

CONSTITUTION OF PUNTLAND STATE OF SOMALIA

December 2009

*National Democratic Institute (NDI) unofficial translation into English of the 2009 Constitution of Puntland State of Somalia.
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translated into English. The Somali version remains authoritative.*

Puntland State was created in 1998 through a consultative agreement among the different regions that constitute Puntland.

The creation of Puntland State emerged from Somalia's failure to re-establish an inclusive national government for eight years. The people of Puntland realized they could not continue without a government. It was then decided in the constitutional conference of 1998 that Puntland would become a state that would be part of a federal Somalia.

A charter was approved in that same 1998 conference and later replaced with a provisional constitution that was approved by members of the House of Representatives in 2001. A referendum on the constitution was to have taken place in 2004, although this was not accomplished.

Since it was not possible to hold a referendum on the constitution it was decided that the constitution would continue in force while undergoing review.

The constitutional review process began in May 2007 and continued until June 2009. In the review process, meaningful opinions were contributed from different sectors of Puntland society, such as Somali lawyers and foreign lawyers.

Therefore, the new constitution was drafted to become the law of the people of Puntland and was based on the Islamic shari'a and, at the same time, the constitution guides the system of governance, and thus brings collaboration and order among the different government institutions of the state.

It is important to mention that this constitution will have an impact on the life of every Puntlander, because no nation may exist without laws, and therefore this constitution brings order among citizens and moreover entrenches their human rights and responsibilities so that they may attain social and economic development.

In summary, this constitution provides guidance on the laws administering the different roles of the public institutions, and therefore works in the best interests of the citizens of Puntland. Since this constitution sets out the general structure of the Puntland government, it will also impact on other people in the Federal Republic of Somalia.

Puntland decided to be part of a government based on a federal system as a result of the needs of the citizens of Somalia.

For the reasons above, every Puntland citizen is expected to read this constitution, so that he or she may know its importance for the people, and therefore make an informed decision when voting in the referendum.

Thanks to Allah,

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President of Puntland State

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Speaker of the House of Representatives

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Title I - FOUNDING PRINCIPLES OF PUNTLAND

Chapter One - FOUNDING PRINCIPLES

Article 1 - NAME AND PURPOSE

1. The name of the state shall be Puntland State of Somalia.
2. The purpose of Puntland State is to create a system of governance based on consultation, equality and social justice in accordance with Islamic Sharia that fosters permanent peace and stability and development focused on the improvement of the standard of living of the citizens of Puntland and to extend these objectives to all the people of Somalia.

Article 2 - SUPREMACY OF THE LAW

1. The law is above every one.
2. All Puntland state institutions and the people of Puntland shall be subject to the law.

Article 3 - FOUNDING PRINCIPLES

1. Except the power of the Almighty, all power shall be vested in the people and delegated to leaders in accordance with the law; the leaders of the state are the servants of the people and shall exercise their responsibilities in accordance with the law.
2. No individual, group or part of society shall exercise government authority exclusively to themselves.
3. The political system of Puntland State is based on the guiding principles of:
 - (a) Islamic Sharia;
 - (b) rule by the people;
 - (c) good governance;
 - (d) consultation;
 - (e) promoting positive Somali culture and traditions;
 - (f) advancing public interests over individual interests; and
 - (g) multi-party competition and decentralization of power throughout Puntland.
4. Puntland recognizes the principle of self-determination for the peoples of the world.
5. Puntland promotes the principle of solving existing and future disputes, at the international level, through dialogue and peaceful means.

Article 4 - SYSTEM OF GOVERNANCE

1. Puntland State is part of Somalia; its duty is to contribute to the establishment and protection of a Somali government based on a federal system.
2. The powers that Puntland State shall cede to the Federal Government of Somalia and those that will be preserved shall be determined through negotiation between the Federal Government of Somalia and Puntland State and shall be set out in the Federal Constitution of Somalia and the Puntland State Constitution.
3. Pending the completion of the Federal Constitution, ratified by Puntland, and approved by popular referendum, Puntland State shall have the status of an independent state.
4. Puntland State shall reserve the right to review the provisions in paragraphs 1, 2, and 3 of this Article if:
 - (a) Somalis fail to agree on a federal system;
 - (b) The instabilities and wars in other parts of Somalia continue indefinitely.
5. The decision to be taken on the foregoing issues may be effective only with a 2/3 majority support of the parliament, and confirmed by popular referendum as set out in Article 140(1) of this Constitution.

Article 5 - THE PEOPLE

1. Citizens of Puntland are all those who are Puntlanders by birth and all others who acquire the status of Puntlander in accordance with the law.
2. Special law shall define the requirements to become a Puntlander, the right to reside in Puntland, and the acquisition of the status of Puntlander.

Article 6 - THE CENSUS

1. A census shall be conducted in Puntland once every ten years.
2. Special legislation addressing the timing and procedures for conducting the census shall be enacted.

Article 7 - LAND AND BOUNDARIES

1. Puntland consists of the regions of Bari, Nugaal, Sool, Ayn, Karkaar, Mudug, Haylan, and Sanag.
2. The territorial sovereignty of Puntland is supreme and may not be ceded or violated.
3. Puntland shall welcome and negotiate with any region or district willing to join Puntland State.

4. 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, with the continental shelf.

Article 8 - LANGUAGE

Somali and Arabic shall be the official languages of Puntland State.

Article 9 - RELIGION

1. Islam shall be the only religion of Puntland State of Somalia.
2. With the exception of Islam, no other religion shall be propagated in Puntland State.
3. The laws and culture of the people shall be based on the Islamic religion.
4. Any law and any culture that contravenes Islam shall be prohibited.

Article 10 - THE CAPITAL CITY

1. The capital city of Puntland State shall be Garowe; it shall also be the seat of government.
2. Special law shall govern the administration of the capital city.

Article 11 - FLAG, EMBLEM AND ANTHEM OF PUNTLAND STATE

1. The flag of Puntland State shall be rectangular in shape and composed of three colors:
 - a) The top third portion of the rectangle shall be blue with a five-point white star in its centre, representing the Somali national flag.
 - b) The centre third portion of the rectangle shall be white, symbolizing peace in Puntland.
 - c) The bottom third portion of the rectangle shall be green, symbolizing the natural resources and abundance of Puntland.
2. The emblem of Puntland State shall be composed as follows:
 - a) A shield in the colors of the Puntland flag, with a *dhiil* (traditional Somali milk-storage container) in the centre white portion, symbolizing peace and milk. The top portion of the shield shall be gold-edged; and
 - b) There shall be a horse, standing on hind legs on a spear, at either edge of the shield, with two leaves in the centre and a gold-colored cloth hanging from the spear embossed with the name Puntland.

Title II - FUNDAMENTAL RIGHTS AND INDIVIDUAL PROTECTIONS

Chapter One - INDIVIDUAL RIGHTS AND THEIR SUSPENSION

Section One - INDIVIDUAL RIGHTS

Article 12 - EQUALITY OF THE PEOPLE

1. Everyone is equal before the law.
2. No person shall be discriminated against on the basis of color, religion, birth, nationality, property, belief, political affiliation, language, or race.
3. The Constitution shall safeguard the rights of minorities.

Article 13 - FREEDOM OF BELIEF

1. A Muslim may not renounce his/her faith.
2. A non-Muslim shall enjoy the freedom of his/her faith and shall not be forced to accept another.

Article 14 - FREEDOM OF EXPRESSION

1. Everyone has the right to his/her opinion and may publicise those opinions. Censorship is forbidden.
2. A person may express his/her opinion through speech, the media, writing, video, literature and by any other means consistent with the law and ethics.

Article 15 - FORMATION AND MEMBERSHIP IN SOCIAL ORGANIZATIONS

1. Everyone has the right to form, join and participate in an organization that pursues cultural, economic, social, sport, and educational objectives if such associations are not prohibited by the law.
2. The formation of an association shall be consistent with the law and the interests of the people of Puntland.
3. Associations of a clan or military nature are forbidden.

Article 16 - FREEDOM OF MOVEMENT

1. Any person shall be free to travel or reside anywhere in Puntland he/she wishes and also to travel out of Puntland State and return at will.
2. Freedom of movement may only be limited by special legislation and by-laws.

Article 17 - OWNERSHIP OF PROPERTY

1. Every person shall have the right to own, administer and benefit from property in accordance with the law.
2. The law shall set out the conditions and procedures that may limit the right of property ownership.
3. The freedom to produce goods is recognized, but the producer shall comply with the legal and administrative requirements of the country.
4. No person shall be levied a fee or deprived of his or her property except in accordance with the law.

Article 18 - RIGHT TO LIFE AND PROTECTION OF THE BODY

1. Every person has the right to life; except in the case of capital punishment imposed in accordance with the law.
2. Every person has the right to the protection of his/her body and integrity.
3. Crimes against the individual right to life and security such as massacre, torture, detention, and execution, unless in accordance with the law, are prohibited.

Article 19 - PERSONAL LIBERTY

1. No person shall be deprived of his/her personal liberty; any restriction to this right shall be explicitly established by the law.
2. Slavery and the slave trade are prohibited.
3. All personal liberties shall not in any way contravene the Islamic Sharia, by-laws, ethics, the stability of the country or the rights of another person.

Article 20 - POLITICAL ASYLUM AND EXTRADITION

1. Any foreigner who requests political asylum in Puntland may be granted it if he/she fulfils the terms and conditions for asylum, while considering international treaties that are not contrary to Islamic Sharia.
2. It is prohibited to extradite a citizen of Puntland, or a Somali person living in Puntland, to another country.

3. Puntland may extradite a foreign person who has committed a crime and who has escaped from his/her country when an extradition treaty exists between Puntland and the country requesting the extradition of that person.
4. No person shall be extradited on political grounds.

Article 21 - SECURITY OF HOMES

1. Homes and other residential areas shall be respected.
2. Inspection of, spying on and forceful entry into a person's home are prohibited without warrant of a judge. The police may enter a private home without a warrant in the immediate pursuit of a criminal or when a crime is occurring inside the property.
3. The court search warrant shall be read to the owner/occupant of the house prior to its inspection/entrance and the searcher shall not violate the court order.

Article 22 - RIGHTS OF THE MEDIA

1. The independent press and media shall be free from government intervention and shall be subject only to the law.
2. Specific law shall limit the freedom of the media.

Article 23 - FREEDOM OF COMMUNICATION

There shall be no interference in a person's postal letters, communications, or written documents, except in accordance with laws that permit the search, monitoring of, or listening to, communications and in the course of the search there shall be a judicial order stating the reasons for the search.

Article 24 - DEMONSTRATIONS

1. Every citizen of Puntland has the right to organize and participate in peaceful demonstrations in accordance with the law.
2. Demonstrations shall be prohibited if they are contrary to the Islamic religion, public health, security, ethics, or the stability of the country.

Article 25 - RIGHTS OF ACCUSATION AND DEFENCE

1. Every person shall have the right to institute legal proceedings in a competent court.
2. Every person shall have the right to defence before the court.
3. The Puntland State shall appoint a lawyer for any person who is unable to defend himself/herself, or without the means to engage one.
4. Special law shall regulate access to justice to those who cannot afford it.

Article 26 - CRIME AND PUNISHMENT

1. The punishment for any offence shall be imposed solely against the person who has committed the said offence.
2. No one shall be detained or punished for an act, unless it is considered unlawful by the law. Penal laws may not be applied retroactively,
3. No one may be subjected to a punishment that is not issued by a court of law.

Article 27 - RIGHTS OF THE ACCUSED

1. Any person who is charged with a criminal offence shall be presumed innocent until he/she is proven guilty by a competent court of law.
2. An accused person shall have the right to protection, security and human dignity.
3. An accused person shall not be detained in a facility that is not legally recognized.
4. The accused shall be brought before a court of law within 48 hours.
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.
8. An accused person shall not be forced to confess to the charges against him or her.

Article 28 - RIGHTS OF THE CONVICTED

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

Section Two - SUSPENSION OF FUNDAMENTAL RIGHTS

Article 29 - STATE OF EMERGENCY

1. In the event of war, foreign invasion, rebellion, natural disaster, epidemic or serious threat to public order or stability, the rights established in Articles 14, 16, 21, 22, 23 and

24 may be suspended temporarily. In the case of the right to assemble and demonstrate, under Article 24, the suspension may not be applied to cultural, religious or sportive gatherings.

2. A state of emergency may be declared for the whole, or a part, of the territory of the country.
3. The only authority competent to declare a state of emergency shall be the Council of Ministers.
4. A state of emergency may be declared only for a period of not more than thirty (30) days; if the conditions that prompted the emergency continue to affect the population, the state of emergency may be renewed for further periods of not more than thirty (30) days and only by the House of Representatives
5. If the causes disappear or there is no renewal of the order by the House of Representatives, the state of emergency shall end.

Chapter Two - SOCIAL RIGHTS

Section One - THE FAMILY

Article 30 - FAMILY RIGHTS

The family is the foundation of society. The family consists of a man and a woman who are adults and legally married, and includes their children. The existence of the family shall be protected by the law.

Article 31 - RIGHTS OF CHILDREN

1. A minor is any individual below the age of fifteen (15) years.
2. A minor has a right to life, name, nationality, upbringing, education and health care.
3. Any kind of labor that may have a negative impact on a child's life, faith, culture, upbringing or education is prohibited.
4. Abortion is prohibited, except where the life of the mother is at risk, as determined by a medical doctor.

Article 32 - EDUCATION

1. Each and every person has a right to education.
2. The promotion of and increased access to education shall be the duty of Puntland State.
3. It is the responsibility of Puntland State to eradicate illiteracy.
4. Primary education shall be compulsory for every child. It is the responsibility of the government to provide the educational facilities and personnel to provide for primary education. When the circumstances allow, the government shall raise the compulsory level of education.
5. Puntland State shall encourage, promote and improve the quality of Koranic institutions of education.
6. It is the responsibility of the government to set and supervise a common syllabus at the primary and secondary levels of education.
7. Islamic education is required at all levels of learning.
8. Each adult has the freedom to choose his/her education and his/her trade or profession. The government shall encourage adult education and education for women.
9. Educational centres, technical institutes and private universities that comply with the curriculum and other regulations established by the government may be founded, according to the needs and educational policies of Puntland State.

10. The government has the responsibility 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 33 - HEALTH

1. It is the responsibility of the government to provide for the public health, both preventative and curative, of all citizens and especially children and women.
2. In order to fulfil these responsibilities, the government shall establish and develop a national health system.
3. Puntland State shall allow private health facilities as well as the opening of private health centres and hospitals. The operation of private facilities shall be regulated by the law and monitored by the government.

Article 34 - ORPHANS, PHYSICALLY AND MENTALLY DISABLED AND THE ELDERLY

1. It is the responsibility of the government to provide for orphans, physically and mentally disabled persons, the elderly and others who cannot sustain themselves and have no one to sustain them.
2. The state shall encourage and establish associations and centers that support persons referred to in section 1, above.
3. Special law shall define the categories of people who cannot sustain themselves.

Article 35 - RIGHTS OF WOMEN

1. It is the duty of the state to protect and promote the rights of women, consistent with Islamic religious norms.
2. Women have the same rights as men, except the distinctions made by God between the two sexes.

Article 36 - RIGHTS OF YOUTH AND PROMOTION OF SPORTS

1. Puntland State shall give special importance to the care and development of youth and sports.
2. The establishment of youth associations and the care and development of youth shall be set out by special law.

Article 37 - LABOR RIGHTS

1. It shall be the duty of the state to create employment opportunities and upgrade the training of personnel.
2. Forced labor is prohibited unless in accordance with the law.
3. Every employee shall have a right to a salary commensurate with the work he/she performs.
4. Every employee has the right to one day of weekly rest, annual leave and rest on public holidays as stipulated by the law. Women have the right to maternity leave. Every employee has the right to leave without salary infringement.
5. The government shall support workers both physically and morally.
6. Workers have the right to express their grievances through strike and/or demonstration, in accordance with the law. Armed forces personnel are prohibited from striking.
7. Employees and employers have the right to form associations to represent their interests.
8. Each worker has the right to select the profession and employer of his/her choice.
9. The establishment, role and obligations of workers' associations shall be stipulated by special law.

Article 38 - SOCIAL SECURITY

1. Puntland State shall establish legislation over the area of labor and at the same time shall establish institutions guaranteeing the right to pension for employees in both the private and public sectors.
2. Every civil servant who is injured, becomes ill or disabled in the course of work has the right to assistance in accordance with the law.
3. The government shall compensate the families of civil servants, in accordance with the law, who die in the course of work.
4. The government shall establish a social security system for employees in both the public and private sectors, funded by contributions from the government, the employers and employees.

Chapter Three - CITIZENSHIP AND ELECTION PROCEDURES

Article 39 - CITIZENSHIP

1. Any person who is a Puntlander by birth or who acquired the status of Puntlander in accordance with the law shall be recognized as a citizen of Puntland.
2. A citizen shall not lose his/her citizenship even if he/she acquires the citizenship of another country.

Article 40 - DUTIES OF A CITIZEN

1. Every citizen is responsible to:
 - (a) Respect the Islamic religion, the Constitution, the laws of the land, and international laws that do not contravene Islamic Sharia;
 - (b) Strengthen the unity of the people and safeguard the existence of the nationhood of Puntland;
 - (c) Vote during periods of election;
 - (d) Pay taxes; and
 - (e) Participate in the defence of Puntland State when called upon or when it becomes imperative.
2. The law shall stipulate the punishment to those who do not conform to the responsibilities set out in this article.

Article 41 - RIGHTS OF A CITIZEN

Every citizen not less than 18 years of age has the right to:

- (a) participate in the processes of elections and to vote;
- (b) establish or join any political party; and
- (c) compete for public office in elections, if he/she fulfils the criteria.

Article 42 - THE RIGHT TO ADDRESS GRIEVANCES

1. Every citizen has the right to write a letter of petition or complaint to the President, the Parliament, the Cabinet or any other public official.
2. The office to which a grievance is addressed shall respond within thirty (30) days.

Article 43 - SUSPENSION OF POLITICAL RIGHTS AND THE RIGHT TO HOLD OFFICE

The rights of a citizen may be suspended if:

- (a) The person has been convicted by a court of law of an offence for which the penal code requires the convicted person to forfeit his/her political rights and public responsibilities; and
- (b) The person is mentally incapacitated, or the person is declared by a court of law to be incapable of performing his/her responsibilities.

Article 44 - ELECTIONS

1. All citizens who fulfil the criteria required by law have the right to vote and to be elected.
2. Members of the House of Representatives and the District Councils shall be elected by direct vote.
3. Voting for these offices shall be in a fair and free manner regulated by the law and conducted by an autonomous institution of Puntland State, vested with constitutional powers.
4. Voting shall be known to all, individual, by secret ballot and free from interference.
5. For the House of Representatives and the District Councils, the law shall establish the electoral constituencies. In both elections, the number of seats shall be based on the population.
6. The date for elections shall be determined by the electoral commission and shall not be less than two months nor more than four months before the expiry of the term of the House of Representatives and District Councils.
7. Before holding any elections, there shall be a law regulating all matters related to the process of elections.

Article 45 - PERSONS INELIGIBLE FOR CANDIDACY

1. Members of the armed forces on active duty and judges shall not have membership in any political party, nor become candidates in any election.
2. No public official may become a candidate in an election without first resigning his/her post. The law shall establish the period of time for compliance.

Article 46 - POLITICAL PARTIES

1. A multi-party system shall be practiced in Puntland State.
2. Electoral competition is open to all parties who fulfil the requirements.

3. In the first District Council election, of all the political associations participating, the three (3) who receive the majority of the votes shall be authorized as official political parties.
4. After every second election, electoral competition shall be open for political associations.
5. Parties and associations of a military or clan nature shall be prohibited.
6. Any person who enters electoral competition and wins a seat as a member of a party and thereafter deserts the party shall lose his/her seat.
7. Public property intended for common use such as stadiums, public grounds and government-owned media may be used on an equal basis by political parties to conduct political campaigns. No other Puntland State property or resources shall be used for political party campaigns or interests.
8. Any person accused of using national property for political party purposes shall be brought before a court of law.
9. Rules and regulations governing political parties shall be provided in separate legislation to be introduced by the government for approval by the House of Representatives.

Article 47 - CONDITIONS FOR FORMING A POLITICAL PARTY

1. No party shall participate in elections unless authorized by the Puntland Electoral Commission.
2. In order for a party to be authorized, it shall have branches in all regions of Puntland and a political agenda and internal rules that regulate its activities.
3. The Puntland Electoral Commission shall scrutinize applications from parties and shall deny authorization if the party's agenda or internal rules violate the Constitution or other laws of Puntland.
4. A specific law passed by the House of Representatives shall regulate the implementation of Article 46(2), as well as other conditions and procedures for authorizing a political association.
5. In the event a political party collapses or is shut down, the political association that received the next largest number of votes in the most recent district council election shall be called by the Puntland Electoral Commission to become recognized as a political party and fill that vacancy.

Title III - ECONOMY

Article 48 - ECONOMIC SYSTEM

The economic system shall be oriented to give all Puntlanders a way of life in accordance with their dignity as human beings, satisfying the basic needs of all the persons in the society, in accordance with the principles of social justice.

Article 49 - FREE ENTERPRISE ECONOMY

1. Puntland's economic system shall be based on free enterprise; it shall encourage and guarantee investment in the country, both local and foreign.
2. Commercial activities shall be practiced based on free competition.
3. The law shall encourage and regulate free competition and the restriction of monopolies.

Article 50 - ROLE OF THE STATE IN THE ECONOMY

1. Puntland State shall promote sustainable economic development and cooperate with the private sector to increase production and entrepreneurship. Support to small-scale producers and cooperatives shall have special priority.
2. Puntland State shall protect its national resources and guarantee sustainable benefit to all from the country's resources in accordance with the law.
3. The state shall protect the public's purchasing power, in particular that of low income groups.

Article 51 - PUBLICLY-OWNED COMPANIES

1. The government may establish or enter into publicly-owned companies with both local and foreign shareholders.
2. The leadership of publicly-owned companies shall be jointly appointed by the responsible minister and private shareholders.
3. The organizational structure, administration and distribution of shares of publicly-owned companies shall be defined by special law.

Article 52 - THE SALE OF PUBLIC PROPERTY

1. Any transfer of Puntland State property shall be made in accordance with the law.
2. It is prohibited to sell public property unless the government is a party to the transaction.

3. The transfer of public property valued up to 50,000 \$ shall be authorized by the Council of Ministers, while a transfer of property valued above 50,000 \$ shall be approved by the House of Representatives.
4. The transfer of public property shall take place through open auction.

Article 53 - NATIONALISATION OF PRIVATE PROPERTY

1. The legally-acquired property of a person may not be expropriated except for public interest in exchange for equitable compensation.
2. A law shall define the private property that may be expropriated for public interest.

Article 54 - NATURAL RESOURCES

1. Puntland natural resources belong to the people of Puntland and may be benefitted from only in accordance with the law.
2. Puntland State is responsible for the protection of and benefit from the natural resources of Puntland.
3. Puntland State may make agreements with national or foreign companies and give them the right to benefit from natural resources.
4. Permission to benefit from the natural resources of Puntland shall be granted by the Council of Ministers and approved by the House of Representatives.
5. The formula for sharing the benefits of Puntland natural resources shall be defined by a special law initiated by the Council of Ministers and passed by the House of Representatives.

Article 55 - PROTECTION OF THE ENVIRONMENT

1. It is the responsibility of the state and of all Puntland citizens to restore and protect the environment and this shall be clearly stated in all contracts and all contracts shall be consistent with the environmental protection laws.
2. The desertification of forests, extermination of wildlife and destruction of marine life habitat shall be prohibited as well as the pollution of the land, air and sea. Any contravention of the above shall be punished in accordance with the law.
3. The export of charcoal, female animals and wildlife, as well as anything the export of which shall have the effect of degrading the environment, shall be prohibited.
4. The development of residential areas shall take place only in suitable areas, as approved by the state.
5. Enclosures on pastoral grazing lands shall be prohibited.
6. The state shall protect the seas and define seasons for fishing.

7. Special law shall regulate the protection of the environment.

Title IV - THE STRUCTURE OF THE STATE

Chapter One - FUNDAMENTAL ORGANS OF THE STATE

Article 56 - FORM OF GOVERNMENT

The form of government of Puntland shall be parliamentary; the President and Vice-President shall be elected by the parliament.

Article 57 - ORGANS OF THE STATE

The government shall be divided into the following:

- (a) The legislature (the House of Representatives);
- (b) The executive (the Council of Ministers); and
- (c) The judiciary (the Courts).

Article 58 - SEPARATION OF STATE ORGANS

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

Article 59 - COOPERATION OF STATE ORGANS

Cooperation among the three organs of Puntland State is a constitutional obligation, and shall be executed in accordance with the law.

Chapter Two - THE LEGISLATURE

Section One - THE HOUSE OF REPRESENTATIVES

Article 60 - THE HOUSE OF REPRESENTATIVES

1. The legislative powers of Puntland State shall be vested in the House of Representatives which represents the people of Puntland as a whole.
2. Pending a census, the House of Representatives shall consist of 66 Members directly elected by the people through universal suffrage.
3. The term of the House of Representatives shall be five (5) years; its 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 the election results are announced.

Article 61 - CRITERIA FOR MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES

All who fulfil the following criteria shall be eligible for membership in the House of Representatives:

- (a) He/she shall be a Puntlander, a Muslim, practising his/her religion, responsible, of sound mind and ethical, and not less than 30 years of age.
- (b) He/she shall not have had his/her citizen rights suspended by court sentence in the last five years.
- (c) He/she shall possess a secondary school certificate or its equivalent in experience. Before a candidate is accepted, the Puntland Electoral Commission shall be responsible to ensure that he/she complies with these criteria.

Article 62 - GROUNDS FOR LOSS OF MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES

1. A member shall lose his/her seat in the House of Representatives if:
 - (a) the member is deceased;
 - (b) the member becomes permanently incapacitated;
 - (c) the member submits a letter of resignation and the House of Representatives accepts;
 - (d) the member fails to attend two consecutive regular sessions without valid reason.
2. If a member loses his/her seat in the House of Representatives he/she shall be replaced by the person who, in accordance with votes from the previous election, legally merits the position.

3. An electoral law shall set out the procedures for choosing the substitute and that person shall be sworn into office within thirty (30) days.

Article 63 - PARLIAMENTARY PROCEDURES

1. In its first sitting, the House of Representatives shall elect the Speaker of the House and two deputy speakers; a first Deputy Speaker and a second Deputy Speaker.
2. At the first session of the House of Representatives, internal rules of procedure organizing the legislative work shall be approved.
3. The House of Representatives shall elect from its members a standing committee to collect and execute the work of the House of Representatives provisionally in their sessions.
4. The voting processes of the House Representatives shall be by the raising of hands, secret ballot and electronically.
5. Plenary sessions of the parliament shall be open to the public except that the plenary shall vote in favor of or against a motion by the government or the leadership of the House of Representatives to conduct a plenary session behind closed doors.
6. The House of Representatives shall have a permanent secretary appointed by the Speaker, who shall not be a member of the House.

Article 64 - POWERS OF THE HOUSE OF REPRESENTATIVES

The House of Representatives shall have the following powers and responsibilities:

1. To review, approve, reject, amend, or derogate from the laws of Puntland State;
2. To approve or reject a state of war or peace treaty proposed by the government;
3. To ratify by a majority vote of half plus one ($1/2 + 1$) of its members any monetary obligation that Puntland State contracts with a foreign lender;
4. To ratify by a majority vote of half plus one ($1/2 + 1$) of its members any international treaty or agreement to which Puntland State is a signatory;
5. To approve or reject new districts or regions proposed by the government;
6. To discuss, monitor, criticise and contribute to the government's policies and programs;
7. To monitor and evaluate the implementation of the laws approved by the House of Representatives;
8. To elect the President and Vice-President of Puntland State individually and equitably by secret ballot or raising of hands with a two thirds majority vote in the first two rounds and a half plus one majority vote in the third round;

9. To elect the following high officials: the Human Rights Defender, three (3) members of the Puntland Electoral Commission and two judges of the Constitutional Court, in accordance with parliamentary procedure for elections;
10. The approval and rejection of members of the executive who are entitled to immunity;
11. To approve or reject the government program;
12. To approve or reject the annual budget presented by the government and any subsequent modification;
13. To approve or reject the closing of accounts of the budget of the previous year;
14. To approve or reject taxes that the government shall collect from the inhabitants of Puntland;
15. To approve or reject, within thirty (30) days, the declaration of a state of emergency by the government. If an emergency decree is rejected it shall be null and void, except that activities already implemented under the emergency decree shall be valid, unless declared unconstitutional by the Constitutional Court;
16. To approve the cabinet by at least a half plus one (1/2+1) majority of its members;
17. To summon senior public officials for oversight. In the case of an official who does not observe the summons by the plenary or the sub-committees of the House of Representatives, without valid reason, the House of Representatives shall notify the President and vote on a no-confidence resolution against the official;
18. To withdraw immunity from any public official elected or confirmed by the House of Representatives;
19. If a public official entitled to immunity is caught in *flagrante delicto*, the House of Representatives shall be notified and requested to authorize the institution of court proceedings;
20. To approve or reject the issuance of currency;
21. To approve or reject government proposals with regard to the establishment or dissolution of state institutions; and
22. To submit recommendations to the Council of Ministers on the implementation of the budget and financial regulation reform, following the report of the Auditor General.

Article 65 - SESSIONS OF THE HOUSE OF REPRESENTATIVES

1. The House of Representatives shall hold two (2) ordinary sessions annually, in June and October.
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, subject to the presentation of a request accompanied by justifications for calling the extraordinary session.

Article 66 - DISSOLUTION OF THE HOUSE OF REPRESENTATIVES

1. The House of Representatives may be dissolved:
 - (a) when a majority of the members of the House resigns;
 - (b) when the House fails to sit for two ordinary consecutive sessions, without valid reason;
2. The President shall request, in writing, the Constitutional Court to investigate if one or several of the conditions above exist.
3. If the Constitutional Court finds, beyond any reasonable doubt, that there is evidence of the violations set out in section one of this article, 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, set the date for the election of a new House of Representatives to take place within forty-five (45) days.

Article 67 - NO CONFIDENCE VOTE AGAINST MINISTERS

1. A vote of no confidence may be passed against one or more ministers or the whole Cabinet.
2. At least six members of the House of Representatives shall be required to table a motion to debate a vote of no confidence against ministers.
3. At least one third (1/3) of the members of the House of Representatives shall agree to the motion of the vote of no-confidence in order for the motion to be debated.
4. Half plus one (1/2+1) of the members of the House of Representatives shall vote against the minister(s) to pass a vote of no confidence.
5. If the no confidence motion is passed, new proposals for the Cabinet shall be made by the President. If the no confidence vote is passed against the entire Cabinet, the Cabinet shall continue with its responsibilities until a new Cabinet is formed; however, the Cabinet shall not initiate new programs.
6. The President may re-table only once to the House of Representatives the Council of Ministers against which a motion of no confidence has been passed.
7. If a no confidence vote is passed against the entire Cabinet, the President shall propose a new Cabinet to the House of Representatives within no more than twenty-one (21) days from the day the vote of no confidence was passed.

Section Two - THE LEGISLATIVE PROCESS

Article 68 - INTRODUCTION OF DRAFT LEGISLATION

Draft legislation may be presented to the House of Representatives only by:

- (a) any member of the House of Representatives;
- (b) The Council of Ministers
- (c) A group of no less than five thousand (5,000) citizens who are eligible to vote.

Article 69 - PROCESS FOR CITIZEN PRESENTATION OF DRAFT LEGISLATION

1. An application shall identify each applicant with a document of identity, or at least by name, age, signature and proof of Puntland State citizenship.
2. An application shall be accompanied by the proposed legislation and the names of at least two (2) applicants who may be contacted.
3. No proposed legislation on taxation, Puntland State expenditures, national defence or internal security may be presented by citizens.
4. The House of Representatives shall consider this type of initiative in the session in which it is presented with the initiative, or in the following session, and provide a response to the applicants.

Article 70 - DEBATE OF PROPOSED LEGISLATION IN THE HOUSE OF REPRESENTATIVES

1. Any proposed legislation that is brought before the House of Representatives shall be debated article by article and voted on.
2. Any proposed legislation passed by the House of Representatives shall be signed by the leadership of the House in three (3) copies and sent to the President.
3. Any proposed legislation rejected by the House of Representatives shall not be reintroduced in the same session.

Article 71 - PRESIDENTIAL SIGNATURE AND PUBLICATION

1. The President shall, within thirty (30) days, sign or veto any law passed by the House of Representatives.
2. If the President has no objection he shall sign the law and order its publication in the official bulletin while three original copies shall be kept in the office of the State House, House of Representatives, and Attorney General, respectively.
3. Once published in the official bulletin, the law shall come into effect in fifteen (15) days.

Article 72 - PRESIDENTIAL VETO

The President has the power to veto any law passed by the House of Representatives by submitting a memorandum to the House of Representatives in which he indicates the reasons for his refusal.

Article 73 - VETO OVERRIDE

1. The presidential veto may be overridden when the same legislation is reintroduced before the House and passed by the vote of two-thirds (2/3) of a majority of the House of Representatives.
2. The leadership of the House of Representatives shall send the law to the President with a note officially communicating the rejection of the veto.
3. The President, upon receipt of the written communication of the rejection of the presidential veto, shall sign the law and order the State Attorney to issue it in the official bulletin within 15 days.

Chapter Three - THE EXECUTIVE

Article 74 - THE EXECUTIVE

1. The executive organ of Puntland State shall be composed of the President, the Vice President, the Ministers, the Vice Ministers and all high public officials and staff under their direct authority.
2. The executive organ of Puntland State shall be directed by the President or by the Vice President in the absence of the President.

Article 75 - COUNCIL OF MINISTERS

The Council of Ministers, or Cabinet, shall consist of the President, Vice President, Ministers and Vice Ministers.

Article 76 - POWERS AND RESPONSIBILITIES OF THE COUNCIL OF MINISTERS

The Council of Ministers shall have the following responsibilities:

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

Article 77 - PROCEDURES OF THE COUNCIL OF MINISTERS

1. Eligibility criteria for Minister or Vice Minister shall be the same as for members of the House of Representatives and, in addition, the person shall have a university level education as well as experience in the field related to the ministry.
2. The President, Vice President, Ministers, Vice Ministers and all public officials shall not engage in private business while in office.
3. The President, Vice President, Ministers, Vice Ministers and all public officials shall declare their assets to the Auditor General in the first month of taking office.
4. All decrees, circulars and by-laws shall be signed by the President or the responsible minister.
5. All decisions taken by the Council of Ministers by majority are collective responsibilities.
6. The Council of Ministers shall prepare to cede responsibility to the incoming Council two months before the end of its term.

Article 78 - CRITERIA FOR ELECTING THE PRESIDENT AND VICE-PRESIDENT

1. Every citizen of Puntland may aspire to the post of president or vice president provided he/she fulfils the following requirements:
 - (a) He/she shall be a Puntland citizen, a practicing Muslim, of sound mind, not less than 40 years of age, not married to a foreigner nor marry a foreigner during his/her term of office.
 - (b) He/she shall possess a level of education corresponding to higher education, have experience in leadership, knowledge of Somali culture and traditions, and have been present in the country for the last two years.
 - (c) His/her citizen rights shall not have been suspended in the previous five (5) years as the result of a judicial sentence.
 - (d) He/she shall not have committed acts of treason or offences against human rights.
2. Members of the House of Representatives as well as members of the public have the right to run for president and vice-president.

Any member of the House of Representatives who is elected to the office of president or vice-president shall vacate his seat as a member of the House of Representatives and shall be substituted by the individual who is waiting for that seat.

Article 79 - TERM OF OFFICE

The President and Vice-President shall hold office for a term of five (5) years, from the day of announcement of the results, and may be elected only two (2) times to that office.

Article 80 - POWERS AND RESPONSIBILITIES OF THE PRESIDENT

1. The President shall be the head of the government and the chair of the executive. He/she is the symbol of the unity of the people of Puntland.
2. The President shall be responsible to protect the Islamic religion, the Constitution, the defence of the country and other laws of Puntland.
3. The President shall be the Commander in Chief 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 of Representatives. The President may form the government from within or outside the House of Representatives.
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 other public officials that this Constitution or the laws empower him to appoint or dismiss.
6. The President shall approve or reject, according to the Constitution and all laws of Puntland State, the policies of general administration to be implemented by the government.
7. The President shall negotiate the terms of participation of Puntland State in the Somalia Federal Republic and sign agreements with the federal authorities, which shall require ratification by the Council of Ministers and by the House of Representatives.
8. The President shall direct and develop international relations of Puntland State and negotiate and sign international agreements.
9. The President shall receive official visits of foreign delegations, and recognize such visitors as guests of Puntland State.
10. The President shall confer honors and distinctions on Puntlanders or foreigners who so merit.
11. The President may grant amnesty for political and other offences after consultation with the judiciary. A person condemned to capital punishment or other punishments under Sharia law shall not be subject to pardon by the President.
12. The President shall address the opening sessions of the House of Representatives.
13. The President may issue emergency decrees to prevent the impact of:
 - (a) disasters such as drought, cyclones, flood, etc.
 - (b) civil war or the declaration of war by Puntland State, or
 - (c) internal uprisings aimed at the destruction of Puntland State.
14. The President shall submit emergency decrees to the House of Representatives within thirty (30) days for its approval as set out in Article 29 of this Constitution.

15. The President shall announce officially the date that the Electoral Commission has set for the election.
16. The President shall issue regulations as legal instruments for the implementation of the laws passed by the House of Representatives. No regulation shall contradict any law passed by parliament.
17. The President shall act on all responsibilities and powers conferred on him by the laws of Puntland State.
18. The President, in consultation with the Vice President, shall nominate the Chief Justice and other Judges of the Supreme Court.
19. The President shall appoint the chief justice, judges and attorneys of the Tribunal of the Armed Forces.

Article 81 - POWERS AND RESPONSIBILITIES OF THE VICE-PRESIDENT

1. The Vice President shall assume the responsibilities of the President when the President is out of the country, or temporarily incapacitated.
2. The Vice President shall advise the President on the appointment and dismissal of ministers, vice ministers and other senior public officials of the state.
3. The Vice President shall carry out the duties assigned to him by the President that do not fall outside the powers of the President.
4. If the President dies, resigns, is impeached or permanently incapacitated, the Vice President shall be sworn in as President for the remainder of the President's term.
5. In the events referred to in section 4 above, the House of Representatives shall elect a new Vice President within 30 days.

If both the President and the Vice President are deceased, resign or are impeached at the same time, the Speaker of the House of Representatives shall assume their responsibilities until a new President and new Vice President are elected within 30 days.

Article 82 - ACCUSATION AND IMPEACHMENT OF THE PRESIDENT AND VICE PRESIDENT

1. To accuse the President and/or the Vice President of violation of the Constitution, national treason or incompetence, 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 may initiate procedures of impeachment, asking the House to impeach the President or Vice President and offering evidence of the charges of impeachment.
 - (b) At least half plus one (1/2 + 1) of the members of the House of Representatives shall be in favour of debating the charges of impeachment against the President

and/or Vice President, before the House of Representatives may debate the motion of impeachment.

- (c) The House of Representatives shall examine the charges, offering the accused the opportunity to exercise his or her right of defence;
 - (d) The House of Representatives shall vote on the motion of impeachment which shall be approved only if a majority of two thirds (2/3) of its members vote in favour of impeachment by secret ballot.
2. The President and Vice President may not be outside Puntland for more than sixty (60) days at a time without justification.

Article 83 - RESPONSIBILITIES OF A MINISTER

1. A minister shall be the political and administrative head of his/her ministry.
2. A minister shall implement the government's policies in the area of his/her ministry.
3. A minister, in consultation with the assistant minister, shall decide on the implementation of policy with regard to the ministry and its staff.

Article 84 - RESPONSIBILITIES OF AN ASSISTANT MINISTER

1. In the absence or temporary incapacity of the minister, the assistant minister shall assume 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, within the context and responsibilities of the ministry.

Article 85 - SPECIAL AGENCIES

1. The Council of Ministers may create special agencies with regard to certain defined duties.
2. Special agencies shall have specific legislation approved by the House of Representatives.

Article 86 - SECURITY FORCES

1. The security forces of Puntland shall be responsible to maintain the internal and external security of Puntland State and shall consist of:
 - (a) Border Police (*Darawishta*);
 - (b) Police;
 - (c) Intelligence forces; and
 - (d) Correctional forces.

2. Special law shall define the structure and responsibilities of each segment of the security forces.

Article 87 - TRIBUNAL OF THE ARMED FORCES

1. The tribunal of the armed forces shall adjudicate offences alleged to have been committed by members of the armed forces and/or individuals impersonating members of the armed forces.
2. The tribunal of the armed forces and their attorneys shall be regulated by special law.

Article 88 - COMMITTEE OF RELIGIOUS SCHOLARS

The Puntland government shall appoint a Committee of Islamic religious scholars:

1. The Committee shall be composed of nine members renowned for their advanced knowledge of Islamic Sharia.
2. The Committee shall be responsible to advise the government on issues concerning Islamic Sharia, particularly where there is a need to harmonise the laws of Puntland with the Sharia.
3. The Committee shall consult on the nomination of judges who require knowledge of Islamic Sharia in the courts of Puntland, as required.
4. The Committee shall provide clarity on the interpretation of religious matters, as requested.
5. The members of the Committee of Religious Scholars shall not be members of political parties while holding that office.
6. Special law shall guide the activities of members of the Committee of Religious Scholars.

Chapter Four - JUDICIARY

Section One - THE JUDICIAL SYSTEM

Article 89 - STRUCTURE AND PRINCIPLES

1. The judicial organ of the Puntland State shall be composed of:
 - (a) the Supreme Court,
 - (b) the Constitutional Court,
 - (c) the Regional Courts of Appeal,
 - (d) the Magistrate Courts,
 - (e) the Supreme Judicial Service Council, and
 - (f) the Attorney General.
2. Only the judicial organ of Puntland State has the authority to judge and to order the execution of its rulings in constitutional, civil, criminal, commercial, administrative and labor matters, as well as in any other matters established by the law.
3. Any controversy related to agreements entered into by Puntland with foreign investors shall be adjudicated by a neutral court agreed upon by the two parties.
4. Judges shall not perform duties incompatible with their functions.
5. Judicial proceedings shall be open to the public; however the law or the judiciary may decide, for reasons of discipline, protection of minors or witnesses, or public order to hold proceedings *in camera*.
6. No judicial decision shall be taken unless all the parties have had the opportunity to be heard, subject to the law.
7. No one may nullify, modify or fail to obey a ruling by a court, unless the ruling has been modified or revoked by a higher court.
8. The court shall explain to the accused the crime of which he/she has been accused.
9. The Puntland judiciary shall recognize mediation, the resolution of cases and social agreements based on traditional norms.

Section Two - THE COURTS

Article 90 - THE SUPREME COURT

1. The Supreme Court shall take decisions by a majority and shall be composed of five (5) members: the Chief Justice, the Deputy Chief Justice and three (3) Supreme Court judges.

2. The Supreme Court shall have two (2) alternate judges who shall be called by the Chief Justice to make rulings whenever a judge is on leave of absence or recuses himself or herself in a specific case. Alternate members of the Court will be elected in the same manner as the regular judges and shall have the same requirements.
3. The Supreme Court judges shall hold office for a period of five (5) years, except in the first election which shall take place as follows:
 - (a) Three judges and one alternate judge shall be elected for five (5) year terms in the first election;
 - (b) Two judges and one alternate judge shall be elected for four (4) year terms in the first election; and
 - (c) In the successive elections, each judge whose term has ended shall either be re-elected, or new judges shall be elected, for terms of five (5) years.
4. The seat of the Court shall be the capital of Puntland; the Court may hear cases anywhere in the territory of Puntland.
5. The dismissal of a Supreme Court judge may only be made by a vote of half plus one (1/2+1) of the House of Representatives and in accordance with Article 98 of this Constitution.

Article 91 - CRITERIA FOR ELECTING A SUPREME COURT JUDGE

A judge of the Supreme Court shall fulfil the following criteria:

- (a) be a citizen of Puntland and a practising Muslim;
- (b) his/her citizen rights shall not have been suspended during the previous five (5) years.
- (c) be at least forty (40) years of age;
- (d) hold a degree in law from a recognized university;
- (e) have experience as a judge for at least five (5) years, or to have at least six (6) years' experience as a legal practitioner.
- (f) be of honest character and competent in legal matters.

Article 92 - RULES FOR SUPREME COURT DECISIONS

1. In its rulings, the Court shall take decisions by a majority of its members; the judge or judges who do not concur on the ruling may state their dissenting opinions.
2. The rulings of the Court shall be communicated directly by the Court Secretary to the parties concerned.

Article 93 - POWERS AND RESPONSIBILITIES OF THE SUPREME COURT

1. The Supreme Court shall be the highest tribunal of the land and have jurisdiction over the whole territory of Puntland State.
2. The Supreme Court shall submit to the Supreme Judicial Service Council draft legislation or reforms to existing laws on matters related to the administration of justice.
3. The Supreme Court shall resolve controversies of jurisdiction among tribunals.
4. The Supreme Court shall make final rulings in appeals from the lower courts.
5. The Supreme Court shall resolve legal matters that are outside the competence of other authorities.
6. The Supreme Court shall rule on all procedures carried out outside the country and grant permission to carry out procedures or execute sentences in Puntland that have been ruled on by a foreign tribunal.
7. The Supreme Court shall rule on all requests for extradition.
8. The Supreme Court shall oversee the exercise of justice by the lower courts.
9. The Supreme Court shall hear cases regarding senior public officials who have been charged.
10. The Supreme Court's powers and responsibilities shall include all other powers and responsibilities established by the laws of Puntland.
11. The Supreme Court shall announce the final results of the elections of the country.

Article 94 - THE CONSTITUTIONAL COURT

1. Puntland State shall have a Constitutional Court composed of, in addition to the members of the Supreme Court, four judges selected from the larger society.
2. The four judges from outside the Supreme Court shall be appointed within thirty (30) days after the date of the approval of the Constitutional Court by the House of Representatives.
3. Two of the judges from outside the Supreme Court shall be elected by the House of Representatives and the other two by the Council of Ministers. Each shall be confirmed by the House of Representatives.
4. The four judges from the larger society shall have the same rights as the judges of the Supreme Court.
5. The Chief Justice of the Supreme Court shall be the Chief Justice of the Constitutional Court.

6. The Constitutional Court shall be answerable only to the law in its execution of legal proceedings and its management.
7. The Secretary of the Supreme Court shall also be the General Secretary of the Constitutional Court.
8. If one or more vacancies arise within the ranks of the Constitutional Court for any reason, the vacancy shall be filled within forty-five (45) days.
9. The seat of the Constitutional Court shall be the capital of Puntland State.
10. The government shall prepare a special law that sets out the structure, the procedure and the powers of the Constitutional Court for approval by the House of Representatives before the Court may be established.

Article 95 - POWERS AND RESPONSIBILITIES OF THE CONSTITUTIONAL COURT

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

Article 96 - RULES FOR THE DECISIONS OF THE CONSTITUTIONAL COURT

1. The Constitutional Court shall take its decisions by a simple majority of its members.
2. The rulings of the Constitutional Court shall be public statements registered in writing and made known to the public. They shall be printed in the official government bulletin.
3. Rulings of the Constitutional Court shall be communicated directly by the Court Secretary to all parties concerned.

Article 97 - CRITERIA FOR SELECTING THE JUDGES OF THE CONSTITUTIONAL COURT

The judges of the Constitutional Court who are not members of the Supreme Court shall fulfil the criteria set out in Article 91 of this Constitution.

Article 98 - DISQUALIFICATION FROM MEMBERSHIP OF THE CONSTITUTIONAL COURT

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

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

Article 99 - THE COURTS OF APPEAL

1. The seat of the Courts of Appeal shall be in the capital cities of the regions of Puntland.
2. The Courts of Appeal shall hear appeals from rulings by the Magistrates Court.
3. The jurisdiction of a Court of Appeal shall be confined to its region.
4. Each Court of Appeal shall have at least three (3) judges.
5. The criteria for judges of a Court of Appeal are similar to the criteria for judges of the Supreme Court, as set out in Article 91 of this Constitution. A judge of a Court of Appeal shall possess a recognised legal certificate or great understanding of Islamic Sharia.

Article 100 - THE MAGISTRATES COURTS

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

Article 101 - THE SUPREME JUDICIAL SERVICE COUNCIL

1. The Supreme Judicial Service Council shall be the highest authority for the administration of the judiciary and protection of its independence.
2. The Supreme Judicial Service Council shall be composed of:

- (a) the Chief Justice of the Supreme Court, who shall be the Chairman of the Council;
 - (b) the Attorney General;
 - (c) three judges of the Supreme Court; and
 - (d) two (2) lawyers selected from the public, to be proposed by the executive organ of government and confirmed by the House of Representatives.
3. In the absence of the Chief Justice of the Supreme Court or in the event he fails to fulfil his duties, a judge of the Supreme Court who is next to the Chairman in terms of hierarchy, shall temporarily assume the responsibilities of the Chief Justice.
 4. The Supreme Judicial Service Council shall operate under special laws.

Article 102 - THE POWERS AND RESPONSIBILITIES OF THE SUPREME JUDICIAL SERVICE COUNCIL

The Supreme Judicial Service Council shall have the following powers and responsibilities:

- a) To appoint, dismiss, transfer, promote, and discipline all judges of the Appeal and Magistrates Courts and all other employees of the judiciary.
- b) To prepare legal standards of employment for employees of the judiciary, to be submitted to the Minister of Justice for approval by the Council of Ministers.
- c) To establish and administer a judiciary training centre for developing the juridical and technical capacity of judges and their secretaries, with the assistance of the Ministry of Justice.
- d) The criteria used by the Supreme Judicial Service Council in employing judges and other employees of the judiciary shall be set out in a special law.
- e) The decisions of the Supreme Judicial Service Council related to the appointment, dismissal, and promotion of judges of the Appeal and Magistrates Courts, and deputies of the Attorney General, shall be expressed through Presidential decree.

Section Three - THE OFFICE OF THE ATTORNEY GENERAL

Article 103 - THE OFFICE OF THE ATTORNEY GENERAL

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

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

Article 104 - APPOINTMENT OF THE ATTORNEY GENERAL AND DEPUTY

- 1. The Cabinet shall nominate the Attorney General and the Deputy Attorney General and present him or her to the House of Representatives for confirmation.
- 2. To be selected as Attorney General or Deputy Attorney General the following criteria shall be fulfilled:
 - (a) he/she shall be a Puntlander and a practising Muslim who observes his/her religious obligations;
 - (b) he/she shall be at least forty (40) years old;
 - (c) he/she shall be a graduate of a faculty of law with at least five (5) years of experience as a judge or six (6) years as a legal practitioner.
 - (d) he/she shall be of good behaviour and recognized as a capable person in his/her field of expertise.

Article 105 - POWERS AND RESPONSIBILITIES OF THE ATTORNEY GENERAL

- 1. The Office of the Attorney General shall have the power to institute legal proceedings and prosecute senior government officials in a court of law.
- 2. The Office of the Attorney General shall have the following responsibilities:
 - (a) to observe the application of the laws and prevent the practice of vices in Puntland;
 - (b) to direct the investigation of crimes, and institute and prosecute criminal charges before the court;
 - (c) to oversee the condition of prisons and rehabilitation centres;
 - (d) to safeguard and protect the rights of orphans, children, the mentally disabled and all those who require legal protection;
- 3. All other powers and responsibilities that the law require the Office to fulfil.

Article 106 - POWERS AND RESPONSIBILITIES OF THE DEPUTY ATTORNEY GENERAL

1. In the absence, or temporary incapacity, of the Attorney General, the Deputy Attorney General shall assume the responsibilities of the Attorney General.
2. The Deputy Attorney General shall advise the work of the Attorney General.
3. The Deputy Attorney General shall implement the tasks assigned to him by the Attorney General that are within the scope of the responsibilities of the Office of the Attorney General.

Article 107 - DISMISSAL OF THE ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

1. The Attorney General or Deputy Attorney General may be dismissed only in accordance with the law.
2. The Attorney General or Deputy Attorney General may be dismissed when caught in the commission of a crime or when final sentence has been delivered by a competent court of law.
3. When the conditions above are fulfilled, the dismissal of the Attorney General or Deputy Attorney General shall be carried out by the Council of Ministers and submitted to the House of Representatives for approval of the arrest and prosecution of the Attorney General.

Article 108 - RECOGNITION OF TRADITIONAL LAWS

1. The Constitution recognizes traditional laws that do not contravene Islamic Sharia, the Constitution and all other laws of Puntland State.
2. The recognized traditional leaders shall be the most senior titled elders among their communities.
3. In order to protect the dignity and impartiality of the traditional leaders it is forbidden for traditional leaders to participate in political associations and parties.
4. In cases of disputes and misunderstanding that threaten the peace among clans or sub-clans, the traditional leaders shall be called upon to advise or 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 who shall offer assistance 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 shall be registered at the Magistrates Court in the district where the case was settled.

Chapter Five - AUTONOMOUS INSTITUTIONS OF THE STATE

Section One - AUDITOR GENERAL

Article 109 - OFFICE OF THE AUDITOR GENERAL

1. The office of the Auditor General is an autonomous institution and subject only to the law.
2. The office of the Auditor General shall be located in the capital and its authority shall cover the entire territory of Puntland State.
3. The Auditor General shall be appointed by the Council of Ministers and may be dismissed only for a cause explicitly stated in the law; in both cases confirmation of the House of Representatives is required.
4. The criteria for Auditor General include being a Puntlander of at least forty (40) years of age, in possession of a university degree, with technical knowledge of the field of public accounting and 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 the civil service law of Puntland State.
6. The organization and procedures of the Office of the Auditor General shall be set out in specific legislation.

Article 110 - POWERS AND RESPONSIBILITIES OF THE AUDITOR GENERAL

The Auditor General shall have the following responsibilities and powers:

- a) To fight corruption in the public administration at all levels.
- b) To monitor all expenditures of public funds by any public institution, to ensure that all expenditures are made in accordance with the Puntland State budget.
- c) To ensure the expenditure of public funds corresponds with budget allocations.
- d) To investigate, at any time, Puntland State institutions, local governments, autonomous agencies, and any other place or entity that administers public resources, in accordance with financial laws and accounting procedures of Puntland State.
- e) To determine the improper use of public funds by a civil servant and to impose a fair and appropriate fine; if the investigation determines that a crime has been committed, the Auditor General shall refer the case, with the corresponding evidence, to the Attorney General for prosecution.

- f) To demand or take any document from any public institution he/she considers necessary for the investigation of fraud or mishandling of Puntland State property.
- g) To submit an annual report to the House of Representatives on the closing of state accounts in the previous year.
- h) To issue instructions and procedures regulating the execution of different responsibilities of the office.
- i) All other powers and responsibilities in accordance with the laws of Puntland.

Section Two - THE CENTRAL BANK

Article 111 - THE CENTRAL BANK

1. The Central Bank is an autonomous institution of Puntland State and shall be responsible for:
 - (a) implementing the monetary policy of the government;
 - (b) issuing currency;
 - (c) acting as the state treasury;
 - (d) licensing private financial institutions; and
 - (e) supervising public or private financial institutions operating in Puntland.
2. The Central Bank shall be directed by a board composed of seven (7) members:
 - (a) the Governor of the Central 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 Labor;
 - (e) three (3) members appointed by the Chamber of Commerce; and
 - (f) a non-voting secretary who shall be the Governor of the Central Bank.
3. The Governor of the Central Bank shall be appointed by the Council of Ministers; he/she may only be dismissed for legal cause and both the appointment and dismissal shall be approved by the House of Representatives.
4. The organization and operation system of the Central Bank shall be set out in a special law and approved by the House of Representatives.

Section Three - ELECTORAL COMMISSION

Article 112 - PUNTLAND ELECTORAL COMMISSION

1. The Puntland Electoral Commission shall be an autonomous institution, subject only to the law, and shall fulfil its responsibilities in accordance with the electoral laws.

2. In electoral matters the Commission shall be the highest authority in the country and its decisions in this area may not be contradicted or invalidated by any other Puntland State authority, save the Constitutional Court.
3. The Puntland Electoral Commission shall be composed of nine (9) members, elected for a period of six (6) years, and may be re-elected.
4. In the event of vacancy or vacancies in the Commission for any reason, but in accordance with the law, a substitute or substitutes shall hold the office for the period for which the substituted member or members were elected.

Article 113 - PROCEDURE FOR ELECTING MEMBERS OF THE ELECTORAL COMMISSION

1. The Speaker of the House of Representatives shall call for nominations at least three months before the day set for the approval of members of the Electoral Commission and they shall be nominated as follows:
 - (a) Each of the three political parties shall nominate one commissioner;
 - (b) The President shall nominate three commissioners;
 - (c) The House of Representatives shall nominate three commissioners; and
 - (d) The House of Representatives shall approve the nominees of the President, the House of Representatives, and political parties. If a nominee is not approved by the House, the Speaker of the House shall write to the entity who made the nomination and ask for a new name to be presented within 15 days. If the nominee for replacement is not presented in time the position shall remain vacant until a new nomination is made.
2. Dismissal or loss of membership from the Electoral Commission shall be similar to that of the Constitutional Court as set out in Article 101 of this Constitution.

Article 114 - POWERS AND RESPONSIBILITIES OF THE ELECTORAL COMMISSION

1. The Puntland Electoral Commission shall have the following powers and responsibilities:
 - (a) To conduct and administer referenda and the electoral processes in accordance with this Constitution;
 - (b) To exercise jurisdictional powers in electoral matters, solve disputes, adjudicate rights and impose penalties on any person who violates the electoral legislation;
 - (c) To authorize political parties, supervise their actions and adjudicate disputes within a party whenever a member of, or group within, a party requests the Commission's intervention;
 - (d) To manage the systems of operations for the performance of the duties of the electoral commission and procedural matters necessary for elections; and
 - (e) To announce the results of referenda or elections and to certify those citizens who have been elected.
2. Special law shall regulate the activities and responsibilities of the Commission.

Article 115 - COORDINATION OF ELECTORAL COMMISSION WITH POLITICAL PARTIES

1. Political parties that participate in the elections shall have the right to follow and monitor all steps of the electoral processes. The forms and limitations of their participation shall be established by law.
2. Political parties shall have the right to be present at all polling places at the national, regional and local levels. Similarly, political parties' observers shall be present during collection of polling boxes and monitor the counting of votes.
3. The Puntland Electoral Commission shall take special care to ensure that the organs conducting the electoral process, at all levels, are not dominated by persons of the same political affiliations.
4. The law shall regulate campaigns by parties and candidates and shall impose limits on the amount that may be received through private donations, as well as on the amount parties and candidates may expend in the election.
5. Political parties competing in an election shall have the right of access, on equal terms, to the media owned by Puntland State during the electoral campaign.
6. The Puntland Electoral Commission shall be responsible for the coordination set out in this article.
7. Pending the institution of the permanent Electoral Commission, a Transitional Electoral Commission composed of nine members shall be established, as provided in Annex 1 to this Constitution.

Section Four - THE DEFENDER OF HUMAN RIGHTS

Article 116 - THE OFFICE FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

1. The Office for the Protection and Promotion of Human Rights shall consist of:
 - (a) the Human Rights Defender;
 - (b) the regional representatives of the Human Rights Defender; and
 - (c) the personnel assigned to the Office.
2. The seat of the Human Rights Defender shall be the capital of Puntland State.
3. The Human Rights Defender shall have jurisdiction over the whole of the territory of Puntland State.

Article 117 - APPOINTMENT OF THE HUMAN RIGHTS DEFENDER

1. The Council of Ministers shall submit to the plenary of the House of Representatives a list of candidates competing for the position of Human Rights Defender and the House of

Representatives shall elect the Human Rights Defender, in accordance with the rules of procedure of Parliament.

2. The Human Rights Defender shall fulfil the following criteria:
 - (a) he/she shall be a Muslim and Puntlander;
 - (b) he/she shall be at least 40 years old;
 - (c) he/she shall have training and experience in human rights issues; and
 - (d) he/she shall be ethical and recognized as a capable person in his/her field.
3. The Human Rights Defender shall be appointed for a period of five (5) years and may be re-elected.

Article 118 - POWERS AND RESPONSIBILITIES OF THE HUMAN RIGHTS DEFENDER

The Human Rights Defender shall have the following responsibilities and powers:

1. To prevent violations of human rights by providing advice to the relevant authorities.
2. To promote awareness and respect, among the public and public officials, of the importance of protecting human rights that are enshrined in the Constitution and the laws of Puntland, as well as in international protocols and human rights conventions.
3. To protect human rights that are enshrined in this Constitution and other laws.
4. To investigate any claim by citizens or social organizations regarding violations of human rights, to present the results of those investigations to the relevant authorities and the public and to make recommendations to protect human rights in Puntland State.
5. To support victims of human rights violations, and defend these victims in court or in public.
6. To appoint special commissions to fulfil his/her duties.
7. To monitor places where he/she suspects human rights violations have been or are taking place.
8. To campaign for the reform of laws or administrative procedures in order to increase the protection of and respect for human rights.
9. To issue an annual report on the condition of human rights in Puntland State.
10. To submit to the Council of Ministers proposed legislation related to human rights.
11. All other powers and responsibilities that the laws of Puntland extend to this office.

Article 119 - DISMISSAL OF THE HUMAN RIGHTS DEFENDER

The Human Rights Defender may be dismissed only with the approval of a two thirds (2/3) majority of the House of Representatives, in accordance with the criteria set out at Article 98 of this Constitution.

Chapter Six - REGIONAL AND DISTRICT ADMINISTRATION

Section One - DECENTRALIZATION OF THE ADMINISTRATION

Article 120 - DECENTRALIZATION OF REGIONAL AND DISTRICT ADMINISTRATIONS

1. The system of administration of Puntland State shall be based on decentralization.
2. To effect an administrative system of decentralization, Puntland State shall be divided into regions and districts.
3. The government shall be responsible for the restructuring and demarcation of the boundaries of the regions and districts of Puntland.
4. The process of the decentralization of governance shall be regulated by special laws, approved by the House of Representatives.
5. The demarcation of the administrative and taxation powers between the Puntland central government, regions and districts shall be defined by special law.

Section Two - REGIONAL ADMINISTRATION

Article 121 - POWERS AND RESPONSIBILITIES OF THE REGIONAL GOVERNOR

1. The government shall appoint a governor and deputy governors for each region.
2. The powers and responsibilities of the regional governors shall be as follows:
 - (a) The regional governor shall be the head of the government in the region and chair meetings of the regional development and regional security committees;
 - (b) To monitor government services and operations in the region;
 - (c) To chair meetings of the district council standing committees; and
 - (d) The regional governor shall coordinate between the Puntland central administration and the district administration of his/her region.

Article 122 - CRITERIA FOR THE APPOINTMENT OF REGIONAL GOVERNOR AND DEPUTY REGIONAL GOVERNOR

To be appointed as governor, the following criteria shall be fulfilled:

- (a) he/she shall be a Puntlander and a practising Muslim;
- (b) he/she shall be at least 30 years old;

- (c) his/her rights as a citizen shall not have been suspended during the previous five (5) years;
- (d) he/she shall have a high level of education and administrative experience; and
- (e) he/she shall have knowledge of the needs and problems of the region.

Section Three - DISTRICT ADMINISTRATIONS

Article 123 - DISTRICT COUNCILS

1. Each region of Puntland, for the purpose of local administration, shall be divided into districts. A special law shall determine the number, name and boundaries of the districts which shall be classified according to the population and size of each district.
2. Each district shall have economic and administrative autonomy, and shall be administered by a District Council. The law shall establish general principles that form the basis of district administration, the performance of duties and and exercise of its autonomous powers, as well as the number of councillors for each district, based on the population and size of the district.
3. The District Council shall be elected by the citizens of each district for a period of five (5) years and may be re-elected.
4. The dissolution of a District Council and loss of membership in a District Council shall be defined by the law of the district councils of Puntland.

Article 124 - INTERNAL PROCEDURES OF THE DISTRICT COUNCIL

1. The members of the District Council, in their first meeting, shall elect a chairperson and a vice chairperson.
2. The chairperson and vice chairperson of the District Council referred to in section 1, above, shall be the mayor and vice mayor.
3. The Mayor shall be the chief executive of the local government and shall be the link between the District Council and the regional authorities.
4. The Mayor shall present to the Council, for discussion and approval, the members of a standing committee of the District, whose members shall not exceed one third (1/3) of the District Council.
5. The standing committee, presided over by the Mayor, shall be responsible for implementing District Council policy and the day to day administration of the District.

Article 125 - POWERS AND RESPONSIBILITIES OF DISTRICT COUNCILS

The District Councils shall have the following powers and responsibilities:

1. To implement state plans at the district level concerning primary education, health, livestock, agriculture, security, water, power, communication, environmental protection and general developmental projects of the district.
2. To determine, modify or suppress public payments for the services the Council provides, and to establish specific public contributions for the financing of specific public works implemented in the district.
3. To approve and announce to the public the annual budget of the district, comprised of balanced revenue and expenditures.
4. To employ, promote or dismiss all of the public employees of the local government.
5. To draft by-laws or instructions regulating public activities and services for residents of the district.
6. To prepare a tax plan for the district and submit it to the relevant ministry for approval by the House of Representatives.
7. To draft the district development plan and cooperate with the central administration of Puntland for its implementation.
8. To administer the property and revenue of the district and submit a financial statement to the Auditor General.
9. To participate in developmental projects implemented by government institutions at the district and national levels.
10. All other powers and responsibilities vested in District Councils by this Constitution and by the laws of Puntland.

Article 126 - CRITERIA FOR ELECTING DISTRICT COUNCIL MEMBERS

1. Any citizen who is Muslim, responsible, of sound mind, a citizen of Puntland, and at least twenty-five (25) years of age may be elected to a District Council.
2. He/she shall have at least an intermediate level of education or its equivalent.
3. He/she shall not have had his/her citizen's rights suspended in the previous five (5) years.
4. He/she shall be a Puntland citizen and have deep knowledge of the social context of the District.

Article 127 - POWERS AND RESPONSIBILITIES OF THE DISTRICT MAYOR

1. The Mayor shall be the highest authority of the state departments of the Districts and shall chair the meetings of the development and security committees.
2. The Mayor shall supervise all the activities of the state in the District.

3. The Mayor shall chair the joint meetings of the District sub-divisions.
4. The Mayor shall be the head of the District Executive Council and coordinate District activities with those of the region.
5. The Mayor shall be responsible for the implementation of District Council resolutions and daily administrative tasks of the District.
6. The criteria for becoming District Mayor are set out in Article 122 of this Constitution.

Title V - PUNTLAND SYSTEM OF ADMINISTRATION

Chapter One - THE CIVIL SERVICE

Article 128 - CIVIL SERVANTS

1. Puntland State officials and civil servants shall provide service to the public and the state, shall not favor any political party or individual and shall perform their duties in accordance with the Constitution and the laws of Puntland. It shall be prohibited to use public office in pursuance of personal and political interests.
2. Government officials and civil servants shall be recruited based on merit and capacity, and no political or clan affiliation, family or social relationship shall be taken into consideration.
3. The merits of the civil servants shall be recognized. A special law shall administer recruitment procedures, grading of posts, promotion, training, dismissal, benefits and all other aspects of civil servant employment.
4. The law shall specify offices of the civil service that may not hold leadership in political parties.

Article 129 - PRINCIPLES OF GOOD GOVERNANCE

All public officials and civil servants shall perform their duties according to the following principles:

- (a) all decisions shall be taken solely in terms of public, and not individual, interest;
- (b) any situation that might influence him/her in the performance of his/her duties, or where his/her integrity may be questioned, shall be avoided;
- (c) decisions shall be taken solely on their merits;
- (d) accountability for his/her decisions and actions and allowing the scrutiny of any government agency responsible to his/her office;
- (e) decisions shall be made in an open and transparent manner and information shall be made as accessible as possible;
- (f) any private interest shall be declared and steps shall be taken to resolve any conflicts of interest that result from his/her decisions.

Article 130 - MISMANAGEMENT AND MISAPPROPRIATION OF PUBLIC FUNDS

Any public official or civil servant who mismanages or misappropriates public funds or resources, or participates in any such misdeeds, commits a serious offence and shall be subject to the administration of justice.

Article 131 - IMMUNITIES

1. Certain public officials shall have the right to immunity to protect the office holder against misguided accusation or unlawful pressures in the exercise of his/her responsibilities.
2. The President and Vice President may not be detained or accused by any authority except in accordance with the procedures established in Article 82 of this Constitution.
3. A Member of the House of Representatives may not be detained, his/her body, home, office or vehicle searched, or accused of any serious offence from the day he/she is elected or appointed until the end of his/her term or his/her resignation, unless his/her immunity is waived by the House of Representatives. A Member of the House of Representatives may not be detained for less serious offences and faults committed during this period, nor called to testify in court, with the exception of civil cases.
4. The immunity granted to all public officials elected or confirmed by the House of Representatives shall protect them from being detained or his body, vehicle or home searched by any authority or accused of an offence unless the Attorney General requests the House of Representatives to waive the immunity; if the House of Representatives, after analyzing the case, concludes that there are merits for exercising criminal jurisdiction, the officer shall be suspended from office and tried by the relevant court.
5. Judges of the Appeal and Magistrates Courts shall not be detained unless caught in *flagrante delicto*, their homes and vehicles shall not be subject to search, nor may they be accused unless the Supreme Judicial Service Council accepts a request from the Attorney General to waive the immunity.
6. If any of the public officials referred to in sections 2, 3 or 4 of this article are caught in *flagrante delicto*, the matter shall be reported to the speaker and the leadership of the House of Representatives shall determine his/her place of detention until the procedure for waiving the immunity is complete. If the public official is a judge, he/she shall be subject to the Chief Justice of the Supreme Court.
7. Members of District Councils shall not be detained and their bodies, homes and vehicles shall not be subject to search unless the District Council approves the request of the Attorney General to waive immunity, or if the member is caught in *flagrante delicto*.
8. The Regional Governors and their deputies shall be entitled to immunity and as such shall not be detained and their bodies, homes, and vehicles not subject to search, unless the President approves the request of the Attorney General to waive immunity or if the Governor or deputy governor is caught in *flagrante delicto*.

Article 132 - CONSTITUTIONAL OATH

Any person who assumes high office in the State of Puntland shall be required to take an oath before the Supreme Court prior to assuming office. The oath shall read as follows:

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

Chapter Two - PUBLIC FINANCE

Article 133 - THE STATE PROPERTY

The Puntland State property shall be composed of:

- (a) all monies of the state;
- (b) all credits of the state;
- (c) all fixed and current assets and publicly-owned enterprises which the state has acquired legally;
- (d) all rights derived from the application of the laws of taxation of the state, as well as from any legally-acquired donations;
- (e) obligations to the public finances shall be all debts that are recognized by the state as well as any public expenditure that has been lawfully authorized; and
- (f) gifts to public officials made in relation to their roles as national representatives.

Article 134 - RESPONSIBILITY TO SAFEGUARD THE STATE PROPERTY AND PUBLIC FINANCES

1. All people of Puntland State shall have an obligation to safeguard the state property.
2. The public officials and civil servants have a special responsibility to safeguard the state property that is under their authority.
3. The administrative head of any national, regional or district of Puntland State shall be legally responsible to register and implement the obligations set out in sections 1 and 2 above.
4. The Minister of Finance and the Auditor General shall have the legal responsibility to enforce these obligations.
5. The executive branch of the Puntland State, through the Ministry of Finance, shall be responsible for the management of Puntland public finance.

Article 135 - THE STATE BUDGET

1. The Puntland State budget shall be the law setting out the annual projected revenue and expenditures of the state enabling the state to achieve its objectives for that fiscal year.
2. The fiscal year of Puntland State starts on the first day of January of every year and ends on the thirty-first day of December of the same year.
3. The autonomous government agencies and other institutions of Puntland State that are financed in whole or in part by the state, shall have separate budgets that shall be incorporated into the state budget and approved by the House of Representatives.
4. A special law shall establish all matters concerning the preparation, approval, implementation and reporting of results of the budget.

5. In the event that a proposed new annual budget is not approved by the House of Representatives at the beginning of the fiscal year, the budget of the immediate previous fiscal year shall continue to be operational for a period of one month.

Article 136 - BUDGETARY PROCEDURES

1. The budget shall be initiated by the Minister of Finance on the basis of financial projections presented by the ministries, other state institutions, and information compiled and processed by financial experts and staff of the budget department of the Ministry of Finance and shall be submitted to the Council of Ministers no later than October 10.
2. The budget proposal approved by the Council of Ministers shall be presented to the House of Representatives for approval, amendment or rejection.

Article 137 - CLOSING OF FISCAL YEAR ACCOUNTS

1. The report on closing of 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 study and debate, the House shall either endorse or reject the report.
2. If the House of Representatives rejects the closing of accounts it shall submit its findings with evidence to the Attorney General for investigation and prosecution of any person accused.

Title VI - SUPREMACY OF AND AMENDMENT TO THE CONSTITUTION AND PROVISIONAL ENFORCEMENT

Article 138 - THE LEGAL ROLE OF THE CONSTITUTION

1. The Constitution shall be the supreme law of Puntland State, except for the Islamic Sharia.
2. Any law, including traditional law (*xeer*), regulation or administrative decree that contradicts the Islamic Sharia or this Constitution shall be null and void.

Article 139 - CONSTITUTIONAL AMENDMENT

1. A proposal to amend this Constitution shall be presented by:
 - (a) at least one fifth (1/5) of the members of the House of Representatives, or
 - (b) the Council of Ministers, or
 - (c) not less than 5,000 voting citizens.
2. Once the proposal has been received by the House of Representatives, it shall be analyzed by a special committee and, with the recommendations of such committee, debated by the House of Representatives and approved by a simple majority.
3. A program of information and awareness over the proposed amendment shall be initiated by the House of Representatives to inform the public of all amendments to the Constitution.
4. In not less than one month, the House of Representatives shall submit the proposal for ratification which may be ratified by a majority of two thirds (2/3) of its members.
5. Amendments related to Articles 1, 2, 3, 4, 9, and 13 of Title One, Chapter One of this Constitution, after the fulfilment of the procedures provided in the paragraphs of these articles, may only be effected through referendum.
6. A constitutional amendment shall be published in the official bulletin and shall not be subject to presidential veto.

Article 140 - HARMONIZATION OF THE PUNTLAND CONSTITUTION WITH THE FEDERAL CONSTITUTION

1. Once the Federal Constitution of Somalia is approved but not yet accepted by the people through referendum, the House of Representatives shall establish a special committee that shall review the Puntland Constitution in order to harmonise it with the Federal Constitution.

2. In this process, the Constitutional Review Committee of Puntland shall consult with the executive, the Constitutional Court and the Attorney General. The Committee shall consult any other public official or person in the process of collecting information on harmonization with the Federal Constitution.
3. The Constitutional Review Committee of Puntland shall present its findings on the harmonization of the two constitutions to the House of Representatives, which shall debate and vote, approving amendments with a simple majority (half +1).
4. The leadership of the House of Representatives shall submit amendments to the Puntland Constitution to the President immediately for signature and publication in the official bulletin.
5. It shall be forbidden for the special committee to use this procedure for any reform to the Constitution that is not directly related to the harmonization of the Puntland State Constitution with the Federal Constitution.

Article 141 - IMPLEMENTATION OF THE CONSTITUTION

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

Annex One
TRANSITIONAL PROVISIONS

1. The first Puntland Electoral Commission shall be transitional, and members shall be selected from among the public and shall be composed of nine (9) members, five (5) nominated by the President and approved by the House of Representatives and four (4) elected by the House of Representatives.
2. The Electoral Commission shall be responsible for conducting the national referendum on the Constitution and the election of the first district councils, and its mandate shall expire after the announcement of the results of the District Council elections, and the authorization of political parties.
3. For the purposes of transition, the Puntland Electoral Commission shall have the powers stated in Article 114 of this Constitution.
4. Following the expiry of the mandate of the transitional Puntland Electoral Commission, a new Puntland Electoral Commission shall be instituted in conformity with Section Three of Chapter V of Title IV of this Constitution.
5. The term of office of District Councils, elections for which precede the authorization of political parties, may be decreased or increased.
6. In the event this Constitution is rejected through national referendum, the rejected Constitution shall remain in force provisionally until another Constitution is ratified through referendum.

Annex Two
**TERMS OF OFFICE OF MEMBERS OF GOVERNMENT AND
PARLIAMENT**

1. The term of office of the current members of the House of Representatives shall be five (5) years, which shall commence after the announcement of the list of members of the House of Representatives, in accordance with Article 60(3) of the Constitution.
2. The term of office of the President and the Vice-President shall be five (5) years and shall commence from the day they are elected, in accordance with Article 79 of the Constitution.
3. Every government official whose term of office is specified by the Constitution shall follow the term of office specified in the corresponding article of the Constitution.
4. Before the direct election of District Councils, there shall be district councils in place as set out in the by-laws of the current district councils.
5. In the event of a vacancy in the House of Representatives or District Councils, as stated in Annex Two of the Constitution, a new member shall replace that member in the same

manner as the other previous members within thirty (30) days and the new member shall fulfill all the criteria set out in Articles 61 and 126.