

**Country/entity** Somalia

**Region** Africa (excl MENA)

**Agreement name** Protocol Establishing the Somali New Federal Parliament

**Date** 22 Jun 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** Implementation/renegotiation

**Conflict nature** Government/territory

<b>Peace process</b>	Somalia Peace Process
<b>Parties</b>	President Sheikh Sharif Sheikh Ahmed of the Transitional Federal Government of Somalia; Honourable Sharif Hassan Sheikh Aden, Speaker of the Transitional Federal Parliament; Prime Minister Abdiweli Mohamed Ali; President Abdirahman Mohamed Mohamoud 'Farole' of Puntland; President Mohamed Ahmed Alin of Galmudug; and, representatives of Ahlu Sunna Wal Jama'a.
<b>Third parties</b>	The meeting was facilitated by the United Nations under the auspices of the Special Representative of the Secretary-General for Somalia, Ambassador Augustine P. Mahiga.
<b>Description</b>	The agreement implements previous commitments made by the signatories and sets out the terms for the establishment of the New Federal Parliament.

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**Agreement document** [SO\\_120622\\_ProtocolFederalParliament.pdf \(opens in new tab\)](#) | [Download PDF](#)

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## Groups

<b>Children/youth</b>	Groups→Children/youth→Substantive Page 2, Article 3, New Federal Parliament Members, 5. The Traditional Leaders, supported by the Technical Selection Committee who vets nominees, and in consultation with their clans and with different sectors of Somali civil society, including religious leaders, intellectuals, youth, women, and business people, shall select the members of the New Federal Parliament from among persons whom the Technical Selection Committee has vetted.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/national group</b>	Groups→Racial/ethnic/national group→Substantive Page 2, Article 3, New Federal Parliament Members, 5. The Traditional Leaders, supported by the Technical Selection Committee who vets nominees, and in consultation with their clans and with different sectors of Somali civil society, including religious leaders, intellectuals, youth, women, and business people, shall select the members of the New Federal Parliament from among persons whom the Technical Selection Committee has vetted.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.

**Other groups** No specific mention.

**Refugees/displaced persons** No specific mention.

**Social class** No specific mention.

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## **Gender**

**Women, girls and gender** Page 2, ARTICLE 2 Establishment and Selection Process of the New Federal Parliament, 5. The Traditional Leaders shall consult with their clans and shall nominate 225 members for the House of the People of which at least 30 percent shall be women and 54 members for the Upper House of the New Federal Parliament based on the regional representation stipulated in Article 2.3.

Page 3, Article 3, New Federal Parliament Members, 1. The House of the People shall comprise 225 members of whom at least 30 percent must be women.

... 5. The Traditional Leaders, supported by the Technical Selection Committee who vets nominees, and in consultation with their clans and with different sectors of Somali civil society, including religious leaders, intellectuals, youth, women, and business people, shall select the members of the New Federal Parliament from among persons whom the Technical Selection Committee has vetted.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## **State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**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.

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## **Governance**

**Political  
institutions (new or  
reformed)** No specific mention.

**Elections** No specific mention.

**Electoral  
commission** No specific mention.

**Political parties  
reform** No specific mention.

**Civil society** Page 2, Article 3, New Federal Parliament Members, 5. The Traditional Leaders, supported by the Technical Selection Committee who vets nominees, and in consultation with their clans and with different sectors of Somali civil society, including religious leaders, intellectuals, youth, women, and business people, shall select the members of the New Federal Parliament from among persons whom the Technical Selection Committee has vetted.

**Traditional/  
religious leaders** Page 2, Article 3, New Federal Parliament Members, 5. The Traditional Leaders, supported by the Technical Selection Committee who vets nominees, and in consultation with their clans and with different sectors of Somali civil society, including religious leaders, intellectuals, youth, women, and business people, shall select the members of the New Federal Parliament from among persons whom the Technical Selection Committee has vetted.

6. In the event that the Technical Selection Committee determines that a nomination or nominations do not conform to the objective selection criteria, the name or names will be sent back to the Traditional Leaders and a new candidate or candidates must be submitted so as to complete the process as stipulated by the Addis Ababa Communiqué.

Page 3, ARTICLE 3, New Federal Parliament Members, 3. Each member of the New Federal Parliament shall be selected and appointed by the Traditional Elders, based on the 4.5 formula, and each must--

**Public administration** No specific mention.

**Constitution** No specific mention.

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**Power sharing**

**Political power sharing** Power sharing→Political power sharing→Proportionality in legislature  
State level  
Page 2, ARTICLE 1, The New Federal Parliament, This Protocol establishes the New Federal Parliament. ARTICLE 2 Establishment and Selection Process of the New Federal Parliament

Page 2, ARTICLE 1, The New Federal Parliament  
... 3. During the first term of the new Federal Parliament, the composition of the Upper House shall be formed on the basis of the 18 Regions based on the regional demarcations before 1991 until such time as present and future federal states form. The Upper House during its first term shall consist of a maximum of 54 members.

...5. The Traditional Leaders shall consult with their clans and shall nominate 225 members for the House of the People of which at least 30 percent shall be women and 54 members for the Upper House of the New Federal Parliament based on the regional representation stipulated in Article 2.3.

Page 3, ARTICLE 3, New Federal Parliament Members, 2. The Upper House of the New Federal Parliament shall comprise no more than 54 members, which should represent the 18 regions based on the regional demarcations before 1991 on an equal basis.

3. Each member of the New Federal Parliament shall be selected and appointed by the Traditional Elders , based on the 4.5 formula, and each must...

4. Collectively, the New Federal Parliament must be inclusive, broadly representative and generally reflect the composition of Somali society.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## 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.

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## Rights related issues

**Citizenship** Rights related issues→Citizenship→Citizen, general  
ARTICLE 3, 3. Each member of the New Federal Parliament shall be selected and appointed by the Traditional Elders, based on the 4.5 formula, and each must--  
a) Be a Somali citizen;

**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.

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## 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.

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## **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.

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## **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.

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### **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.

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### **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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## **Implementation**

<b>UN signatory</b>	The meeting was facilitated by the United Nations under the auspices of the Special Representative of the Secretary-General for Somalia, Ambassador Augustine P. Mahiga.
<b>Other international signatory</b>	No specific mention.
<b>Referendum for agreement</b>	No specific mention.
<b>International mission/force/ similar</b>	No specific mention.
<b>Enforcement mechanism</b>	Page 3, ARTICLE 3, New Federal Parliament Members, 7. Any dispute during the selection process for members of the New Federal Parliament shall be referred to the Elders Arbitration Board for resolution as set forth in the Addis Ababa Agreement.

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