

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

Peace process	Somalia Peace Process
Parties	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.
Third parties	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.
Description	The agreement implements previous commitments made by the signatories and sets out the terms for the establishment of the New Federal Parliament.

Agreement document [SO_120622_ProtocolFederalParliament.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth	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.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	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.
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, 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.

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.

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.

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.

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 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.

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	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.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	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.
Related cases	No specific mention.
Source	UN Peacemaker - http://peacemaker.un.org/ ; http://peacemaker.un.org/sites/peacemaker.un.org/files/SO_120622_ProtocolFederalParliament.pdf
