal Freedom**

1. No person shall be deprived off his/her freedom, is not liable to personal search, any form of restriction not in compliance with the law.
2. Subjection to any form of slavery trading is prohibited by law.
3. All forms of personal liberty shall be in conformity with the Islamic Sharia, Law, moral dignity, national stability or the personal rights of the others.
4. The Constitution ensures the rights and liberty of every person.

**Article 33**  
**Extradition and Political Asylums**

1. Any alien immigrated to or resident in the territory of Puntland State that has requested a political asylum in conformity with the State Laws shall have the right to be granted a political asylum, under the conditions prescribed by law subject to all cases of the rules and conditions of the International Conventions thereof.
2. Extradition of a citizen of Puntland State to foreign States is prohibited

3. Any alien fugitive criminal or convicted shall be deported by Puntland State to the State where the offence was committed, according to the bilateral extradition treaties.

**Article 34**  
**Right to Residence**

1. Every person shall have the right to the inviolability of his/her domicile. Inspection, search, spying, seizure or intrusion in the domicile or any other residence places are prohibited with the exception of a written motivated warrant from a judge or other provisions provided by law .
2. The inspecting authority of the case shall give and read a written order from a judge to the owner of the domicile. It is not allowed to abuse the order of the judge

**Article 35**  
**Freedom of Press**

1. The media and the information agencies have the right of freedom to their institutional duties, without any interference and hindrance to their objectives.
2. A special law shall be promulgated for regulation of media and information agencies.

**Article 36**  
**Freedom of Correspondence**

1. Every person shall have the right to the secrecy of postal services, personal communications, press and personal written materials, with the exception of the cases permitted by law of inspections, tracing and monitoring subject to a motivated order by a judge.

**Article 37**  
**Right to Strike and Gathering**

1. The right to strike and reunion is recognized and may be exercised within the limits proscribed by law, in regard with a prior authorization of concerned authorities.
2. Reunions and manifestation shall be called off when they are against the principle of Islam, the public health, national security and stability, moral dignity and the public system.

**Article 38**  
**Duties of Citizens**

1. Every citizen obligated to strengthen the unity and safeguarding the sustainability of Puntland State.
2. Every citizen shall safeguard Islamic Religion, the Puntland Constitution, the State Laws and the due taxes.
3. Every citizen shall participate in the National Defense of Puntland State, whenever the State recalls to the duty of army services.
4. A law shall establish the punishment that arises from non compliance with duties mentioned in the 1, 2 and 3 of this Article.

**5<sup>h</sup> Section**

**Fundamental Rights**  
**Article 39**  
**Right to Institute Legal Proceedings**

1. Every person shall have the right to institute legal proceedings, under conditions of full equality before lawfully constituted courts.
2. No person shall be convicted or arrested for an act which was not punishable as an offence under the law enforce at the time it was committed.
3. No person shall be subjected to a punishment unless ordered by a competent court of law.
4. No crime and penalty shall be imposed upon any person unless provided by a legally constituted Court, penal liability shall be personal.

**Article 40.**  
**Rights of Defendants**

1. The accused is presumed innocent until the conviction becomes final
2. A defendant cannot be held in unlawful place and shall be taken before the judge within 48 hrs.
3. The competent court shall read to the defendant the crime that he/she is accused for.
4. The defendant shall have the right to be visited by his relatives, lawyer, physician and friends and shall have the right to be released on a bail if the law provides so.
5. The defendant shall have the right to have a defense lawyer, the Government shall provide a legal aid, if the defendant is unable to hire one; the mentally unfit people will apply the same.
6. The defendant shall not be forced to the confession of the offence of the accusation.
7. The defendant shall have the right to defend his/her self before the Court.

**Article 41.**  
**The Right of the Convicted Person**

1. The convicted imprisoned person shall have the right of custodial care, security and humanitarian dignity.
2. The convicted shall have the right of the visits of: family, lawyer, doctor and friends.
3. The convicted in prison shall have the right of health care, food and education.
4. The convicted in prison shall have the internationally recognized rights of the prisoners.
5. The convicted shall have the right of appeal from the sentence of his/her conviction to the higher court.

**Article 42.**  
**The Structure and the Organization of the State**

1. The three powers of Puntland Regional State consist of:
  - a) House of Representatives
  - b) Judiciary Council
  - c) The Executive Council
2. No one shall have the right to be a member more than one of the three powers.

**1<sup>st</sup> Section**  
**Legislation**  
**Article 43**

1. The legislative power is vested in the House of Representatives.
2. The House of Representatives shall consist of 66 deputies elected by the people.
3. Each legislative shall be elected for a period of 4 years starting from the proclamation of the electoral results
4. The new elected House shall meet for the first time within thirty days after the proclamation of the electoral results.

**Article 44.**  
**Illegibility Criteria for Membership of the House of Representatives**

1. Any accountable citizen of Puntland, mentally sound, attained 30 years of age shall be illegible for the membership of the House of Representatives.
2. Should have not been formerly convicted a high treason offence.
3. Has the qualification of at least secondary school or equivalent certificate.
4. The Supreme Court has the legal power of disqualifying the candidates that fail to satisfy the prescribed conditions for membership.

**Article 45.**  
**Disqualification Conditions of the Membership of the House of Representatives**

1. A member of the House shall be disqualified if that person:
  - a. Died
  - b. Submitted his own resignation accepted by the House
  - c. Has been convicted in an indictable offence by a court.
2. If vacancy arises, the relevant candidate in the former election that was illegible for the seat shall succeed the dismissed member.

**Article 46**  
**Functions of the House of Representatives**

1. The House shall elect among its members the House President, First and the Second Vices of the President.
2. The House shall appoint a committee for the implementation of its duties in the interval period of the two annual sessions.
3. The House shall have a non member permanent secretary appointed by the Presidency of House.
4. The House shall have technical consultants under the office of the Presidency of the House.
5. The House shall have internal regulations.

6. The House of Representatives shall have the power of convening debates, contributing suggestions to the general policy of the Government.
7. The House shall discuss on all funds that are not included in the budget approved before its consumption.
8. The House shall discuss on every draft law Article by Article. If the Constitution fails short of passing restricting regulations, a simple majority shall be applied for the approval and rejection of the vote.
9. Any law approved by the House of Representatives shall be promulgated by the President of Puntland within 30days and shall be published in the Official Bulletin of the Government becoming into force not less than 15 days.
10. All decisions shall be approved by a vote of simple majority of those present members, except when a special majority is required by the constitution or by law.
11. Every draft law concerning State Property shall be validated by the House of Representatives.
12. In case of death, resignation, dismissal of the President of the State and his Vice, the functions of the Office of the Presidency shall be temporarily exercised by the President of the House of Representatives, and the House shall meet within 15 days to elect a new President and a Vice President.

#### **Article 47.**

#### **The Powers Vested in the House of Representatives**

1. Approval or rejection of proposals of the Government concerning of creation of new Districts and Regions
2. A review on approval, amendment and rejection of the laws proposed by the Government.
3. Approval, rejection and variations of the budget proposed by the Government.
4. Provisional application of the budget may be authorized by law for a period not exceeding 30 days.
5. The vote of confidence for ministers shall be fulfilled in one by one procedure by the majority vote of 2/3 of the members of the House of Representatives.
6. Approval/disapproval of an efficient program proposed by the Government.
7. Approval/disapproval of the Government proposed project concerning a Somali Federal State Institution.
8. Approval/disapproval or amendment of the International treaties.
9. Approval/disapproval of Government strategic plans concerning decentralization of administrative powers.
10. Approval/disapproval of emergency laws proposed by the Government within 30 days, due to natural calamities, war and internal uprising aimed to destabilize Puntland State.
11. If the emergency law is rejected, the emergency law shall cease its effect as a law, however, the acts consumed in due time, shall be ratified by the House of Representatives.
12. Election of the President and his Vice by secret ballot, with a majority of 2/3 of its members on the first and the second ballots, or by a simple majority of its members in the subsequent ballots.
13. A draft law rejected shall not be represented to the House until the coming session.
14. Ratification of impeachment or warrant of arrest against the President of the Supreme Court and Attorney General of one or both in serious flagrant delicto.

15. The refusal of the President shall be kept aside by the rejection of the House of Representatives and approves its original forum by a resolution supported by votes of 2/3 of all members of the House in which the President will assent to the law within 30 days from the date of refusal.
16. Assuring and controlling the implementation of laws approved by the House.
17. The House shall deprive off the immunity from every responsible official if the public prosecutor produce convincing evidence that he/she committed a crime except the cases mentioned in the Articles 45, 49 of the Constitution.
18. The power of authorization of printing the official currency.
19. No taxes shall be imposed unless the Houses approves by law.
20. The House shall elect the President and his vice two months before the composition of the Government.

**Article 48.**  
**Sessions of House**

1. The House shall hold two annual sessions commencing, respectively, in the months of June and October.
2. Extra ordinary session of the House of Representatives may be convened by its President of the House, or by the request of the President of Puntland State or by 1/4 of the members of the House and all shall be regulated by a in a written request.
3. The members of Council of Ministers and the high ranking officers of the Government shall have the right to attend the meetings of the House in order to put upon questions or interpellations about their responsibilities.
4. The emergency state shall approved by the House of Representatives within 30 days. And confer the Government the necessary powers.
5. Every session of the House shall commence with the majority of 2/3 of the members.

**Article 49.**  
**Immunity of the House of the Representatives**

1. The Representatives of the House shall have immunity.
2. The legal definition of immunity is that no members of the House subjected to personal research, of his body and residence, nor arrested, unless he/she is caught in serious crime.
3. The immunity shall be deprived off in the cases of:
  - a. When the immune person commits a serious crime.
  - b. When the member loses the responsibility by which the member gained the immunity.
4. Suits other than criminal charges could be raised against the immune person, without the authorization of the House of Representatives and he/she can delegate a lawyer before the court.

**Article 50.**  
**Dissolution of the House**

1. The Hose of Representatives may be dissolved according to the paragraphs 2, 3 and 4.of Article 50.
2. When the majority of its members resign from the membership.

3. Whenever the House could not hold two consecutive sessions without any justifiable reasons. Conditions.
4. When it is proved that the House has intentionally violated the Constitution.
5. When the cases mentioned in the paragraphs 2,3 and 4 of this Article are proved as committed, the President of Puntland shall transmit a written statement to the Constitutional Court in which he shall request the investigation of the concerned the offences mentioned in the paragraphs 2,3 and 4 of this Article;
6. When the Constitutional Court proves that the cases the commitment of the offences mentioned in the paragraphs 2, 3 and 4 of this Article are committed, the Court shall convey its procedural findings to the President.
7. When the President receives the legal declaration of the Constitutional Court, He shall promulgate a decree of law about the dissolution of the House of Representatives, by the same decree dissolving by the House, the President shall fix the date of the new elections, which shall take place within 45 days of the dissolution.
8. The out going House of Representatives shall retain its ordinary powers without resuming any new plans until the proclamation of new House.

**Article 51.**  
**Non Confidence of the Ministers**

1. The House of Representatives shall have the right to withdraw its confidence from the ministers individually or collectively
2. The motion of no -confidence may be proposed at any time by at least 6 members of the House.
3. The debate of the motion of no confidence shall be proposed by at least 1/3 of the members of the House.
4. The House shall pass a motion of no-confidence by a majority vote of at least 2/3 of the members of the House of Representatives.
5. Upon a vote of no-confidence by the House of Representatives, the members of the Government shall resign. The resigning Government shall continue in office for the purpose of carrying out the routine duties until the appointment of a new government.
6. The period of the nomination of new ministers is that mentioned in Article 54.2.

**6<sup>th</sup> Section**  
**Executive Council**  
**Article 52.**  
**Organization of the Government**

1. The system of Puntland Governance is Parliamentary system; the executive power shall be vested in the Government.
2. The executive power initiates and implements the Constitutional system.
3. Safeguards security and stability of Puntland State.
4. Puntland Central Government comprises of:
  - a) Punland Central Government
  - b) Regional and District Administrations.

5. Powers and inter-relations of the Central Government and Regional Administrations shall be regulated by special law.
6. The Government sets up and implements the political, economical strategy and the national plan of development.
7. Sets up and implements, foreseeing finance and currency issues, foreign investments.
8. Prepares the annual budget of the Government.
9. The high officials and commanders of the military forces shall be appointed on the proposal of the concerning authority approved by the Council of Ministers in accordance with qualifications and their past experiences.
10. The Director Generals shall have the implementation responsibility of the managements of the ministries and institutions in compliance with the Government policy.

### **Article 53.**

#### **The President and the Vice President**

1. The Conditions to undergo for the election of the President and the Vice President Are as follows:
  2. The candidacy for President and his Vice should have the qualifications of administrative knowledge, leadership experience, high education, should not be married to, nor shall be married to any woman who is not a Somali citizen during the office term.,
  3. Should not have committed a high treason offence, crimes against the humanitarian rights and should have a good reputation among the people.
  4. The illegibility for the candidacy of the Office of President and Vice President may come from the members of the House of Representatives or from the common people of Puntland.

### **Article 54**

#### **Powers and Duties of the President**

1. The President shall be the head of the Puntland State and represents the unity of the Nation.
2. Head of the State and Chairman of the Executive Council. The President and his Vice President of Puntland State shall form the Government Members within 21 days.
3. The president shall have the powers of nomination and dismissal of the members of the Council of Ministers after having heard the Vice President.
4. Ratification of international treats.
5. Shall have the power of signing the conventions of the Federal Somali Government.
6. The President is the Commander In Chief of the Armed Forces.
7. Shall have the power to grant amnesty and burden and commuting sentences after having received.
8. Accredite and receive diplomatic agents.
9. Shall have the right to travel abroad for the purpose of Puntland interest.
10. The President shall be responsible for safeguarding the Constitution, Islamic Religion, Good Traditions and State laws.

11. Has the power to address messages to the House of Representatives and to declare sessions open.
12. Has the power to declare state of war after, having consulted with his Council of Ministers and simultaneously informed the House of Representatives, see 47.10.
13. The President and his Office have the power to confer State Honors and rewards in the name and the prestige of Puntland State.
14. Promulgates the draft legislations approved by the House of Representatives.
15. The President shall have the power of rejection of those legislative laws presented by the House. The President should clarify the reason of his rejection (see 47.15).
16. The office term of the President and his Vice shall be 4 years from the date of taking oath and can be elected for two terms only.
17. The presents of national value rewarded to the high State officials and their wives shall be considered as national property.
18. Decide the fixed date of election.
19. Regulate a law for duty implementation.
20. The President shall not be abroad the country more than 60 days.

#### **Article 55.**

#### **The Powers and Responsibilities of the Vice President**

1. The Vice President shall resume all the President responsibilities in his absence to abroad or being temporarily incapacitated to exercise his functions.
2. Advising the President on the appointment and dismissal of the Ministers.
3. Implementation of duties delegated by the President.
4. In the cases of death of the President, dismissal from the office or the resignation from the office of the President, the Vice President shall automatically assume the office of the President for the remaining period of the term.
5. In the cases mentioned in the 4<sup>th</sup> paragraph of this Article, the House of Representatives shall elect a Vice President.

#### **.Article 56**

#### **Dismissal of the President and His Vice**

1. The President and the Vice President can be dismissed from the Office when the House of Representatives approves by 2/3 majority vote of the members, in the manner of equality, direct and secret on the accusation of high treason, failure of responsibility, Constitutional abuse and other serious crimes, which the Attorney General brought before the law.
2. When the House of Representatives approve by 2/3 majority vote of the members, the President and his Vice may be impeached.

#### **Article 57.**

#### **Organization of the Government**

1. The Government shall be composed of the President and Vice of Puntland State and maximum of 9 Ministers and 9 Vice Ministers.

2. Any citizen possessing the qualifications required as a member of the House and in addition to the above conditions, the nominee for the office of the minister shall hold a University Diploma and 5 years of administrative skills.
3. The President, the Vice President, the Ministers, the Vice Ministers and the high ranking officials of the Government shall not have the right to exercise any private business during the office term.
4. The personal properties of the President, Vice President, Ministers, and the high ranking officials shall be registered by Magistrate of Accounts during their nomination for the office responsibilities and after their dismissal.
5. The structure of the Government sections shall be regulated by internal regulation of job descriptions. .
6. As stated in Article 47.20, the Government shall prepare the hand over of its responsibility two months before the office Term.

**Article 58.**  
**Duties of Ministers and Auxiliary Organs**

1. The Government shall be composed of 9 Ministers and the Ministry of Justice is hereafter called the Ministry of Religion and Welfare.
2. The President, having consulted with the Vice President shall establish special agencies with specified duties.
3. There shall be a special law regulating their duties before their establishment.
4. All the Governmental Agencies shall fulfill their duties in conformity with the constitutional provisions.
5. The responsibilities of the Council of Ministers are both individual and collective.
6. Personal armies are subject to licensing except public officers.
7. The quality rising of the Puntland Security Forces to National Armed Forces.
8. Planning for the resettlement of the refugees and displaced persons.
9. Rehabilitations of the war affected people.
10. Preparation of the economical plans through scientific studies and researches.
11. Developing the social affairs.
12. Safeguarding and registration of Governmental properties.

**Article 59**  
**Duties of Ministers**

1. The Minister is the highest responsible of the Ministry.
2. The Minister shall direct the general policy of the Government.
3. The Minister proposes promotions, rewards, and dismissal within, the Ministry after consulting with the Vice Minister.

**Article 60**  
**Duties of the Vice Minister**

1. Assumes all the functions of the Minister in his absence temporarily.

2. Advising the Minister in running the Ministry duties.
3. Implementing the affairs delegated by the Minister.

**Article 61.**  
**State Autonomous Agencies**

1. The State Autonomous Agencies shall be composed of: a) Magisterial accounts b) The Puntland Central Bank.
2. The nomination of chair persons of the autonomous agencies shall be appointed by the House of Representatives on the proposal of the Government.
3. The law shall regulate the Autonomous Agencies, reporting their findings to Government and disseminating c.c. to House of Representatives.
4. The central shall have a board of directors of 7 members consisting of
  - a. President
  - b. Director General of Ministry of Finance
  - c. Director General of Ministry of Public Works
  - d. Director General of Ministry of Commerce
  - e. Director General of Ministry of Labor & Workers
  - f. Three members from the Chamber of Commerce and non voting permanent secretary who shall assume as Office Director General of the Central Bank
5. The Government shall propose the act regulating the duties and responsibilities subjected to the approval of the House of Representatives.

**Article 62**

1. The Constitution consents the establishment of the joint venture companies.
2. The executive board of Directors of the State Agencies shall be proposed by the commencing minister and approved by the Council of the Government.
3. The Joint/Venture Institution Executive Board shall be appointed by the concerned Minister and Stakeholders.

**Article 63.**  
**Immunity to Executive Council and the Autonomous Agencies**

1. Immunity shall be to:
  - a) Executive Board
  - b) Chair-Persons of the Autonomous Agencies
2. Non criminal accusations may be raised against a member of the Council of Ministers, Autonomous Chair-Persons and Presidents of Central Bank and Magistrate Accounts.

**Article 64.**  
**Independence of the Judiciary**

1. The Judiciary shall be independent from both the Executive and the Legislative Powers.
2. The Judiciary is independent to perform its duties in accordance with the law.
3. The Judiciary shall be composed of:
  - a) Ordinary Courts
  - b) The Office of Attorney General

**Article 65.**  
**Supreme Judicial Council**

1. The Supreme Judicial is the highest of all organs of the Judicial System.
2. The Supreme judicial Council shall be established and regulated by a special law on the proposal of the Government approved by the House of Representatives.
3. The Supreme judicial Council shall be composed of:
  - a) The Chairman of the Supreme Court.
  - b) The Attorney General
  - c) Three judges selected by Supreme Court (judicial member)
  - d) Two lawyers selected by the community.
4. The Government shall select the three judges and two lawyers and House approves.
5. The Supreme Judicial shall have the power of: nomination, transfer, promotion and dismissal of judges and the judicial staff (personnel).
6. The conditions and regulations governing to employ the judges and judiciary staff shall be regulated by law.
7. The Supreme Judicial Council shall be regulated by a law on the proposal of the Government subjected to the approval of the House of Representatives.
8. The members of the Supreme Judicial Council shall not resign from Office simultaneously.

**Article 66.**  
**The Ordinary Court**

The Ordinary Court shall consist of:

- a) Supreme Court
- b) The Court of Appeal
- c) The Court of First Instance

**Article 67**  
**Supreme Court**

1. The Supreme shall be the highest court in the Puntland Regional Government.
2. The Supreme Court shall have the powers to determine the cases:

3. Hearing appeals from the Court of Appeals. The administrative suits against the Government are exclusive competence of the Supreme.
4. The seat of the Supreme Court is the Capital City of Puntland State and shall have the right to hear all proceedings over the territory.
5. The number of the judges of the Supreme shall be five: the President, Vice President and three judges.
6. The Government should propose nomination and dismissal of the President of the Supreme Court subject to the approval of the House.
7. The appointment of the judges of the Supreme shall appear in the judicial law.
8. The judges of the Supreme shall not resign from their duties simultaneously.

**Article 68.**  
**First Instance Court**

1. The first Instance Court shall have the jurisdiction over juridical proceedings of: Civil Criminal proceedings and the Family Proceedings except the Administrative suits that are reserved exclusively to Supreme Court.
2. The number of the judges and Qadis of First Instance Court shall be ruled in and juridical in a law.

**Article 69**  
**Court of Appeal**

1. The seats of the Courts of Appeal shall be in the Capital City of the Regions of Puntland.
2. The power of the Court of Appeal is entitled to carry on proceedings of appeals from sentences of the First Instance Court.
3. The Appeal has the jurisdiction over its Regional seat.
4. The member of the judges of the Appeal shall be at least three.
5. The selection of the judges in Courts of Appeal Courts shall be bases on the requirement of having degrees from a faculty of law or an equivalent knowledge and experience in the Islamic Sharia.

**4<sup>th</sup> Section**  
**Article 70.**  
**Attorney General**

1. The seat of the Attorney General shall be in the Capital City of Puntland State.
2. The duty of the Attorney General shall be to safeguard the implementation of the laws of Puntland.
3. The Attorney General shall be appointed by the proposal of the Government and approved by the House of Representatives.
4. The Office of the Attorney General shall be composed of:
  - a) The Attorney General
  - b) Deputies of the Attorney General shall be assigned as one for each Region.

**Article 71.**  
**The Powers and Responsibilities of the Attorney General**

1. The Attorney General has the power to impeach the high ranking officers of the Government before the Courts.
2. The responsibilities of the Attorney General are:
  - a) Safeguarding and securing the laws and preventing from the immorality of the criminals.
  - b) Investigations and institutions of criminal proceedings against the criminals before the law.
  - c) Supervising the prisons and the rehabilitation centers.
  - d) Safeguarding and advocating to the rights of the orphans, disabled persons and whoever needs the protection of the law.

**3<sup>rd</sup> Part**  
**1st Section**  
**Article 72**  
**Juridical Guarantees**

1. The judges will not take any incompatible jobs with their juridical duties.
2. The judges shall perform their duties in which they shall exercise without interference.
3. The judiciary proceedings shall be public, with the exception of the cases where moral sensitivity, health conditions or public orders are concerned.
4. No judicial decision shall be taken unless all the concerned parties have been heard and given opportunities to defend their case, unless the law allows it.
5. All sentences and decisions shall be motivated, clarified and subjected to appeals when the law allows doing so.
6. The Court should inform the convicted person a concise statement of the legal grounds on which the judgment is based.

**Article 73.**  
**Responsibilities of the Judiciary**

1. Responsibilities, powers and actions of the Judiciary shall be regulated by the Constitution and the other State Laws.
2. There shall be instituted branches of first Instance penal, civil, administrative and family status.
3. A martial Court shall be established only in the war time.
4. In the peace time, the military court shall only carry out military proceedings.

**Article 74.**  
**The Constitutional Court**

1. The Constitutional Court shall be instituted simultaneously with the Government of Puntland, and continuous its jurisdiction 6 months after the Government collapsed.

2. The seat of the Constitutional Court shall be in the Capital City of Puntland.
3. The members of the Constitutional Court shall consist of 11 judges selected as follows:
  - a) The five members of the Supreme Court.
  - b) Six members selected from the civil society.
4. The Constitutional Court shall be independent from the Executive, Legislative and Judiciary powers.
5. The Court shall abide only to the law.
6. The secretary of the court shall be only the President of the Supreme Court.
7. For whatever reason it may be due to, if there is a vacant post in the Constitutional Court, it should be assumed within 45 days.
8. A special legislative law issued by the Houses of Representatives shall regulate the powers and the administration of the Constitutional Court. The law shall be passed in the first session of the House.
9. The Government shall propose the selection of 3 members of the House, while the House of Representatives shall propose the other 3 members.
10. The members of the Constitutional Court shall not resign simultaneously.
11. The President of the Supreme Court shall be the Chair-Person of the Constitutional Court.

#### **Article 75.**

#### **The Powers and Duties of Constitutional Court**

1. The functions of Constitutional Court are to decide only the constitutionality of the laws and acts thereof.
2. The law conflicts between Islamic Sharia and Secular Laws concerning the impeachments against the President, the Vice President, Ministers, Members of House of Representatives and high ranking Government Officers, shall be determined by the Constitutional Court.
3. The Constitutional Court shall have jurisdiction over the misunderstanding aroused from the Constitution and Constitutional laws specially:
  - a) The interpretations of the Constitution (explanation and clarification of the Constitution and other laws).
  - b) Harmonization of Secular Laws and Islamic Sharia Laws.
4. The Constitutional Court shall also hear the other cases from:
  - a) 1/3 of the House of Representatives shall forward a petition, in which they shall express that an Article or a decision has been violated by one of the State Councils.
  - b) When one person or more of Puntland population raise a case of violation against their fundamental human rights given by the Constitution, which has been heard by a court and convinced as a case related to the Constitution.
  - c) When a part or a branch of Puntland State demands to take a decision over the power disputes among the Government Institutions.
5. The Constitutional decisions are:
  - a) To be confirmed by one vote majority of its members.
  - b) Not in secret ballot.

- c) To be registered
- d) To be disseminated to the Office of the President of Puntland and the House of the Representatives.
- e) To be published in the Official Bulletin of Puntland State
- f) They shall have the juridical powers based on the laws and Constitution of Puntland.

**Article 76.**

**Criteria for Selection of Constitutional Court Judges**

1. The Constitutional Court Judge shall have the same qualifications required for the House members.
2. Should have a recognized law faculty degree or equivalent Islamic Sharia certificate.
3. Should have at least 10 years of experience.
4. The six members of the Constitutional Court selected from the civil society shall have the same status as those of the judges of the Supreme Court

**Article 77.**

**Disqualifications of the Membership of the Constitutional Court**

Losing the membership of the Constitutional Court, is specified in Article 45.1

**Article 78**

**Immunity of the Judiciary Council**

1. The Judiciary Council shall have the right of immunity.
2. Members of the Judiciary Council shall not be subjected to personal search, search of either their homes or cars, without authorization from their Judiciary Council or without being caught in an act of serious crime.
3. Non Criminal proceedings may be instituted against a judge without the authorization of the Judiciary Council.

**Article 79.**

**Traditional Leaders**

1. The Court recognizes and assures the existence and the responsibilities of the Traditional Leaders of the society (Isimo).
2. In case of arguments and misunderstandings arised among clans with no any other alternative or solutions within the Constitution and Constitutional Laws, the Traditional Leaders shall be referred to, in order to give their suggestions and take decisions on the subject.
3. In order to safeguard the dignity and neutrality of the Traditional Leaders, their involvement in political and religious organizations is forbidden.

**Article 80.**  
**Resolution, Mediation and Recognition of Customary Law**

1. The Constitution recognizes the decisions of reconciliation, mediation and the commonly used traditional suggestions that they conduct in the clan community. The decisions on the basis of the Customary Laws taken by the Council of traditional elders are equivalent to the judgments of the First Instance Courts.
2. Judgments of reconciliations and mediations shall not be contrary to the Constitution and the Laws of Puntland.

**Part 4**  
**1<sup>st</sup> Section**  
**Regional and District Administration**  
**Article 81.**  
**Decentralization of Regional and District Administration**

1. Puntland exercises the principles of decentralization (from bottom to top)
2. The Government shall reform and regulate the administration of Regions and districts of Puntland.
3. The Government shall propose a legislative decree of law for regulation and reform that will be approved by the House.
4. The Government shall appoint a Regional Governor.

**Article 82.**  
**Powers and Functions of the Governor.**

1. The powers and functions of the Governor shall be regulated in a special law before the appointment of the Governors.
2. The Governor is the highest authority of the Region and chairs the meetings of the development and security committees.
3. The Governor shall have the supervision over the entire Government activities in Region.
4. The Governor chairs the meetings of the Districts Committees once for every six months.
5. The Governor coordinates the Central Government and the Region

**Article 83.**  
**The District Administration System**

1. The District Administration of Puntland shall be based on autonomous system with the participation of the community groups.
2. The community groups shall elect a Law Making Council.
3. The District Council shall elect a Chair-person and Deputy selected by the Law Making Council.
4. The duties of the Council shall be regulated by a law prior to their selection.
5. The number of the Council Members shall be determined in respect to the density and the wealth of the community.
6. The district shall have a mayor elected from the members of the Council.

7. After having consulted with the elders, the Mayor shall propose the Administration Committees of the Villages, which the District Council shall approve.
8. The district mayor shall compose the district administrative body and the Council shall approve it.
9. The District Councils should be capable of planning their economy, social affairs and the security.
10. The duration of terms of the different councils shall be 4 years.

**Article 84.**  
**Conditions for the Election of Law Making Council**

The conditions for elections of District Law Making Council for the districts shall be regulated by the Article 44.

**Article 85.**  
**Powers and Functions of District Law Making Council**

1. A law for the regulation of the District Council shall be established on the proposal of the Government approved by the House of the Representatives
2. The Council of Districts shall have the responsibility of implementing the planes in the fields of social services, education, intermediate and elementary school, livestock, agriculture, security, water, electricity, communication, health care, water, environmental safeguard and development according to their resources.
3. A law on the proposal of the Government and approved by the House, shall regulate the confinement of territorial powers between the Central Government and the Districts.

**Article 86.**  
**Powers of the District Commissioner**

1. The District Commissioner is the highest authority in the District and chairs the District meetings of the development and security committees.
- 2.
3. The District Commissioner shall have the power of surveillance and inspections over the Government Offices in the District.
4. The District Commissioner chairs the meetings of the District and the villages.
5. The District Commissioners are the linkage between the Regions and Districts.
6. He/she may be elected either by the Law Making Council of the District Council or by the District population.

**Article 87.**  
**Loosing the Membership of the District Law Making Council**

Losing the membership of the District Law Making Council shall be in accordance with Article 45. Of the Constitution.

**Article 88.**  
**Dissolution of District Law Making Council**

The District Law Making Council shall be dissolved in accordance with the provisions of Article 49. Of the Constitution.

**Part 5**  
**1st Section**  
**Various Articles**  
**Article 89.**

1. The act of sale of the State properties is forbidden unless the Government is part of it.
2. The Government has no right of selling State property more than US \$ 100,000 (hundred thousand USA Dollars), unless the House of Representatives authorizes.

**Article 90.**  
**Confiscation of Private Property**

1. The private ownership achieved in accordance with the law, shall not be subject to confiscation except for public interest for which the Government shall pay an equal compensation to the owner.
2. A law shall regulate the confiscation of the private ownership.

**Article 91.**  
**Conduct and Moral Principles**

The Government shall protect the good conduct and the moral principles of the society.

**Article 92.**  
**Labor Protection**

1. The Government shall promote a job creation for the people and recruit the labors with the required skills.
2. The act of forced labor is forbidden, unless other special regulations of law are provided and shall specify by special law...
3. Every worker shall have the right to a remuneration equivalent to his/her work.
4. Every worker shall have the right to get one day off rest in the week, yearly leave and other Holidays provided by law without diminishing his/her rights.
5. The Government should take care of the physical and moral fitness of the workers.
6. The workers shall have the right to manifest for their rights in peaceful demonstrations and strikes, except the Armed Forces in compliance with the law.
7. Every citizen shall have the right to opt the profession he/she prefers.

**Article 93.**

**Social Insurances**

1. The Constitution guarantees retirement pension to the workers either in the civil servant or in the military personnel.
2. Every civil servant affected by accident, sickness and disablement, has the right to a care according to the law.

**Article 94.**

**The Armed Forces**

1. The Puntland Army Forces consist of:
  - a) Police
  - b) Darawish Police Force
  - c) Custodial Corps

**Article 95.**

**The Socio-economical System of the Free Market**

1. Puntland Regional Government shall exercise the socio-economic free market, encouraging and guaranteeing both national and foreign investments.
2. The trade system is based on free competition.
3. Any law not in compliance with the free trade competition principles shall be prohibited.

**Article 96.**

**Protection of the Environment.**

1. Deforestation, erosion and of (sea, air and land) and the environmental pollution of sea, air and land charcoal exportation, trading of plants and firewood are prohibited.
2. The exportation of female livestock is forbidden.
3. The hunting of wild animals for game is forbidden.
4. The Constitution shall prohibit the urbanization of unsuitable lands.

**Article 97.**

**Taking an Oath**

Upon assuming functions, every high ranking officer shall take the following oath of loyalty to the Puntland State: “In the name of Allah, I swear that I will respect the Islamic Religion, discharge all my duties faithfully in the interest of the people and will abide by the Constitution and the Laws.”

**Article 98.**  
**Amendments to the Constitution**

1. Amendments or additions to the provisions of the Constitutions shall be decided by the House of Representatives on the proposal of: at least 1/5 of the House Representatives or the Government or 5000 voters.
2. The approval of the amendment requires two successive ballots with the majority of 3/4 of the House of Representatives both in the first and the second ballots.
3. The amendments shall be held at an interval of not less than one month in two successive sessions.

**Article 99.**  
**Constitutional Guarantees**

1. All the laws of Puntland Regional State shall conform with the Articles of the Constitution.
2. If a petition submitted by a person or an office, in which the Attorney General or a court decided as a preliminary matter that the application to admissible shall allow the rehearing of the case.
3. If the rehearing of the case is allowed by the Court, the execution of the previous orders shall be suspended until the result of the judgment becomes final.
4. If the Supreme Court discovers the petition as obviously unfounded, the Court shall declared the petition inadmissible and shall suspend the decision on the petition and transmit the case to the Constitutional Court.

**Article 100.**  
**The Official Copy of the Constitution**

The Somali Language is the official and legally recognized language of the original copy of the Constitution of Puntland and shall come into force on the 1<sup>st</sup> of July 2001

