

# **Constitution of the South West State of Somalia**

## **BAIDOA – 09- 2014**

### **INTRODUCTION:**

In the name of Allah who mercies in public and private, Us we are the people inhabiting areas in South West (Lower Shabelle , Bay and Bakool) in Somalia. To establish civil peace, justice, equality and development, and to cope with the aftermath of the civil war crisis that affected for those regions. While knowing that national unity is the sacred, and following by the Constitution of the Federal Republic of Somalia paragraph 6 of Article 49.

### **Chapter 1 - General Principles**

#### **Article 1: The State of the South West.**

The name of the State and its frontiers are listed below:

1. Name of the State “South West Somalia”, consisting of Lower Shabelle regions, Bay and Bakool.
2. South West state (SWS) is a member of the Federal Republic of Somalia.
3. Land and Borders of the State:
  - a) The land of South West State consists all the three regions of the State SWS, including land, sea, islands, low inward, air, and every environmental or water state to join the State of SWS that complied with the Constitution of the Federal Republic of Somalia and the law by the parliament .
  - b) Conflicts over the borders of the state it will discuss regional administrations concerned and the Federal Government of Somalia.

#### **Article 2 : Religion**

1. Islam is the religion South West State (SWS).
2. Religions other than Islam can be propagated areas of SWS.  
Any law that I disagreed with the Islamic Sharia are invalid.

### **Article 3: Basic Principles**

1. The Constitution of the State based on the Holy Quran from Allah and the Sunnah of the Messenger ( SAW ) and the National Constitution .
2. It requires the implementation of the system of democracy, good governance, justice, equality, consultation and power sharing.
3. To assure independence of powers between the executive, legislative, judiciary and the rights of minorities.
4. It is based on a system of accountability, transparency and governance for all.
5. The law obliges to rise and practice the principles of general international conventions on human rights.

### **Article 4: Rising of the constitution**

1. The Holy Quran of Allah and the Sunnah of the Messenger (SAW ) are then this Constitution is the highest law and behavior of the State South West .

### **Article 5: The official language**

1. The official language of the State Government is Somali Language and the pronunciation should be either ( Maay or Maxaa tiri )
2. Arabic and English are the second languages of the State

### **Article 6: The flag and emblem of the State :**

#### **1. Flag**

The flag of SWS is: - a section at the top blue rectangle and a white star in the middle with five equal points, consistent with the heads with red horizontal angle, and the bottom a green color with six stars square in the middle.

#### **2. The emblem of the State**

The emblem of the State SWS consists of a shield inside the flag of the State with bronze, silver with a dye, the surface of the shield has six Arab consumers and each in the middle of a star and surrounds two claws

together, and each claw standing between two shields mites below the shield, and with two leaves of banana boxed of a blue line on a ribbon.

### **Article 7 : Capital of the State**

1. Capital of the State is Barawe.
  - A. Marko is the capital of the State of Commerce and the port.
  - B. Baidoa, Hudur and Marko is the capital of Bay , Bakool and Lower Shabele respectively .

## **Chapter 2 - Basic rights and obligations of citizens: Principles of Human Rights**

### **Article 8: Citizenship and Naturalization**

State citizenship will clarify:

1. The origin district of the person.
2. Citizens of the State shall not lose his nationality as he/she got another citizenship.
3. Access to and loss of citizenship of the State will make a particular law by the House of Representatives for a year, after the approval of the Constitution.
2. The capital city will organize a particular law that will be preparing by the House of Representatives of the State within a period of one year, from the time that the constitution becomes effective.

### **Article 9: Human Dignity .**

1. Human dignity is a gift from Allah, and human's dignity is from that gift.
2. Human dignity is inviolable keeping it is the responsibility of the whole nation and the regional government.
3. The power of government should not be used as a violates human dignity.
4. Enforcement and protection of all Charter of International relating to human rights.
5. Every citizen shall be free to express their opinion; no one should punish his views.
6. Every Somali citizen has the right to:
  - a) To settle, to work, to travel anywhere in the areas of SWS State.

- b) To participate, organize political organizations or community if he was born the three regions.
- c) To elect if he reach the age of 18 years.

### **Article 10: Social Equality**

- 1. All people under the SWS State are equal for the law.
- 2. No one can be discriminated color, religion, citizenship, nationality, disability, property, thinking he believes.
- 3. The Constitution ensures the rights of minorities.

### **Article 11: Freedom of Belief**

- 1. A Muslim person cannot return his religion.

### **Article 12: Freedom of Expression**

- 1. Everyone has the freedom of his opinion and his presentation.
- 2. A person can express his opinion through speech, broadcast text, video, literature and other means in accordance with the law.

### **Article 13: The Right of election**

- 1. Any citizen who meets the criteria required for the election has the right to elect and to be elected.
- 2. The vote is personal, equality, freedom and confidence.

### **Article 14: The right for the application**

- 1. Every citizen has the right to send a written complaint to the President, Parliament and Government.
- 2. Any complaint rule government must answer 60 (sixty) days.

### **Article 15: Right of Association**

- 1. Every citizen who fulfills the requirements of election has the right to participate in activities, setting revocation or establish political organizations, economic, Social, cultural and scientific.
- 2. The existence of organizations with purposes negative to the laws of the country and the national interest is prohibited.

3. Organizations with law individuality, Agreements were the members of groups; it must be by all members of the organization

### **Article 16: Freedom of Movement**

1. Any citizen or any person lawfully in the country he is independent can travel or settles wherever he wants he can leave or return.
2. In the areas where is prohibited for traveling in to it and its entrance will be promoted a particular law.

### **Article 17: The right of private ownership**

1. Every citizen has the right to own property.
2. Each illegal product is not allowed inside SWS sate.
3. No person shall be taken illegal taxes.

### **Article 18: Right to Life and Personal Protection**

1. Everyone has the right to life, and only may lose his life when the court proved a crime which punishable by death.
2. Everyone has the right to live peace physically and dignity.
3. Crimes against human rights, such as: killing without trial is prohibatd.

### **Article 19: The Right to Freedom**

1. No person shall be deprived his freedom, cannot be searched, if the statute not allowed.
2. Slavery and human trafficking are prohibited.
3. All personal freedom should not opposite the Islamic law, moral rules, stability or the rights of another person.
4. The Constitution guarantees everyone's rights and freedom.

### **Article 20: The right to political asylum insertion and return Freedom people / criminals**

1. No citizen among South West State, given another State.
2. The South West State can reverse convict or criminal foreigner, who fled from his country, if there is an agreement between the Federal government and criminals country.

### **Article 21: Right to Shelter**

1. Homes and other residential areas have their unique dignity. It no allowed illegal searching, surveillance and upland home without a court order or legal reasons.
2. It must be read directly from the owner or occupier order home before entering.

### **Article 22: Freedom of Media**

1. The press and media are independent, cannot interfere.
2. Law and executive producer, and the House of Representatives will approve the details how to act the media systems.

### **Article 23 : Right to Freedom Communications**

No interference for somebody's postal letters, telecommunications and private media commentaries, except in situations code right, monitoring or listening with the obligation to obtain an order from a judge reasoned.

### **Article 24: Freedom of meetings and demonstrations**

1. Everyone is free and open to assemble in peaceful protests, but to inform the agencies concerned.
2. Meetings and demonstrations can be stopped due to opposite of Islamic religion, the public health, safety, ethics, public order and stability.

### **Article 25: Family**

1. The family is the foundation of the Somali society.
2. Each Family is built in accordance with Islamic law.
3. Each family is entitled to a guaranteed constitutional right.

### **Article 26: Rights of Women**

1. Women have the same rights, freedoms, responsibilities of the socio-economic and political objectives according of Islam religion.
2. Federal and the State have a duty to protect the rights of the traveler women in this Article.
3. If the mother's life endangered, are entitled to rescue her.
4. It is prohibited to Abortion in if there is no situation in this Far.

### **Article 27: Rights of the Child**

1. Children are defined as any less of the age of 15 (fifteen years).
2. The child has the right to life, name, and nationality and grows.
3. It is prohibited child labor in a negative impact on life, culture, development, and learning.

### **Article 28: Right to orphans, people with disabilities and mental health**

1. Disability or any citizen who cannot care himself, and did not have anyone to take care him, the state is obliged to care for them.
2. The government should encourage and establish care for the above described activities.

### **Article 29: Right to Health**

1. The Government is responsible for public health, especially the children and the mother, the prevention of infectious diseases, poor sanitation and cleaning the environment.
2. The State shall protect and promote the health services.
3. The government will allow clinics (centers) Health and private hospitals, by law and will regulate and investigate their quality & value services.

### **Article 30: Right to Education**

1. Development, Decentralization and dissemination of knowledge and education are must for whole the nation its monitoring is the responsibility of the State.
2. Without reading and writing Literacy Language, is the first enemy of the nation, and must be eliminated, the government charged more than responsibilities.
3. Basic Education is recognized : -
  - a) Quran Schools, Elementary, Middle and High.
  - b) Sports and body building.
  - c) Adult education, skills etc.
  - d) There must be a set of Common Core across the country.
4. Every citizen has the right to get educational support.
5. An adult he is independent of the choice of education and professional.
6. It is freely open schools, vocational training centers and universities in ownership, in line with the curriculum of the country.
7. The State Government has the responsibility of those skills and building institutions.
8. A special law shall regulate the Education Head incident.

### **Article 31: Right to Appeal and Immunity**

1. Everyone has the right preceding a legal judge in the court authority.
2. Everyone has the right to obtain an independent judiciary fair, which opened to the public, and within a suitable time or the council can decide to have:
  - a. Any issues concerning civil rights and obligations , or
  - b. Any other criminal that should be punishable.
3. No one could punish or sent him to prison an act which is not sin according to the law.
4. Punishment without trial from the court should not be implemented by a person.
5. Crime and punishment to should not exist unless the law proves; it is the responsibility of the individual who made the crime.

### **Article 32: Rights of accused**

1. The defendant is considered innocent until Crime Law court ultimately proves the crime.
2. The defendant cannot keep a place where the law is denied, and should be brought him in front of the judge within 48 hours.
3. In front defendant on the court, the court should read the detailed guilty as charged.
4. The defendant has the right to visit family, lawyer, doctor and his colleagues, he also has the right to bail, if the law allows.
5. The accused has the right to keep a lawyer to defend him, if he unable, the government should do that and dementia is similar.
6. The defendant shall not be compelled to confess to have the guilty.
7. The accused has the right to defend him in the court.

### **Article 33: The right person convicted**

1. The Court should take care the prisoner' right, security and humanitarian dignity.
2. Every prisoner has the right to visit his families, lawyer, doctor and friends.
3. convicted in prison has the right for healthcare, food and education.
4. The convicted prisoners are entitled to universal human rights of prisoners.
5. Every prisoner has the right to appeal the Court put his appeal of a court should sentenced a higher court then the convicted court.

### **Article 34: Duties of Citizens**

1. Every citizen must tight the protection system and the National Governance.
2. Every citizen is obliged to respect the Islamic religion, the Constitution; the laws of the land and paying taxes ought to.



3. Every citizen is obliged to participate in the defense of the South West State when he called or is imperative.
4. The law shall establish the consequences could accountability the responsibilities mentioned points 1, 2 and 3 in this article.

### **Article 35: International Agreements**

State will protect:

1. All the international conventions that would not contradict the interests of the State.
2. The State recognizes and applies the International Charter of the United Nations and international law in the part of the Federal Government.
3. It respects international conventions on human rights and other contradicts Islamic law and the regulations of the State and the Federal Republic of Somalia.
4. Recognizes the Charter of African Unity (African Union), Arab League and the Intergovernmental Authority on Development Horn of Africa (IGAD) and the Organization of Islamic Cooperation (OIC).
5. South West State Supports solving the basic differences that may arise or have already been completed in the dialogue and peaceful means.
6. South West State against terrorism and their relations.

## **Chapter 3 - Structure**

### **Article 36: Structure of Regional Government SWS .**

Structure Regional Government SWS consists of three levels:

- a) Councils Regional Government.
- b) Justice.
- c) Local and regional authorities.

### **Article 37: The House of Representatives (Parliament)**

1. The House of Representatives (Parliament) is the highest organ of SWS of legislation of the State.
2. The number Members of the House Representatives (Parliament) 95 members, 20 % are women.
3. State Parliament of SWS will chose by the Traditional Elders, and in consultation with prominent politicians and communities.

## **Article 38: Requirements for membership of the House of Representatives**

Members of the House of Representatives must meet the following conditions:

1. Should be a Muslim and practiced Islam religion.
2. Should be a Somali citizen, from the regions of South West State SWS.
3. Not less than 25 years of age.
4. Should not be an unimpaired person.
5. Does not have a physical and mental dilemma that may stop performing the job.
6. Has at least secondary education or equivalent experience.
7. Should not be a person who has already been thrown out of convictions for crimes.

## **Article 39: The term of the House of Representatives (Parliament)**

1. The term of House of Representatives is 4 years from the date of authorization of the office.
2. The House of Representatives is dissolved within the period of four years.

## **Article 40: Powers and Duties of the House of Representatives (Parliament)**

House of Representatives have the legislative power of:

1. Election of Speaker of the House of Representatives and his first and second deputies.
2. Develop and approve rules - Rules of the House of Representatives.
3. Confidence providing or refusing for the State Cabinet.
4. Approval, amendment or denial of the State budget.
5. Approval, amendment or refusal to submit to the laws of the Council of Ministers.
6. The debate and voting in the House of Representatives motion result or a motion proposed by at least ten thousand of the population state.

## **Article 41: Sessions of the House of Representatives of the State**

1. The House of Representatives shall have sessions usually twice a year, each session lasts for 4 months.
2. Abnormal sessions are organized can call the National Security Council, the request of the President or  $\frac{1}{4}$  of all members of the House by a written request to the order.

3. The Executive Council of the State can be called or can apply for participation in the sessions of the House of Representatives, to answer questions or provide evidence relevant to their duties.
4. In case of an emergency case was approved by the House of Representatives within 10 days.
5. Each session of the House of Representatives will have the majority of 2/3 of the council.

### **Article 42: Power Loss Members of the House of Representatives (Parliament)**

Members of the House of Representatives can lose their duties:

1. Death occur member of the House of Representatives
2. Resignation submitted in writing to the Chair of the House of Representatives
3. Accountability without permanent
4. The final sentence of the court in abortion.

### **Article 43: Immunities of members of the House of Representatives and the Executive Council of State**

Representatives and members of the Executive Council of the State have full immunity.

1. It cannot be arrested, if not seen him with criminality.
2. The home cannot be searched.
3. Criminal charges related to not be charged.
4. If the offenses committed, law Pretoria General House of Representatives has asked that the immunity is to blame and resigned.

### **Article 44: The Executive Council (government)**

Executive of the State consists of: -

1. President
2. Vice President.
3. Ministers
4. Ministers and deputy

### **Article 45: The election state President**

1. Stage 1, the President elected by a simple majority of the traditional mission of the congress.

2. The Vice President shall be appointed by the president in consultation with the elders.
3. From the day he was elected president, after sixty days (60) the traditional in selecting members of the House of Representatives.

### **Article 46: Requirements for the President**

Be chosen for the position of president of the provincial government of every citizen:

1. Should be Somali citizen, born for this state and his wife should not a foreign woman.
2. Should be a Muslim and acts religion.
3. Not younger than 40 years.
4. Should have knowledge or experience for the role.
5. Should have mental and physical appearance.
6. Should not become criminal and not sentenced by a court.

### **Article 47: Requirements of the Vice President**

It may be appointed Presidential assistant State every citizen if:

1. Should be a Muslim and acts religion.
2. 3. Not younger than 40 years.
3. 4. Should have knowledge or experience for the role.
4. 5. Should have mental and physical appearance.
5. 6. Should not become criminal and not sentenced by a court.

### **Article 48: The duties and powers of the President**

1. The President is the head of state and chairman of the executive council.
2. The President has the appointment / dismissal members of the executive council in consultation with the Speaker.
3. The President is the commander in the state.
4. He has executive power of pardon and forgiveness, the insights suggest judicial institutions.
5. The President has the power to the proposal opening sessions of the House of Representatives.
6. The President will sign the legislation approved by the House of Representatives.
7. The President able to point the relocation rules approved by the House of Representatives, and including a clear that the reasons for the relocation policy.

### **Article 49: The duties and powers of the Vice President .**

1. Vice President of the State will do the President's duty when the President is out of the state.
2. The Vice President will hold activities assigned the president of the State.

### **Article 50: Term of Office and president of the executive council**

1. The term of office of the president of the executive committee and the state is 4 years (four) years.
2. The President of the State can choose two time options.

### **Article 51: The power losing of the president**

President of his duties may lose the following provisions:

1. Written or oral resignation given to the media.
2. Death.
3. Accountability without constant.
4. If sentenced as criminal by the court of law.
5. Motion of Charge (impeachment) and a proposed (1/3) of the votes of two third (2/3) of the House of Representatives.
6. If the President lost his duties, the first vice president takes the responsibility of the office.
7. Vice President took office will complete only the remaining term of former president or elected within 30 days.

### **Article 52: The power losing of the vice President**

Deputy lost their duties as defined in Article 46 paragraphs 1 to Paragraph 5.

### **Article 53 The requirements of the members of Cabinet (Executive)**

1. He must be a Somali citizen and was born in South west state.
2. should not younger than 30 years.
3. Must have knowledge and experience in a university level enough.
4. Not into criminal court.

### **Article 54: The appointment of the Executive Council (Cabinet)**

1. The members of the Cabinet are appointed by the President and approved by the State House of Representatives
2. The cabinet is chosen through inside or outside the House of Representatives.
3. The President in consultation with the nomination for the Prime Minister and his deputy elders.

### **Article 55: The duties and powers of the Executive Council (Cabinet)**

1. The Council of Ministers meeting chaired by the President of the state.
2. The President of the State in the meeting board may designate one of his deputies.

3. If the President is absent outside the State his duties continuing for the first Vice President.
4. The Council of Ministers is the highest authority of the executive government State.
5. The Council of Ministers are responsible for providing input into policy, Management and operation of providing the daily State.
6. Decisions of the Cabinet is a simple majority of 50 % + 1 member Council, unless the law otherwise.

### **Article 56: Power Loss cabinet**

A member of the Cabinet or a member of their duties can lose:

1. Death
2. Resignation or in writing
3. Accountability without constant.
4. Loss of confidence in the House of Representatives, 50 % + 1.

If Cabinet lost their duties the President should nominate the cabinet within 30 days.

### **Article 57 : Heads of State by:**

#### **1. any official responsible for conducting the State Oath below :**

In the name of Allah the Most Merciful, I swear , and by Walahi, Bilahi, Talahi and I swear in the name of God , to the extinction my duties honestly , the best interests of the people, country and religion, and follow the Constitution and other state accreditation of SOUTH WEST STATE laws .

2. The guardian goes oath before taking office duty.
3. The Chairman or a judge of the Supreme Court of the State has administered any responsibility to the Government.

### **Chapter 4 : - Infrastructure**

#### **Article 58: State Infrastructure**

1. The State shall have the infrastructure are:
  - a) The Attorney General
  - b) The Auditor General
  - c) The Auditor General
  - d) The Attorney General
  - e) The Central Bank of the State
2. The House of Representatives will set rules and obligations of the infrastructure set out in first Clause of this Article.
3. Infrastructure of the first Clause should broadcast their responsibilities to all areas of the State.

### **Article 59: The Council of Elders**

1. The Council of elders of SWS are constitutional and traditional community leaders limited areas of SWS.

### **Article 60 : Duties of the House of Culture of South West State (SWS) include :**

- a) Working for Peace and National Interests of SWS.
- b) Development of cultural and law based on Islamic religion and avoiding politics.
- c) At the time of transition, the Council of Elders Culture reference can arise when state government councils are announced.
- d) The Council of Elders may be judges detach when needed.
- e) The elders will select members Council of the district in consultation with their communities, and to transmit to the Ministry of Interior of the State.
- f) To occur any event , if the House does not fit , filling the role of the Council of Elders Culture House .
- g) Council of Elders is placed on advice on big issues when the need should arise.
- h) The House of Culture have regulations that regulate specific activities in accordance with the Constitution and with the National State.

### **Article 61: Rights and Immunities of the Council of Culture SWS:**

Each member has full immunity, not arrested and cannot search their homes and selves if not caught in a criminal act.

- a. For safety - specific responsibility on him, a member has the right to allow the possession of firearms in accordance with the rules of national security.
- b. Members of the House of Culture will have right financial comprising:
  1. Regular monthly allowance
  2. Health Care
  3. The Senate Cultural look based on their budget plan passed by the House of Representatives of their duties to approve.

### **Article 62: Loss of Membership of the Council of Elders:**

Membership of the Security Council shall be disqualified:

1. Death
2. Resignation statement or press release
3. Power - disciplinary final Court decided
4. Accountability permanently incapacitated due to a mental disorder caused by disease or age.

## **Chapter 5 - The Political Parties and Elections:**

### **Article 63: The political parties**

1. State covering the South West is practiced multi-party system.
2. House of Representatives has issued a special law and will detail the shape and structure of political parties.
3. It is prohibited for any political party organized as tribalism or confidential or arm.

### **Article 64: Statistics of the State**

1. Residents of the SWS State will census after every 10 (ten) years.
2. At the time of the census will be a special law has to be canceled.

### **Article 65: Electoral System of the South West State**

1. There will be a committee of the Board of the House of Representatives election proposal will be approved by the House of Representatives.
2. The Commission shall be appointed two months before the election, and the commission will hold two months after the end of the election results.
3. The Commission will follow the law only.
4. Once approved by the Commission in general and in particular office will not disqualify.
5. Election Commission report is sent to the National Security Council, the President and the Supreme Court.
6. The election commission proposes a report updating the House of Representatives and approved by the council.
7. The Commission should not less than 15 (fifteen) members.
8. Powers and duties of the board are defined by a law of the House of Representatives issued.

## **Chapter 6 - the State of the Judiciary**

### **Article 66: The power of the judiciary**

1. The judicial power of the State is the responsibility of the courts.
2. Composition of the judiciary is a law removes the House of Representatives.

### **Article 67: Independence of the Judiciary**

1. The judiciary is independent of the legislative and executive branches for the performance of duties.
2. The members of the judiciary will follow the law.
3. The judge can not be charged with criminal charges or civil action related to the result of judicial duties.



4. The judge cannot be searched his home or personality, if there is no order for the judiciary service.

### **Article 68: The court proceedings**

1. The proceedings are open to the public hearing, but the courts may decide that the case be heard in a room closed to the public due to ethics, safety, protection of witnesses.
2. No judicial decision if they could not give the parties the same opportunities to present their case and proves.
3. Any decision of the court is to point legal reasons.

### **Article 69: The Court of the State**

State courts will be four levels are:

1. The Supreme Court of the State
2. The Court of Appeals of the State
3. State -level courts
4. The district court level

### **Article 70: The Judicial Service Commission**

The state is obliged to build the judicial service commission.

1. Judicial Service Commission is composed of seven members who are as follows:
  - a) The State Supreme Court Judge.
  - b) Three lawyers nominated by the organization lawyers of the State.
  - c) Three people great respect among the civilian population cabinet to explain.
2. Judicial Service Commission of the State will choose the President.
3. The members of the Judicial Service Commission is to choose from chairman of the board.
4. The members of the judicial service commission shall hold office and it may rename them.
5. Any rule or statute to make board service that subjects of the judicial discipline of the judges of the courts at different levels of government and the judicial service commission of the state.
6. The law and regulation under judicial service commission:
  - a) Must be named through discipline and transforms members of the judiciary in the state.
  - b) To decide on the salary and pension judges, and prepare terms of justice.

### **Article 71: The Supreme Court of the Regional Government**

1. The Supreme Court of the Regional Government South West State is the highest judicial system.
2. The Supreme Court has the power to determine the cases.
3. Hearing appeals from the government the Court of Appeals.
4. Normal cases that starts directly from the Supreme Court.
5. The seat of the Supreme Court is the capital of the State
6. And proceedings can take place in any place of the regions of the state.
7. The number of judges of the Supreme Court is five members and they are as follow:
  - a) Chairman.
  - b) One Deputy Speakers.
  - c) Three referees.

### **Article 72: The appointment of the Supreme Court**

The chairman of the Supreme Court of the provincial government is appointed by the President, and will approve the House of Representatives.

### **Article 73: Disqualification of the Supreme Court**

1. Approval by the State House of Representatives.
2. Proposal against the proposed institution representing at least 25 2/3 approved.

## **Chapter 7: Public Prosecutions**

### **Article 74: The Prosecutor**

- 1) - The Prosecutor General is the capital of the southern state .
- 2) - Power of Attorney -General's local government stretches for all areas of the State.

### **Article 75: The appointment of the Attorney General**

The Attorney General is appointed by the State Government President, and approved by the House of Representatives.

### **Article 76: Dismissal of the Attorney General**

1. Presentation of the Government of the State and approved by the House of Representatives.
2. Proposal against the proposed minimum of 25 representative 2/3 House representative approved.

## **Chapter 8: Decentralization**

### **Article 77: Expansion of the regions and districts**

1. The Government of the State of South - West will follow the Principles of decentralization at the village level, district & county.
2. Counties and municipalities in the formation process of the public administration, and building specific legislation by the government council approval.

## **Chapter 9: Workers**

### **Article 78: Civil Protection**

1. Government commitment on job creation and improving training staff.
2. It is prohibited for forced labor, unless ordinance described by the law.
3. Each employee has the right to a salary commensurate employment.
4. Each employee has the right to one day of rest per week, annual leave, maternity leave and holidays as stipulated by the ordinance, without diminishing the rights of any person.
5. The Government care workers both physically and morally.
6. Employees shall have the right to express their grievances through demonstrations or strikes, except in accordance with military regulations.
7. Every citizen has the right to choose the job he wants.

### **Article 79: Workers' Rights**

The Constitution of the State guarantees:

1. Staff and military operations or normal worker the right of retirement.
2. The state will take the responsibility for their staff if happens a damage, or illness, or operating failure, the right to care ordinance.

## **Chapter 10: Land, Property and Environment**

### **Article 80: the earth**

1. It is the State's primary resource and the basis of people's lives.
2. Land shall be held and used, and managed fairly effectively produce with.
3. The State shall protect the rights of land policy and land ownership in the traditional, in accordance with the laws and regulations of the Federal Republic of Somalia and regularly reviewed to ensure it is done:
  - a) Equity in land and resources utilization.
  - b) Ensuring the rights of land ownership and registration.
  - c) In order to quickly resolve satisfactorily for all land and property disputes.
  - d) The amount of land a person or a company can have.
  - e) To ensure the use of land in accordance with the utilization of ground advantage by law without causing disputes.

f) Monitoring the market trading, in order to prevent the abuse of the small land owners.

4. Cannot be use for partnership land.

### **Article 81: National Property Transactions**

2. It is prohibited from buying and selling property of nation.

### **Article 82 : The expropriation of private property**

1. The government can take private property for general interests

2. A special law shall regulate the property due to the public interest switch.

3. Government to pay compensation equivalent assets with switch and satisfied owner.

4. Real estate: one national and one's personal owner ship is missing, or no agent, is responsible for the care and the policies of the state.

5. Property taken over the public interest in it, and it is necessary to restore the person who originally confiscated.

### **Chapter 11: Security**

#### **Article 83: Police State**

State forces consist of:

a) Police

c) The Security

d) Corps

#### **Article 84: The State Economy open**

1. It applies the economic system of the free market.

2. They adopt, guaranteeing provide funding regions , local and foreign investors alike .

3. The way the business is open.

4. Prohibit the bill against the competition in business.

#### **Article 85: Environmental Government prohibits**

1. Prohibited deforestation of environmental, seas and sky.

2. Charcoal exports are prohibited.

3. Exports Livestock female.

4. Hunting of wild animals

5. The Constitution prohibits residential areas unsuitable.

#### **Article 86; Constitutional Amendment**

Constitutional Amendment offers:

1. Proposal with justifications submitted by 30 members among the House of Representatives, and through a vote of 2/3 of the members of the House of Representatives approved.

2. The proposal from the government of the State, voted by 50% + 1 members of the

House of Representatives.

3. Once the constitution approved would not change for a duration of one year, after a year if the change done for two sessions and then will not change again.

**Article 87: Assurance Constitution**

1. The Constitution is the foundation of all the rules of the South West State.

**Article 88: Official copy of the Constitution**

The original copy of the Constitution is written in many languages are officially recognized by the constitution and effect after Mission committee approval.

Baidoa, Somalia