



**STATE GOVERNMENT OF JUBALAND**

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**DRAFT INTERIM CHARTER OF THE STATE  
GOVERNMENT OF JUBALAND OF SOMALIA**

**MARCH, 2013**

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## **Chapter 1**

### **Establishment of Transitional State Government of Jubaland**

#### **Article 1**

##### **Establishment of Transitional State Government**

1. A transitional state government is hereby established, founded on the will of the people of the regions of Gedo, Middle Juba and Lower Juba.
2. The name of the state government shall be Jubaland State of Somalia.
3. The transitional state government of Jubaland also refers to the state government of Jubaland.

#### **Article 2**

##### **Supremacy of the Law**

After the shari'ah this charter is the supreme law of Jubaland.

#### **Article 3**

##### **Islam as Basis of Law**

1. Islam is the only religion and the basis of law of Jubaland.
2. This Charter shall be based on:
  - a) the Islamic Shar'iah
  - b) somali custom and
  - c) international law
3. Any law that contravenes Islamic law is prohibited.
4. The Calendars shall be Islamic (Hijriya), secular and Somali.

#### **Article 4**

##### **Guiding principles of government**

1. Save for the powers of God, the highest power shall be vested in the people who shall exercise it in accordance with the law.
2. Jubaland is part of the Federal Government of Somalia, and:
  - a) has a responsibility to participate in the creation of a Federal Somali Government founded on unity, co-operation and power sharing.
  - b) encourages unity of the people of Jubaland and the larger Somalia.
  - c) shall work for the advancement of an upright culture and heritage.

## **Article 5**

### **The People**

The people of Jubaland are the Somali people resident in the regions of Gedo, Middle Juba and Lower Juba.

## **Article 6**

### **Territory and Boundaries**

1. The territory of Jubaland consists of the regions of Gedo, Middle Juba and Lower Juba as reflected in schedule one.
2. a) the boundaries of Jubaland are that existed before the civil war began in 1991.  
b) the boundaries of Jubaland are sacrosanct.

## **Article 7**

### **Flag and Symbols**

1. The flag of Jubaland shall be as described in schedule two.
2. The emblem of Jubaland shall be as described in schedule three.
3. The official seal of Jubaland shall be as described in schedule four.

## **Article 8**

### **Capital City and Government Headquarters**

1. Bu'ale shall be the capital city and the government headquarters of Jubaland.
2. The law governing the administration of Bu'ale as the capital city shall be passed within one year from the commencement date of this charter.

## **Article 9**

### **Languages**

1. The official and national language of Jubaland is Somali.
2. The second official language is Arabic
3. The third official language is English.

## **Chapter 2**

### **The System of the State Government of Jubaland**

## **Article 10**

### **System of State Government**

1. The system of the State Government of Jubaland shall be Presidential.
2. The President shall be elected by the Delegates Conference.
3. The vice presidents shall be nominated by the President and approved by parliament provided that clan diversity is reflected.

## **Article 11**

### **Arms of the State Government**

The three arms of the state government are:

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



## **The Parliament**

### **Article 12**

#### **Composition and Duration**

1. In the transitional period parliament shall consist of 65 Members based on districts, elected by the delegates' conference.
2. a) The term of the interim Parliament shall be three (3) years from the day the members are sworn in.  
b) After the interim period the term of parliament shall be four (4) years
3. Parliament shall officially open within thirty days from the date of the elections.
4. The first session, presided over by the oldest elected member, shall elect the speaker and two (2) deputy speakers.

### **Article 13**

#### **Eligibility Criteria for Members of Parliament**

Membership of parliament is open to:

1. Somali Citizens who are residents of Jubaland are qualified to vie for a parliamentary seat provided they:
  - a) are of sound mind,
  - b) are over 25 years.
  - c) have not been convicted of a treasonable crime or a crime against humanity or any other crime.
  - d) have not committed an act that is regarded as evil among the people
  - e) are literate.

### **Article 14**

#### **Vacancy of a parliamentary seat**

1. A parliamentary seat becomes vacant if a member:-
  - a) dies
  - b) resigns
  - c) is found guilty of a criminal act including corruption
  - d) becomes medically incapacitated
2. A vacant parliamentary seat shall be filled within (30) days

### **Article 15**

#### **Structures of Parliament**

1. Parliament shall elect committees to implement and conduct its business.
2. Parliament shall have a Clerk appointed by the Speaker.

### **Article 16**

#### **Powers of Parliament**

Parliament has the exclusive right to:

1. Make laws applicable to Jubaland.
2. Approve proposals for the creation of a new district.

3. Review, approve or amend bills or regulations.
4. Approve annual budget and tax regimes.
5. Approve loans and tax exemptions incurred in the name of Jubaland.
6. Pass a vote of no confidence in the president, a vice president or a minister through a two thirds majority.
7. Arbitrate in disputes between the president and the vice presidents.
8. Approve within seven (7) days declaration of disasters such as droughts, diseases, typhoon, hurricane and floods by the president provided that:
  - a) if Parliament does not approve the declaration, it shall be null and void;
  - b) operations undertaken during the disaster shall be endorsed by parliament.

## **Article 17**

### **Immunities of Members of Parliament**

A member of parliament enjoys immunity within the precincts of parliament and while on parliamentary assignments.

## **Article 18**

### **Dissolution of Parliament**

Parliament shall without exception stand dissolved on the expiry of the parliamentary term.

## **The Executive**

## **Article 19**

### **Composition and Eligibility of Cabinet**

1. The cabinet consists of the President, the Vice President(s) and ten Ministers.
2. To be eligible to be appointed as a minister a person must;
  - a) Be a Somali citizen
  - b) Have a university education; or
  - c) Have at least ten years working experience in management role.
  - d) Be at least thirty years old.
3. The cabinet and all Government officers shall not engage in private business.

## **Article 20**

### **Formation of the Cabinet**

1. The cabinet shall be:
  - a) nominated by the President of Jubaland, and
  - b) approved by Parliament through a simple majority.
2. The process of nomination and approval shall not exceed fourteen days from the election of the president
3. The cabinet can be nominated from the members of parliament, non-members of parliament or both.

## **Article 21**



**The duties of a cabinet minister** The cabinet minister:

- a) is the political head of a ministry.
- b) oversees the implementation of government policies.

**Article 22**

**Vote of no confidence in the minister**

1. At least two thirds of MPs are required to bring a motion of no confidence and to pass it.
2. If the minister is dismissed, the president shall present before parliament the newly proposed minister for approval within thirty (30) days from the date of dismissal.



**Article 23**

**Impeachment of the President**

1. Parliament can propose the dismissal of the president if he is accused of gross violation of the charter or the laws of Jubaland.
2. The motion for dismissing the president may be introduced by no less than two thirds of the total membership of the parliament.
3. The president may be dismissed by a three quarters majority of the total membership of parliament.

**Article 24**

**Structures and functions of the state government**

1. The State Government of Jubaland shall :
  - a) exercise executive powers.
  - b) uphold democratic principles.
  - c) be responsible for peace and stability.
2. The State Government of Jubaland is composed of :-
  - a) The Central Government of Jubaland.
  - b) The Regional Administrations.
  - c) The District Administrations.
3. The powers, functions and coordination of the Central Government, Regional and District Administrations shall be defined in a special law.
4. The State Government shall:
  - a) formulate and implement economic, security, education, agriculture, health and other development plans.
  - b) formulate and implement financial, monetary and foreign investment policies.
  - c) prepare annual budgetary estimates of the state government.
5.
  - a) high ranking government officers shall be nominated and appointed by the president with the approval of parliament.
  - b) The criteria for selection shall be education, ability and experience.
6. The Government shall be responsible for the development of:
  - a) health services.
  - b) education. policies
  - c) general environmental policies.

7. The structures of Government shall be enacted in other legislation.

## **Article 25**

### **Eligibility Criteria for a presidential candidate**

1. A person intending to vie for the Presidency shall be:-
  - a) a somali citizen
  - b) a muslim,
  - c) of sound mind,
  - d) at least forty (40) years old,
  - e) of high integrity,
  - f) knowledgeable and experienced in administrative leadership.
  - g) i) of a minimum high school education during the transition period and  
ii) a university degree after the transition period
  - h) a person who has not been convicted of any criminal offence.
2. The President shall hold office for:
  - a) a term of three years for the transitional period
  - b) after the transitional period for a term of four years and maximum of two (2) terms (8 years) only.
3. The President cannot be absent from Jubaland for more than thirty consecutive days unless he is indisposed.

## **Article 26**

### **The powers and duties of the president**

The President of the State Government of Jubaland:-

- a) Is the head of state and government.
- b) Symbolizes the unity of the people.
- c) Presides over the cabinet.
- d) Shall form the government within fourteen days after election.
- e) Nominates, appoints and dismisses cabinet and top ranking government officials.
- f) Approves and signs contracts and agreements with other State Governments, the Federal Government and foreign states in consultation with parliament.
- g) Is the Commander in Chief of the Security Forces of the State Government of Jubaland.
- h) Extends amnesty and pardon on the recommendation of Judicial Institutions.
- i) Is entrusted with the protection of the religion of Islam.
- j) Shall address the opening session of parliament.
- k) Shall declare a state of disaster in consultation with cabinet and approval of parliament. l) Confers honours and awards.
- m) Assents to bills approved by parliament.
- n) Shall perform other duties authorized by law.

## **Article 27**

### **Duties of the vice president(s)**

1. Is the principal assistant of the president.
2. On delegation of authority in writing by the president the designated vice president acts on behalf of the president when he is out of the state.
3. Executes tasks assigned by the president.

4. If the president dies, is impeached, or resigns, the designated vice president shall assume his role for sixty days during which a new presidential election is held.

## **Article 28**

### **Vacancy of the Presidency**

The presidency becomes vacant if the holder:

- a) Dies.
- b) Is medically incapacitated.
- c) Resigns.
- d) Is impeached.

## **Article 29**

### **Succession**

1. The line of succession shall be the president, designated vice president and the speaker of parliament
2. The acting president during succession shall hold office for not more than sixty (60) days during which an election for the presidency shall be held.

## **Article 30**

### **The independent offices and institutions**

1. a) Independent offices and Institutions of the Government shall include:-
  - i. The Auditor General,
  - ii. The Attorney General
  - iii. The Accountant General
  - iv. Director of Public Prosecutions
  - v. Jubaland Electoral commission
  - vi. Jubaland Public service commission
- b) The persons named in (i) to (iv) the heads and commissioners of the institutions in (v) and (vi) shall hold office for a period of five years renewable once during which they shall enjoy security of tenure.
2. The Chief Executive Officers of the Independent Institutions shall be recommended by the Cabinet and approved by Parliament.
3. The Independent Institutions shall submit an annual report on their activities to parliament in accordance with the law.
4. The powers, functions and duties of the independent offices and institutions shall be specified in laws to be enacted by parliament within six months of the adoption of this charter.

## **Article 31**

### **The security Services**

1. The Security services of the State Government of Jubaland consist of:
  - a) State Government of Jubaland Police
  - b) State Government of Jubaland Prisons
  - c) State Government of Jubaland Intelligence

- d) State Government of Jubaland Border Police(Darawishta)
2. Special laws shall define the structure and responsibilities of each security services.

## **Article 32**

### **The council of traditional elders of Jubaland**

1. The Council of traditional elders of the state Government Jubaland shall constitute 30 traditional elders representing the resident clans or such other number agreed on by the cabinet
2. Their role shall be to advise the government on:
  - a) religious and cultural affairs
  - b) arbitration of communal disputes.
3. The Members of the Council of traditional elders shall be recognized elders of the clans inhabiting Jubaland

## **The Judiciary**

### **Article 33**

#### **The structure of the judiciary**

1. The Judiciary of the State government shall consist of:-
  - a) The High Court
  - b) The Regional Appeal Courts
  - c) The District Magistrates Court
2. a) The judiciary shall be independent from the Legislature and the Executive.  
b) The judges of the high court shall have security of tenure

## **Article 34**

### **The functions of the judiciary**

The Functions of the judiciary shall be:- 1.

To hear cases and pass judgments

2. Guided by the Islamic Sharia, Somali Customs, International laws, the Interim Charter of the State Government of Jubaland and the Laws of the federal state government.
3. A military court only has jurisdiction in cases involving military officers.
4. A law will be enacted to provide for the functioning of the judiciary.

## **Article 35**

### **The judicial council**

1. The Supreme Judicial Council consists of:-
  - a) The Commissioner of the High Court.
  - b) The Attorney General,
  - c) Three Judges from the Judiciary,
  - d) Two Lawyers selected from the members of the public by the president and approved by parliament.
2. The functions of the judicial council shall be specified in an act of Parliament.

## **CHAPTER 3**

### **Fundamental rights and freedoms**

## **Article 36**

### **The rights of the individual**

1. All the people are equal before the law.
2. No person shall be discriminated against on the basis of colour, religion, nationality, ethnicity, appearance, wealth, ideology, political affiliation, language and ancestry.
3. Minorities shall enjoy full constitutional and human rights.

## **Article 37**

### **The rights of women**

The human, social economic, political rights and freedoms of women accepted by Islam shall be protected by law.

## **Article 38**

### **The rights of children**

1. A child has a right to life, name, nationality, nurturing and education.
2. All forms of child labour are prohibited.

## **Article 39**

### **Freedom of religion and belief**

1. Every person is free to practise his or her religion
2. No religion other than Islam can be propagated in Jubaland.

## **Article 40**

### **The freedom of expression and opinion**

Every person has the right to have and express their opinions and to receive and impart their opinion, information and ideas in any way.

## **Article 41**

### **The right to representation**

1. All citizens shall have the right to be represented in state government.
2. All citizens have the right to public participation in the affairs of Jubaland.
3. Parliament shall enact a law for guiding the conduct of elections after the transitional period.

## **Article 42**

### **The right to own property**

1. Every citizen has the right to own property.
2. No citizen's property shall be taken away illegally.
3. Parliament shall enact a law to provide for legal ownership of property.

## **Article 43**

### **The right to life and safety**

1. Everyone has the right to life.
2. Everyone has the right to protection and dignity.

3. A death sentence can only be passed by a competent court under the law.
4. Arrest and inspection of persons and homes without a warrant is forbidden.

#### **Article 44**

##### **The media**

1. There shall be freedom and independence of the media.
2. A law governing the media shall be enacted.

#### **Article 45**

##### **Obligations of a citizen**

Every citizen has an obligation to:

- a) Co-operate with lawful security institutions
- b) Observe the law and lawful instructions
- c) Preserve the unity of the people
- d) Maintain peace and stability of Jubaland.
- e) Pay lawful taxes.

#### **Article 46**

##### **The rights of a suspect**

1. Suspects are innocent until proved guilty
2. Suspects shall be brought before a court within forty eight hours of arrest.
3. Suspects shall have the right to bail.
4. Suspects have a right to legal representation.

### **CHAPTER 4**

#### **Relations with federal government**

#### **Article 47**

##### **Relations with federal government**

1. Jubaland shall be part of the Federal Government of Somalia.
2. The relationship between Jubaland and the Federal government shall be guided by chapter five of the constitution of Somali Federal Republic.
3. The following responsibilities shall be subject to negotiations between Jubaland and the Federal Government:
  - a) Natural resources
  - b) Revenue sharing
  - c) Environmental conservation
  - d) State heritage
  - e) Infrastructure revenue
  - f) Inter- state business
  - g) Wildlife
4. The state Government of Jubaland shall be responsible for the following:
  - a) Education, recreational centres and children gardens
  - b) Health and Public sanitation
  - c) Agriculture and Livestock Development
  - d) Business Licensing, taxation and development of small business
  - e) Local government and housing

- f) Internal security
- g) Infrastructure
- h) Marine resources and environmental protection
- i) Tourism

## **CHAPTER 5**

### **Final Clauses**

#### **Article 48**

##### **Transitional clauses**

1. The charter shall be the main law during the transition period of three (3) years of the entry into force of this interim charter.
2. The first term of Parliament shall be three years and for subsequent parliament shall be as specified in article 12 (2) of this charter.
3. This transitional charter shall be the basis for the constitution of the state of Jubaland which shall be completed within three years of entry into force of this charter. 4. This charter shall come into force on the date it is approved by the delegates' conference.

#### **Article 49**

##### **Amendments to the charter**

1. Parliament shall have the power to amend this interim charter.
2. An amendment of this charter may only be initiated by a two thirds majority and passed by three quarters of the members of Parliament.

#### **Article 50**

##### **Dispute settlement**

Any disputes regarding interpretations of provisions of this charter shall be referred to the High Court which must make a decision within ninety (90) days of the application and whose decision shall be binding.



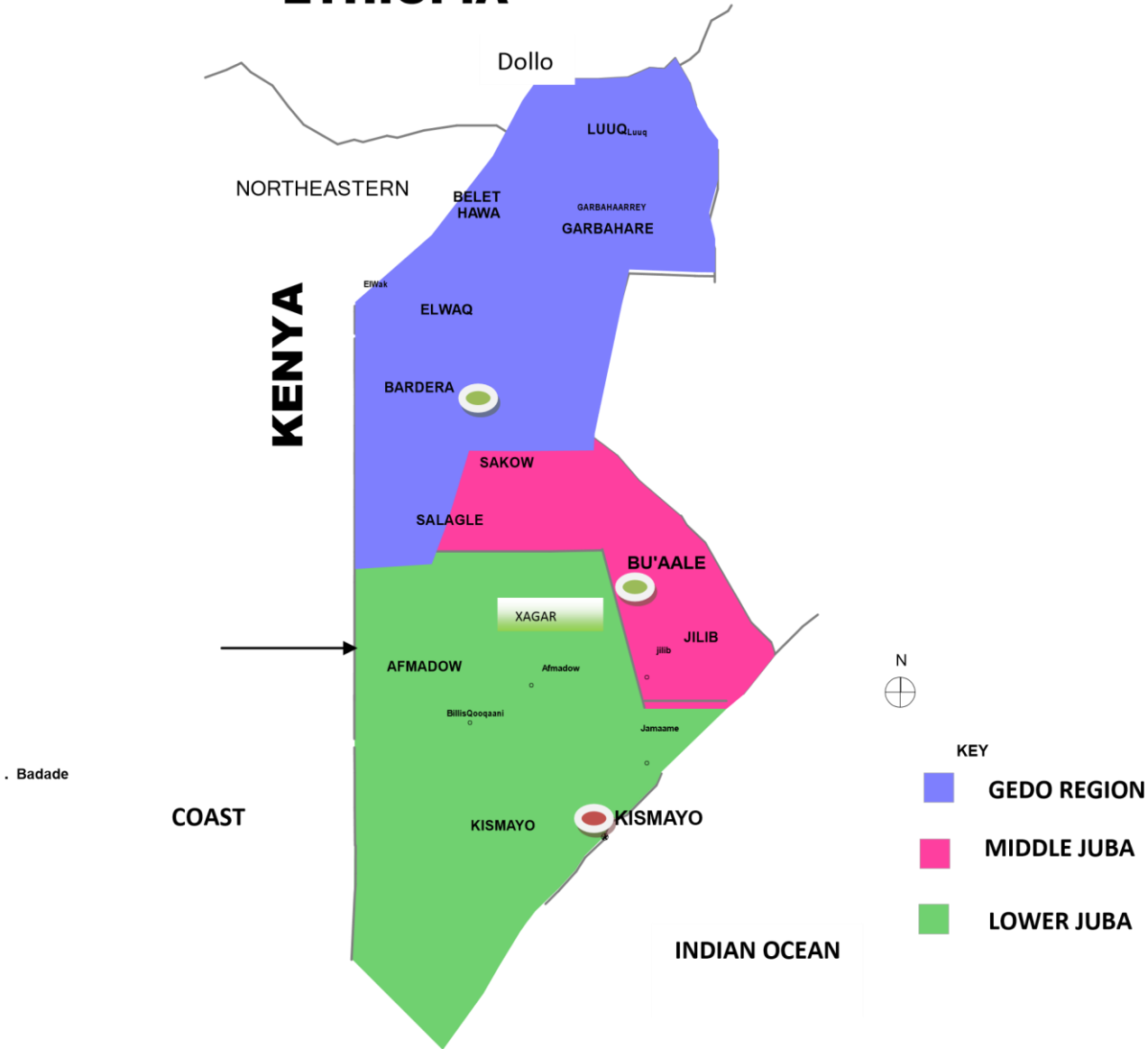
## **SCHEDULES**

### **SCHEDULE ONE: MAP OF JUBALAND STATE OF SOMALIA**





# ETHIOPIA





**SCHEDULE TWO – THE STATE GOVERNMENT OF JUBALAND FLAG**

**SCHEDULE THREE: THE STATE GOVERNMENT OF JUBALAND  
EMBLEM**

