

Country/entity	Somalia Puntland
Region	Africa (excl MENA)
Agreement name	The Garowe II Principles on Federalism, System of Government and Ending of Transition through operationalizing Garowe I (Garowe II)
Date	7 Feb 2012
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Somali Civil War (1991 -)

Originally spurred by centre-peripheral tensions, fighting broke out in 1981 between the regime of President Said Barre and the Somali National Movement, a militia primarily consisting of members from the northern Ishaq clan. Fighting intensified in the late 1980s as more clan-based militias arose. President Barre's regime collapsed in late 1991 and as a result the UN intervened. However persistent attacks on the UN's forces forced a withdrawal in 1994. From the mid- to late 1990s, the character of the conflict shifted as warlords fought for access to rents. Also during this period, two different peace agreements arose; the Soderre Declaration, which was mediated by Ethiopia and supported by IGAD, and the Cairo Accord, which was brokered by Egypt. Fighting, already noticeably lessened compared to the early 1990s, decreased and the more amicable environment paved the way for the Transitional Government to be formed in 2000 (replaced in 2004 by the Transitional Federal Government).

Nonetheless, opposition to the TFG arose in the form of the Islamic Courts Union (ICU), which by early 2006 had taken control of most of southern Somalia until they were ousted by an armed intervention by Ethiopia in December 2006. As a result, the ICU splintered. Hard-line ICU members formed the Takfiri organization, Harakat al-Shabaab al-Mujahideen, and launched a guerrilla campaign against the TFG. Another faction of the ICU fled to Djibouti and formed the Alliance for the Re-liberation of Somalia, which was absorbed into the ruling TFG after successful negotiations in 2007.

To deal with the new round of fighting, the UN-mandated AMISOM force was deployed in 2007. Since then, insecurity has fluctuated between the urban and rural areas as the al-Shabaab's territorial gains waver. Local militia leaders maintain de facto governance over communities. From 2009 to 2012, insecurity spilled over into the Gulf of Aden and the Indian Ocean when Somali pirates seized, looted and ransomed ships. In 2014, 'Operation Indian Ocean' was launched and in parallel with infighting among al-Shabaab, the organisation's position in Somalia has diminished slightly. However, as evidenced by large-scale attacks by al-Shabaab in northern Kenya throughout 2013-2015, the lack of security continues to destabilize the region. Al-Shabaab continues to launch surprise attacks with the aim of forcing out foreign military presence in Somalia. Targets include both military forces and civilians. The devastating attack in October 2017 in Mogadishu saw 587 fatalities and resulted in a renewed military offensive by the Somali government and African Union allies. Since 2017, the U.S. has increased its air strikes targeting al-Shabaab militants, and in December 2018 they announced to re-establish a permanent diplomatic mission in the country. Al-Shabaab has been characterized as a spoiler in the Somali peace process and have therefore been placed outside of any negotiations.

Close

Somali Civil War (1991 -)

Stage Framework/substantive - partial

Conflict nature Government/territory

Peace process Somalia Peace Process

Parties Signatories:
On behalf of the Transitional Federal Government:
H.E. Shiekh Sharif Sheikh Ahmed, President of the Transitional Federal Government;
Hon. Sharif Hassan Sheikh Aden, Speaker of the Transitional Federal Parliament;
Hon. Dr. Abdiweli Mohamed Ali, Prime Minister of the Transitional Federal Government;

On behalf of Puntland:
Hon. Dr. Abdirahman Sheikh Mohamed Mahmud, President of Puntland;

On behalf of Galmudug:
Hon. Mohamed Ahmed Aalim, President of Galmudug;

On behalf of Ahlu-Sunna Wal Jama'a
Hon. Khalif Abdulkadir Moalim Nur, Representative of Ahlu-Sunna Wal Jama'a;

On behalf of the Secretary General of the UN for Somalia:
Hon. Dr. Augustine Mahiga, Special Representative;

[Page 9 has the same signatures in Somali]

Third parties under the auspices of the Special Representative of the Secretary General for Somalia.
7. Special Representative of the Secretary General of the UN for Somalia
Hon. Dr. Augustine Mahiga
[Signed]

[Not signatories] The stakeholder principles; Ambassadors from IGAD & AU; Minister of Endowment & Religious Affairs from Djibouti ...

Description Principles agreed by the parties attending the Somali National Constitutional Consultative Conference 15-17 February 2012 convened by the Transitional Federal Government (TFG) of Somalia hosted by Puntland State Government of Somalia and facilitated by the United Nations, under the auspices of the Special Representative of the Secretary General for Somalia.

Agreement document [SO_120207_Garowe II Principles.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth	Groups→Children/youth→Substantive Page 4, 3. Operationalizing Garowe I Principles ... 2. National Constituent Assembly (NCA) ... b. Membership shall be based on the following: ... iii. the remaining 700 men and women shall be selected from [a cross section of society, including; youth/students, business people, the Diaspora, religious and traditional leaders, professionals, scholars and existing and emerging regional administrations.
Disabled persons	No specific mention.
Elderly/age	Groups→Elderly/age→Substantive Page 3-4, 3. Operationalizing Garowe I Principles 1. Interim Independent Electoral Commission (IIEC) ... d. The eligibility criteria for IIEC membership shall be as follows: ... ii. Aged between 21 and 70 years. Page 4, 3. Operationalizing Garowe I Principles ... 2. National Constituent Assembly (NCA) ... c. Eligibility Criteria: i. The criteria noted above for IIEC membership shall apply to NCA nominees except for the following: 1. Minimum age of 21... Page 5-6, 3. The New Federal Parliament ... d. Eligibility criteria for membership in the new federal parliament shall be: i. Somali citizenship ii. Aged between 25-75 years ...
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender

Page 4, 3. Operationalizing Garowe I Principles
1. Interim Independent Electoral Commission (IIEC)
... b. Membership:
... ii. The IIEC shall consist of at least 5 women members

Page 4, 3. Operationalizing Garowe I Principles
... 2. National Constituent Assembly (NCA)
... b. Membership shall be based on the following:
... ii. At least 300 (30%) members shall be women;

Page 4, 3. Operationalizing Garowe I Principles
... 2. National Constituent Assembly (NCA)
... b. Membership shall be based on the following:
... iii. the remaining 700 men and women shall be selected from [a cross section of society, including; youth/students, business people, the Diaspora, religious and traditional leaders, professionals, scholars and existing and emerging regional administrations.

Page 5, 3. Operationalizing Garowe I Principles
3 Relevant experience
d. Selection Process for member of the NCA:
... iv. To ensure that the minimum quota for women is implemented, women members shall be determined first;
v. Nomination lists that do not result in at least 30% women in the NCA must be rejected;

Page 6, 3. The New Federal Parliament
... e. Selection process of the new federal parliament
... iv. Women will make up at least 30% of the parliamentarians by way of a set aside along 4.5. Civil society and respected women members of the clans will nominate and select the women.

Men and boys

Gender→Men and boys→Gender neutral wording
Page 4, 3. Operationalizing Garowe I Principles
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LGBTI

No specific mention.

Family

No specific mention.

State definition

**Nature of state
(general)**

Page 1, Untitled Preamble,

... 3 . At the conclusion of Garowe I, the Signatories announced that the next Constitutional Consultative Conference would be held in Garowe in early 2012 and would focus on the finalization and adoption of federalism. Because time is of the essence, it was agreed that three critical issues required consideration by the delegates to ensure the completion of the constitution making process and ending the transition on time, by August 20, 2012, as follows:

1. Federalism: The nature of federal structure the country would adopt, including the status of the capital city, Mogadishu;

Page 2, Untitled Preamble,... 5. Whereas the signatories reaffirm the unity of the Somali people, the political independence and territorial integrity of the Somali nation, the following principles were agreed by the delegates and signatories of the Roadmap.

State configuration Page 1, Untitled Preamble,
... 3 . At the conclusion of Garowe I, the Signatories announced that the next Constitutional Consultative Conference would be held in Garowe in early 2012 and would focus on the finalization and adoption of federalism. Because time is of the essence, it was agreed that three critical issues required consideration by the delegates to ensure the completion of the constitution making process and ending the transition on time, by August 20, 2012, as follows:
... 2. System of Government and Electoral System Design: Consensus on the structure of the federal executive depending on whether the choice of system of government is parliamentary, presidential or hybrid; consensus on the related elements of electoral system design;

Page 2, 1. Federalism - Establishing the Federal States

The Transitional Federal Charter makes references to a federal state and the Consultative Draft Constitution refer to the establishment of a bicameral federal legislature. The Garowe I Principles reiterate this but to not specify any details. In Garowe II, the following aspects for establishing a federal system were agreed upon:

- a. We recognise the Puntland State is a founding federal state and was an existing state upon the adoption of the Transitional Federal Charter in 2004. We further recognise that Galmudug State as a state within the federation, and it shall, as soon as is practical, fulfil all the requirements for becoming a full federal state as stipulated in the Transitional Federal Charter. The TFG and the International Community are called upon to extend all the necessary assistance to the Galmudug authorities in this regard.
- b. The criteria for the formation of new state shall conform to the provisions stipulated in the Charter, which is based on two or more regions coming together.

Page 2-3, 1. Federalism - Establishing the Federal States

The Transitional Federal Charter makes references to a federal state and the Consultative Draft Constitution refer to the establishment of a bicameral federal legislature. The Garowe I Principles reiterate this but to not specify any details. In Garowe II, the following aspects for establishing a federal system were agreed upon:

- ... d. The creation of new states requires a sustainable regional reconciliation process. An independent commission shall assess a state's conduct of such a process and the fulfilment of the above criteria. The new Somali Federal Parliament shall vote on ascension to statehood.
- e. The federal fiscal system shall include financial transfers and assistance based on the principle of equalization and equity among states.
- f. The federal structure shall respect states' rights in the assignment of competencies and responsibilities to the states. The national competences shall include essential issues of national interest, notably, but not limited to, foreign affairs, national defence, national monetary policy, national resources, wealth sharing, citizenship, and immigration.

Self determination No specific mention.

Referendum No specific mention.

State symbols	<p>Page 3, 1. Federalism - Establishing the Federal States</p> <p>The Transitional Federal Charter makes references to a federal state and the Consultative Draft Constitution refer to the establishment of a bicameral federal legislature. The Garowe I Principles reiterate this but to not specify any details. In Garowe II, the following aspects for establishing a federal system were agreed upon:</p> <p>... Status of Mogadishu</p> <p>g. Mogadishu is the capital city. Its status within the federal set-up shall be decided by the new parliament through the enactment of primary legislation.</p>
Independence/secession	No specific mention.
Accession/unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Page 1, Untitled Preamble,

3 ... 3. Operationalizing Garowe 1 Principles related to the constitutional adoption process by the National Constituent Assembly (NCA), including the selection process of the members of the NCA and the new federal parliament and the design of the Upper House of Parliament representing the administrative regions.

Page 3, 2. System of Government and Electoral System Design

The Working Group on Systems of Government and Electoral systems considered the issue of which system of government is best suited to Somalia - the Parliamentary or Presidential system - and rigorously deliberated the advantages and disadvantages of both systems.

- a. Somalia shall adopt the Parliamentary system as it provides more accountability of the executive to parliament, and checks and balances to the abuse of power.
- b. The primary task of the executive shall be vested within the Council of Ministers, led by the Prime Minister. The President shall be the Head of State and will stand for the Unity of the State.
- c. The Constitution shall clearly set forth and enumerate the respective powers of the Head of State and the Head of Government.
- d. Council of Minister shall be drawn from within and outside parliament.

Page 4, 3. Operationalizing Garowe I Principles

... 2. National Constituent Assembly (NCA)

a. Mandate:

- i. The NCA's rules of procedure shall regulate procedures to be followed in the event members cannot reach the required majority for adoption; the rules and procedures shall provide for a process to refer issues back to the drafters based on the vote of a qualified; the rules shall further set forth agreed deadlock breaking mechanisms to provide mediation support.

Page 4, 3. Operationalizing Garowe I Principles

... 2. National Constituent Assembly (NCA)

... c. Eligibility Criteria:

- i. The criteria noted above for IIEC membership shall apply to NCA nominees except for the following:
 1. Minimum age of 21
 2. No minimum level of education except literacy

Page 5, 3. The New Federal Parliament

- a. Membership in the Lower House shall comprise 225 members;
- b. The Upper House shall be based on the new configurations of future federal states for a maximum of 54 members.
 - i. The selection of the Upper House shall follow the same principles of transparency, inclusivity and representation as govern the selection of other constitutional bodies, with criteria to be elaborated in the new constitution and designed to embody national integration and cohesion, to serve as a "court of a second opinion" and custodian of national cultural values and national ethos;
 - ii. The Upper House shall come into effect no later than August 2012 as specified in the Garowe I Principles.
 - iii. The new Constitution and its Implementation Schedules as well as general provisions clauses shall further govern the permanent make up of the Upper House, and shall set out criteria, size, allocation of seats and composition of the Upper house, as well as a mechanism and process for the formation of the sub-national units;
 - iv. After the first term of the new Upper House of the new federal parliament

Elections

Page 1, Untitled Preamble,

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... 2. System of Government and Electoral System Design: Consensus on the structure of the federal executive depending on whether the choice of system of government is parliamentary, presidential or hybrid; consensus on the related elements of electoral system design;

Page 3, 2. ... Electoral System Design

e. The electoral system for the Lower House shall be based on the principle of proportionality. The details of the electoral system shall be defined by legislation. The new federal parliament shall adopt such legislation by the end of the third month of its first sitting.

Page 3-4, 3. Operationalizing Garowe I Principles

1. Interim Independent Electoral Commission (IIEC)

a. Mandate:

i. The IIEC shall verify nominees for the Constituent Assembly and Parliament against established objective criteria. It shall also engage in raising awareness of the processes for nominating and selecting candidates including ensuring full transparency through publication of names in media outlets and a public notice and comment period. The IIEC shall not be responsible for selecting members to either body.

Page 4, 3. Operationalizing Garowe I Principles

1. Interim Independent Electoral Commission (IIEC)

... b. Membership:

i. The IIEC shall consist of 15 voting members based on the 4.5 formula (see Garowe I)

ii. The IIEC shall consist of at least 5 women members

iii. The IIEC shall include the involvement of international actors as non-voting participants.

c. To ensure trust in the commission, IIEC members must be patriotic, honest, of good standing in Somali society, have no personal political ambitions or loyalties to other states. They must respect and uphold the rights of all Somalis and demonstrate tolerance towards all.

d. The eligibility criteria for IIEC membership shall be as follows:

i. Somali citizenship

ii. Aged between 21 and 70 years.

iii. no record of serious crime or crimes against humanity

iv. Minimum secondary education

v. Experience in elections or related fields

e. Roadmap signatories assisted by civil society representatives and traditional leaders shall appoint IIEC members based on applications submitted through a public process. The public shall be kept informed of the process through a concerted media campaign.

Page 5, 3. Operationalizing Garowe I Principles

3 Relevant experience

d. Selection Process for member of the NCA:

... ii. Nominations shall be submitted to the IIEC to verify that each nominee meets the above criteria as well as the overall composition;

Page 5, 3. Operationalizing Garowe I Principles

**Electoral
commission**

Page 3-4, 3. Operationalizing Garowe I Principles

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... iii. If a nominee or list is determined to not meet the criteria they shall be sent back to the Garowe 1 signatories, traditional leaders and civil society to nominate another person or list meeting the criteria to submit to the IIEC, maintaining the 4.5 formula;

**Political parties
reform**

No specific mention.

Civil society

Page 4, 3. Operationalizing Garowe I Principles

1. Interim Independent Electoral Commission (IIEC)

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Page 5, 3. Operationalizing Garowe I Principles

3 Relevant experience

d. Selection Process for member of the NCA:

i. Roadmap signatories assisted by traditional leaders and civil society shall nominate 1000 people based on the 4.5 formula and the criteria set out above;

Page 5, 3. Operationalizing Garowe I Principles

3 Relevant experience

d. Selection Process for member of the NCA:

... iii. If a nominee or list is determined to not meet the criteria they shall be sent back to the Garowe 1 signatories, traditional leaders and civil society to nominate another person or list meeting the criteria to submit to the IIEC, maintaining the 4.5 formula;

Page 6, 3. The New Federal Parliament

... e. Selection process of the new federal parliament

i. Recognized traditional elders assisted by prominent civil society members shall nominate two people for every seat based on the criteria outlined above;

**Traditional/
religious leaders**

Page 4, 3. Operationalizing Garowe I Principles

... 2. National Constituent Assembly (NCA)

... b. Membership shall be based on the following:

... iii. the remaining 700 men and women shall be selected from [a cross section of society, including; youth/students, business people, the Diaspora, religious and traditional leaders, professionals, scholars and existing and emerging regional administrations.

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Page 6, 3. The New Federal Parliament

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**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

Page 6, ... 1. Commence finalization of the draft constitution and complete the drafting by 20th of April 2012;

2. Complete consultation and civic education on remaining critical issues in the Consultative Draft Constitution;

Power sharing

Political power sharing

Power sharing→Political power sharing→Proportionality in legislature
State level

Page 4, 3. Operationalizing Garowe I Principles

... 2. National Constituent Assembly (NCA)

... b. Membership shall be based on the following:

i. 1000 members based on the 4.5 formula;

Page 5, 3. Operationalizing Garowe I Principles

3 Relevant experience

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3 Relevant experience

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Power sharing→Political power sharing→Other proportionality

State level

Page 4, 3. Operationalizing Garowe I Principles

1. Interim Independent Electoral Commission (IIEC)

... b. Membership:

i. The IIEC shall consist of 15 voting members based on the 4.5 formula (see Garowe I)

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 2, 1. Federalism - Establishing the Federal States

The Transitional Federal Charter makes references to a federal state and the Consultative Draft Constitution refer to the establishment of a bicameral federal legislature. The Garowe I Principles reiterate this but to not specify any details. In Garowe II, the following aspects for establishing a federal system were agreed upon:

a. We recognise the Puntland State is a founding federal state and was an existing state upon the adoption of the Transitional Federal Charter in 2004. We further recognise that Galmudug State as a state within the federation, and it shall, as soon as is practical, fulfil all the requirements for becoming a full federal state as stipulated in the Transitional Federal Charter. The TFG and the International Community are called upon to extend all the necessary assistance to the Galmudug authorities in this regard.

Page 2-3, 1. Federalism - Establishing the Federal States

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... e. The federal fiscal system shall include financial transfers and assistance based on the principle of equalization and equity among states.

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... f. The federal structure shall respect states' rights in the assignment of competencies and responsibilities to the states. The national competences shall include essential issues of national interest, notably, but not limited to, foreign affairs, national defence, national monetary policy, national resources, wealth sharing, citizenship, and immigration.

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... Status of Mogadishu

g. Mogadishu is the capital city. Its status within the federal set-up shall be decided by the new parliament through the enactment of primary legislation.

Economic power sharing Power sharing→Economic power sharing→Sharing of resources
Page 3, 1. Federalism - Establishing the Federal States
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Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 4, 3. Operationalizing Garowe I Principles
1. Interim Independent Electoral Commission (IIEC)
... c. To ensure trust in the commission, IIEC members must be patriotic, honest, of good standing in Somali society, have no personal political ambitions or loyalties to other states. They must respect and uphold the rights of all Somalis and demonstrate tolerance towards all.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights Human rights and equality→Civil and political rights→Equality
Page 2, 1. Federalism - Establishing the Federal States
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... c. All states are obliged to ensure equal political rights, access and opportunities for all Somalis, including political participation.
Human rights and equality→Civil and political rights→Vote and take part
Page 2, 1. Federalism - Establishing the Federal States
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Socio-economic rights No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	<p>Rights related issues→Media and communication→Media roles Page 3-4, 3. Operationalizing Garowe I Principles 1. Interim Independent Electoral Commission (IIEC) a. Mandate: i. The IIEC shall verify nominees for the Constituent Assembly and Parliament against established objective criteria. It shall also engage in raising awareness of the processes for nominating and selecting candidates including ensuring full transparency through publication of names in media outlets and a public notice and comment period. The IIEC shall not be responsible for selecting members to either body.</p> <p>Page 4, 3. Operationalizing Garowe I Principles 1. Interim Independent Electoral Commission (IIEC) ... e. Roadmap signatories assisted by civil society representatives and traditional leaders shall appoint IIEC members based on applications submitted through a public process. The public shall be kept informed of the process through a concerted media campaign.</p>
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 2, 1. Federalism - Establishing the Federal States
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Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage Land, property and environment→Cultural heritage→Intangible
Page 6, 3. The New Federal Parliament
... d. Eligibility criteria for membership in the new federal parliament shall be:
... vi. Respect Islamic values

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** Page 3, 1. Federalism - Establishing the Federal States
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Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

**Withdrawal of
foreign forces** No specific mention.

Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	7. Special Representative of the Secretary General of the UN for Somalia Hon. Dr. Augustine Mahiga [Signed]
Other international signatory	No specific mention.

Referendum for agreement

No specific mention.

International mission/force/similar

Page 4, 3. Operationalizing Garowe I Principles
1. Interim Independent Electoral Commission (IIEC)
... b. Membership:
... iii. The IIEC shall include the involvement of international actors as non-voting participants.

Enforcement mechanism

No specific mention.
