Country/entity	Somalia Puntland
Region	Africa (excl MENA)
Agreement name	The Garowe Principles on the Finalization and Adoption of the Constitution and the End of Transition (Garowe I)
Date	24 Dec 2011
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 Sodere 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: 1. Transitional Federal Government President of the Transitional Federal Government Hon. Sheikh Sharif 2. Transitional Federal Parliament Speaker of the Transitional Federal Parliament Hon. Sharif Hassan Sheikh Aden 3. Transitional Federal Government Prime Minister of the Transitional Federal Government Ali Abdiweli Mohamed Ali 4. Puntland President of Puntland Dr. Abdirahman Sheikh Mohamed Mohamud 5. Galmudug President of Galmudug Mohamed Ahmed Aalim 6. Ahlu-Sunna Wal Jamaaca Representative of Ahlu Sunna Wal Jamaaca Sheikh Mohamed Mohamud Yusuf 7. Deputy Special Representative of the Secretary Gegeral of the UN for Somalia Christian Manah
Third parties	facilitated by the United Nations, under the auspices of the Special Representative of the Secretary General for Somalia.
Description	Principles agreed by the parties attending the Somali National Constitutional Consultative Conference 21-23 December 1992 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_111224_Communique_of_Garowe_Consultative_Constitutional_Conference.pdf (opens in new tab) | Download PDF

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
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 2, ... d. The National Constituent Assembly shall consist of a Maximum of 1,000 Delegates of which 30% shall be women. Page 2, 2. Post-transition Parliamentary Structure ... b. The new Somali Federal Parliament shall comprise of 225 members of Parliament, with 20% women members.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	Page 1, ... 4. ... whereas the Signitories reaffirm the unity of the Somali people, the political independence and territorial integrity of the Somali nation, ...
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	Page 3, 2. Post-transition Parliamentary Structure ... d. The term of the new federal parliament under the new federal constitution shall be four years. The mandate of the new parliament and the new government shall include the preparation of the country for a referendum and general elections, starting with municipal, local elections and culminating in a general national election.

State symbols	No specific mention.
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 2, 2. Post-transition Parliamentary Structure a. A bicameral federal legislature shall be established commencing on the 21st of August, 2012 [corrected by pen in copy], and shall serve the first term of the parliament established in June 2012 under this agreement and the new Federal Constitution. The upper chamber of the bicameral legislature shall comprise of members of federal states and regional administrations. Page 3, 2. Post-transition Parliamentary Structure ... d. The term of the new federal parliament under the new federal constitution shall be four years. The mandate of the new parliament and the new government shall include the preparation of the country for a referendum and general elections, starting with municipal, local elections and culminating in a general national election. Page 3, 2. Post-transition Parliamentary Structure ... e. Members of the new federal parliament will be nominated by recognized traditional elders assisted by qualified civil society members none of whom shall not have any political aspirations. Page 3, 2. Post-transition Parliamentary Structure ... f. The new Somali Federal Parliament shall be sworn-in on 15 June 2012. Page 3, 2. Post-transition Parliamentary Structure ... g. Elections for the Parliament Speaker and his or her Deputies shall take place on 20 July 2012, to be followed elections for the President on 20 August 2012. Page 3, 2. Post-transition Parliamentary Structure Whereas, the Signatories respect the independence of the Parliament as the legislative body. Page 3, 2. Post-transition Parliamentary Structure ... Whereas, the Parliament in turn is urged to respect the Kampala Accord, and should not take any action that violates the Kampala Accord. Governance→Political institutions (new or reformed)→Temporary new institutions Page 1, ... 3. The meeting identified two principal issues requiring consideration by the delegates in light of the current political climate and the necessity of timely implementation of the Roadmap: - The structure, size, as well as the basis of representation and the selection criteria of the new federal parliament under the new federal constitution; - Adoption of the new federal constitution by a constituent assembly, including, the mandate, size and the selection criteria of the members of the constituent assembly together with the selection of the new parliamentarians. Page 2, ... c. The National Constituent Assembly shall be nominated by all Roadmap signatories and civil society based on the 4.5 formula. Page 2, ... g. The National Constituent Assembly shall convene and commence its proceedings no later than 15 May 2012. Page 2, ... i. The National Constituent Assembly shall be dissolved on May 30, 2012.

Elections	Page 2, 2. Post-transition Parliamentary Structure ... c ... i. Since the prevailing security situation will not permit direct elections, it is agreed that the lower house of the new federal parliament will be selected on the basis of the 4.5 formula of representation for this selection process only and shall prevail only for the term of parliament proposed under this agreement. Page 3, 2. Post-transition Parliamentary Structure ... c. ... v. After the first term, the parliament will be elected through universal polling of one person one vote. Page 3, 2. Post-transition Parliamentary Structure ... d. The term of the new federal parliament under the new federal constitution shall be four years. The mandate of the new parliament and the new government shall include the preparation of the country for a referendum and general elections, starting with municipal, local elections and culminating in a general national election. Page 3, 2. Post-transition Parliamentary Structure ... e. ... i. An 15-member Independent Interim Electoral Commission consisting of representatives from Somali stakeholders shall evaluate and approve all nominees. Page 3, 2. Post-transition Parliamentary Structure ... e. ... ii. Where there are existing State administrations, the state administrations will nominate their delegates and submit the list to Independent Interim Electoral Commission.
Electoral commission	Page 3, 2. Post-transition Parliamentary Structure ... e. ... i. An 15-member Independent Interim Electoral Commission consisting of representatives from Somali stakeholders shall evaluate and approve all nominees. Page 3, 2. Post-transition Parliamentary Structure ... e. ... ii. Where there are existing State administrations, the state administrations will nominate their delegates and submit the list to Independent Interim Electoral Commission.
Political parties reform	No specific mention.
Civil society	Page 1, ... 2. The meeting brought together the signatories of the Roadmap and members of Civil Society Page 2, ... c. The National Constituent Assembly shall be nominated by all Roadmap signatories and civil society based on the 4.5 formula. Page 3, 2. Post-transition Parliamentary Structure ... e. Members of the new federal parliament will be nominated by recognized traditional elders assisted by qualified civil society members none of whom shall not have any political aspirations.

Traditional/ religious leaders	Page 3, 2. Post-transition Parliamentary Structure ... e. Members of the new federal parliament will be nominated by recognized traditional elders assisted by qualified civil society members none of whom shall not have any political aspirations.
Public administration	No specific mention.
Constitution	Governance→Constitution→Constitutional reform/making Page 1, ... 3. The meeting identified two principal issues requiring consideration by the delegates in light of the current political climate and the necessity of timely implementation of the Roadmap: ... - Adoption of the new federal constitution by a constituent assembly, including, the mandate, size and the selection criteria of the members of the constituent assembly together with the selection of the new parliamentarians. Page 1, ... 4. ... the following principles were agreed by the delegates and signatories of the Roadmap. These principles, henceforth to be referred to as The Garowe Principles, shall guide and direct finalization of the draft constitution and the process of ending the transition. ... Page 1, 1. National Constituent Assembly a. The Final Draft of the Somali Federal Constitution shall be completed no later than 20 April 2012. Page 2, ... b. A National Constituent Assembly shall provisionally adopt the Draft Federal Constitution as the Provisional Constitution of Somalia, subject to a Constitutional Implementation Review Process and National Referendum as circumstances permit. Page 2, ... e. The Committee of Experts shall review the Constitution and ensure that the power relationships between the states and the federal government are enumerated and the new Somali Federal Constitution shall be harmonized with existing state constitutions. Page 2, ... f. The Committee of Experts shall hand over the final draft of the Somali Federal Constitution to the Independent Federal Constitution Commission no later than 5 May 2012. Page 2, ... h. The National Constituent Assembly shall adopt the Provisional Federal Constitution by way of a yes or no vote no later than May 22, 2012.

Power sharing

Political power sharing

Power sharing→Political power sharing→Proportionality in legislature
State level
Page 2, 2. Post-transition Parliamentary Structure
... c. The new federal parliament shall comprise of all communities, regions and existing states of the federal Somalia and shall reflect the diversity of Somali communities.

Page 2, 2. Post-transition Parliamentary Structure
... c ... i. Since the prevailing security situation will not permit direct elections, it is agreed that the lower house of the new federal parliament will be selected on the basis of the 4.5 formula of representation for this selection process only and shall prevail only for the term of parliament proposed under this agreement.
ii. The 4.5 formula shall never become the basis for power sharing in any future political dispensation after the above mentioned term concludes.
iii. The new Federal Constitution shall not include any provisions using the 4.5 formula and shall not be amended to abrogate this stipulation in any manner.

Page 3, 2. Post-transition Parliamentary Structure
... c. ... iv. The new federal parliament that comes into being in June 2012 shall not amend or enact any law or implement any policy that takes into account or attempts to reinstate the 4.5 power sharing formula.

Page 3, 2. Post-transition Parliamentary Structure
... c. ... vi. In case the prevailing situation does not allow for universal polling, the parliament will be selected on the basis of constituencies.
Power sharing→Political power sharing→Other proportionality
State level
Page 2, ... c. The National Constituent Assembly shall be nominated by all Roadmap signatories and civil society based on the 4.5 formula.

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 2, ... e. The Committee of Experts shall review the Constitution and ensure that the power relationships between the states and the federal government are enumerated and the new Somali Federal Constitution shall be harmonized with existing state constitutions.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general

No specific mention.

Bill of rights/similar

No specific mention.

Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
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	No specific mention.
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	No specific mention.
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	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
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	facilitated by the United Nations, under the auspices of the Special Representative of the Secretary General for Somalia.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	No specific mention.
