

DECLARATION OF NATIONAL COMMITMENT (Arwa Declaration), 5 May 2000

- The Somalia people are desirous of reaffirming the sovereign state of Somalia, and of forming transitional mechanisms (transitional national assembly, transitional government, an independent judiciary) which shall prepare the country for a peaceful, permanent and democratic future.
- The form of government shall be parliamentary democracy, with a bicameral national assembly ("Chamber of Elders" to provide legitimacy, stability and assist in the reconciliation process; and a "Chamber of Representatives").
- The Transitional period shall last 24 months.
- The Transitional mechanism shall be based on a "Decentralized" system of governance ("regional autonomy" or federal structure"), during the transitional period.
- The decentralized system of governance is one that brings different political communities under a common government for common purposes, and separates regional government for the particular needs of each region
- Representation in the Conference and in the "Transitional National Assembly" shall be on the basis of local constituencies (regional /clan mix)

The National Assembly

THE TNA SHALL:

- Symbolize power-sharing
- be the sole authority with legislative function during the period in question
- elect an interim President (Head of State) of the country
- elect a "government" headed by a Prime Minister. TNA shall approve the Cabinet of the Prime Minister. The Prime Minister shall be accountable to the TNA
- establish an independent judiciary
- approve, with the recommendation of the Prime Minister, the establishment of a Somali police force
- establish or appoint various committees, commissions and bureaus on recommendation of the Prime Minister, as required, including a:
 - constitutional review commission to draft a new constitution based on a regional or federal system of government
 - cease-fire and disarmament committee
 - committee to investigate and evaluate the return of properties (private and public) unlawfully taken during the fighting
- National Census Bureau
- National Electoral Commission to prepare for democratic national elections

- Organize a referendum on the draft Constitution
- Utilize, during the transitional period, the 1960 Somali Constitution, adjusted as required
- Be bound by the principles of the Charter of the United Nations, the rules of international law and by the objectives of international and regional organizations in which Somalia is a member

THE JUDICIARY

The representatives to the Conference shall elect a Chief Justice with proven legal credentials and highest integrity. He shall work toward uprooting the culture of impunity and random violence and restoring the confidence of the people in the State.

THE EXECUTIVE BRANCH

PRESIDENT

- There shall be a President (Head of State) of Somalia who shall exercise and perform the powers and functions conferred on the President
- Shall be the symbol of nationhood and national sovereignty
- Shall be chosen from outside and elected by the Transitional National Assembly
- Except for a residual power to run the country temporarily in the event of some of the parliamentary complete breakdown system, the President shall have ceremonial duties and advisory powers
- The President shall not be answerable to the National Assembly

The Prime Minister

- The Prime Minister is chosen from outside and elected by the Transitional National Assembly
- The real Executive authority is in the hands of the Cabinet, under the direction of the Prime Minister
- The Prime Minister chooses Ministers from outside the national assembly, but the whole cabinet, including the Prime Minister must be confirmed by the National Assembly, and are collectively answerable to the assembly
- The Cabinet shall consist of not less than ten and not more than fifteen members including the Prime Minister
- The Cabinet develops government policy and is responsible to the National Assembly

DECLARATION OF BINDING PRINCIPLES:

Today there is a great cause for optimism. The huge attendance of this historic conference by all segments of our society, heralds a fresh new resolve to put an end to armed conflict and to reconcile our differences through peaceful means. It is a unique occasion that is indicative of our overwhelming desire for the restoration of peace and national governance. In conformity, therefore, with the clearly expressed wishes of the people of our nation, we who are assembled here, collectively pledge our commitment to lasting peace and reconciliation.

The essential purpose of this Somali National Peace Conference is to re-establish the sovereign state of Somalia, and initiate those steps necessary to erect a democratic government and

administration which fairly represents and protects the people and values of Somalia, with liberty and justice for all.

TOWARD THIS END WE

1. reaffirm the unity, national sovereignty and territorial integrity of Somalia
2. reject violence, and the threat or use of force as a means of achieving political goals
3. urge the international community to give respect for human rights in Somalia high priority, for such abuses lie at the heart of the conflict in this country
4. reiterate our firm belief in the principles of democracy, equality, social justice and constitutional guarantees of individual human rights
5. commit to promote the cultural values, traditional wisdom and tolerance of the Somali society
6. reaffirm the rightful place of Somalia in the community of nations
7. affirm that the people of Somalia have the right to freely express their political views and take decisions on matters, which affect them. This basic principle is an essential component of peace in Somalia
8. pledge to place national interest above clan self interest, personal greed and ambitions
9. commit to harnessing the skills, resources, and dynamism of the Somali Diaspora in realizing the rehabilitation and reconstruction of Somalia
10. resolve to promote friendly relations with all nations, and actively pursue a policy of good neighborliness and mutual cooperation with member countries of IGAD
11. are determined to confront our responsibilities to replace the era of suffering, destruction and bloodshed that has turned Somalis against Somalis, with one of healing and rebuilding where cooperation and trust overcome hatred and suspicion
12. accept that shaping the destiny of Somalia cannot and shall not remain the exclusive domain of a few individuals or groups, who represent no one but themselves
13. condemn the forcible acquisition of properties (private and public) and demand their immediate return to their rightful owners, be they local, regional or national entities, private organizations or individuals
14. commit to implementing the peace process in cooperation with IGAD member states, IGAD Partners Forum, O.A.U. UN League of Arab States and the OIC
15. affirm that cease-fire and disarming by all factions are key to real and tangible peace and security in Somalia
16. express our deep appreciation to donor countries, U.N agencies and NGO's for their continued humanitarian assistance to Somalia, and call upon them to assist on the basis of priority in the effort of reconstruction and rehabilitation, including infrastructure
17. urge all countries, organization and individuals not to violate Security Council resolution 733 (199), which demands that "----- all states shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Council decides other wise".

The proliferation of weapons continues to be a great concern to us despite the existence of the United Nations embargo.

V. CONCLUSIONS

As other nations and people have done before, the Somali people will overcome this adversity through forgiveness, understanding and reconciliation. Somalia shall not only endure, it will prevail. In the final analysis, we must recognize that our survival will depend on our mutual respect, solidarity, and loyalty to our country.

We appeal to our neighbours, IGAD, the United Nations, members of the OAU, the Arab League, the OIC and EU, to stand with us at this crucial moment in our long tribulations. We fully recognize their unswerving commitment to the promotion of peace, unity and national reconciliation in Somalia.

Our deep appreciation goes to all member states of IGAD for their long perseverance and relentless sacrifices, and for their collective and individual efforts in promoting peace and reconciliation in Somalia.

Likewise, we express our profound gratitude to all the members of the IGAD Partners Forum (IPF) for their strong and growing renewed interest in the revival of Somalia.

Special gratitude is reserved to the people and government of Djibouti, in particular to H. E. President Ismail Omar Guelleh for his bold; far-sighted initiative, on that already opened the deadlock in the peace process. Through his courageous intervention, we see a light at the end of the tunnel.

Finally, we confirm that while the process itself is inclusive and is not designed to

exclude any groups of individuals, at the same time, we will not allow it to be held hostage or hijacked by those who, on their own volition fail to participate or cooperate. The international community should make it unequivocally clear to those who choose to obstruct or not be part of the process, that it would not remain idle. Rather, the international community will not only protect the process from such elements, but would ensure that the outcome of the conference is given backing during its implementation.

ANNEXE II

Cease-fire, Disarmament and Security

The desire of the Somali people for peace and security through disarmament is unambiguous. This call is heard repeated throughout the country from all segments of the Somali society, who have consistently demand an end to violence. Unless this is realized, the entire process of reconciliation, rehabilitation and reconstruction would be jeopardized, if not stillborn. One of the first responsibilities of Somalia's new transitional government will be to insist on an immediate and comprehensive cease-fire, together with binding, complete and simultaneous disarmament of all militias throughout the country consistent with the agreements they signed from 1991 to 1997, but never implemented. Representing the will of the Somali people, the representatives to the conference hold the faction leaders to their own word, and hereby demand that they recommit themselves to:

- a. a viable and verifiable cease-fire throughout the entire country
- b. undertake to disengage their forces and refrain from all hostilities
- c. refrain from further deployment or action to extend the territory under their control
- d. affirm the termination of banditry and crime as a necessary condition for peace, security, stability and reconciliation

- e. affirm that disarmament shall be comprehensive, impartial and transparent
- f. disarm all militias under their control, including armed bandits, and to facilitate the rehabilitation and reintegration of demobilized militias into the civil society
- g. cooperate fully with the transitional government, including mechanisms that may be put in place to disarm, demobilize and disband the militias
- h. facilitate the uninterrupted flow of people and goods throughout the entire country as a measure of confidence building to the peace process
- i. respect and comply fully with the Security Council Resolution 733 (1992) on arms embargo

ANNEXE III

Reconstruction and Recovery

Given the prolonged paralysis sustained by all the productive sectors of the economy, the international community is called upon to initiate a planning format for the long term reconstruction and recovery for Somalia. The preparation of such a framework should be entrusted to a task force comprising donors, United Nations agencies and NGO's under the coordination of the World Bank.

The purpose of this structure is to ensure that limited human and financial resources are employed to their fullest potential to support the re-emergence of the country as a stable and economically productive member of the international community. The Somali people must contribute to the design of the framework and eventually take ownership of the planning process.

A major objective of this effort is to establish a common vision and overall priorities for reconstruction.

Somalia clearly requires substantial international assistance to begin reconstruction and rehabilitation and essential infrastructure, services, institutions, including the nursing of capacity building on a large - scale.

This will necessitate the creation of proper mechanisms of coordination

The Somali people are fully conscious of the heavy responsibility confronting them to recreate a state based on democratic governance, and they would therefore, require genuine, flexible and supportive environment, given the highly complex and continually evolving situation in Somalia.

The secretary-general of the United Nations clearly underscored this fact in his August 1999 comprehensive report on Somalia: " the re-establishment of a functioning state in Somalia will require not only an enormous effort of political will on the part of the Somali people and their leaders", but also, " a massive rebuilding operation " as an " accompaniment of any peace process."

This is a welcome commitment for the "UN to play an enhanced role in Somalia", by working with its partners " to help bring about national unity and the restoration of a national government."

The United Nations and Somalia

The United Nations is committed to assist the people of Somalia, and as the Secretary General of the United Nations pointed out, there must be a reappraisal of the international community's relationship and approach to Somalia in an effort to reestablish a functioning state. Following the peace conference, and assuming a positive outcome, the United Nations will be expected to consider a presence in Somalia, by way of a monitoring/observer mission with both a civilian and a military components, to assist in re-establishing administrative structures, institutions, and systems; to exercise its good offices to support the transitional government to implement the peace agreement;

developing a suitable framework for holding of elections; to monitor, and verify compliance with cease-fire, disarmament, and arms embargo; support of humanitarian activities as appropriate; and investigate violations of human rights. The appointment of a special representative to Somalia becomes, therefore, of crucial importance.

ANNEX IV

BASE OF REPRESENTATION IN THE

1. National Peace conference
2. Transitional National Assembly

BACKGROUND

In any country, "legitimate representation" represents the will of the people. For a country such as Somalia which has undergone a traumatic breakdown, where basic information on population is woefully lacking, and major population displacement as well as movement has occurred, not to mention the number of people who have left the country to settle abroad or are refugees in neighboring countries, the will of the people is determined only by considerable effort. Coupled with this massive population dispersal is the continuing violence and insecurity in certain parts of the country.

In most parts of the country, however, relative peace and security prevail, and there are also in existence administrative regions with internal governmental structures.

WHAT TO GUARD AGAINST

- It must be stressed that representation based on clan affiliations or the assumed strength or importance of certain clan, including the size of territories presumed or traditionally belonging to certain clans, would only succeed in perpetuating or reinforcing the division of the nation.
- The division has its genesis in the divide and conquer tactics of the past regime; pitting one clan against another, or elevating one or some over others. The widespread injustices of the 1980s triggered the mayhem and civil strife of the 1990; once again accentuating clan struggle in its most egregious sense. Surely, using clan as the criteria for representation in the conference, or even in the National Transitional Assembly, would be tantamount to institutionalizing the cause of Somalia's woes.
- Certain regions may be considered "occupied" by its inhabitants, raising the possibility that they may not feel consulted regarding their representation. In such situations, all concerned are urged, for the sake of future peace and stability, to let the people exercise their legitimate rights, to have a say on the choice of their representatives.
- In the same vein, care must be exercised not to pursue arbitrary and contrived methods.

THE WAY FORWARD

It would be highly imprudent to be dogmatic on representation based on "clans." Flexibility, understanding, serious and hard compromises, and loyalty to nationhood, are of essence. Somalia, as a member of the international community, needs to imbibe democratic principles and practices governing representations.

Note this pertinent view from a Somali politician in the North in 1992: "The clan system is the mainspring of Somali culture and identity. It has been useful in its traditional, pastoral setting and even today it is an instrument of survival during times of deep trouble and provides a safety net for the poorest and most vulnerable. However, it has its negative dark side and is in a sense irreconcilable

with modern, democratic state. Clan politicking is playing havoc with ----- security and stability at present."

- Representatives must be men and women of high integrity, moral character and devotion to community and public service, and whose national interest and loyalty transcends narrow self-interest.
- Any basis used for representation in the future "transitional assembly" of participation the peace conference, should incorporate a common sense approach capable of broad appeal and support.
- Having considered all possible methods or criteria, it seems fair to say that representation based on local constituency (region, district, precinct, confine, sector, area, zone, etc) appears to yield the most realistic approach as it recognizes people at grassroots level, including minorities.
- Recognition must also be made of the iniquities inflicted on the people by the previous regime through creation of new regions and new districts to accommodate specific clans. Such grievances are issues certainly that need to be addressed by a future government. For now, however, an attempt must be made to redress the potential imbalance in the representation by providing extra allocation to the affected clans.

NNEX V

THE NATIONAL CAPITAL

As things stand now, all agree the entire country, including towns and cities, are controlled by various clans, sub-clans, or groups of clan. The concept of "nationhood" is so weakened that "national" entities are in short supply, with the exception of the national "flag" and country's "name"! Mogadishu, since the outbreak of fighting in 1991 has undergone dramatic demographic changes, becoming more and more narrowly identified with a major clan, to the exclusion of other Somalis that worked, lived, owned properties, and businesses in the city. If it is to regain the confidence of all Somalis, Mogadishu must become a truly "national" capital city belonging to all, not to a clan or group of clans. The Somali people, given the harrowing experience they have endured over a longtime, do not feel safe in a Mogadishu claimed by a clan and occupied by an array of armed factions, all sub-clans of one major clan. This is not an ideal environment for multi-clan, multi-cultural, multi-racial co-existence in peace and harmony. Mogadishu could restore its former position, therefore, only by revamping and restructuring both its physical jurisdiction and status, in line with this over-riding concern. This cannot be ignored.

REQUISITES OF THE FUTURE CAPITAL

- Among other things, it must have a specific land area not forming part of any regional jurisdiction, and not belonging to, or claimed by any clan or sub-clans, and be acceptable as well as accessible to all people.

Or

- in the case of Mogadishu, the clans there must strive hard to restore security and safety in full compliance with the desire of the Somali people to enjoy their capital city and to live in peace and harmony: to work and invest, without fear or anxiety. Numerical superiority or majority of one clan in Mogadishu is not the issue. The issue is the "ownership" claim of Mogadishu by a clan, and this is incompatible with the notion of "national" capital. The sooner this critical matter is fully and satisfactorily resolved by the majority clan there, the better.

Other Common features

It must:

- serve as the set of government for the nation, and as a centre for international representation (Embassies, international organization, etc)
- symbolize the ideals of freedom, unity, peace and reconciliation, as well as soul and diversity of a united nation.
- hold the nation's most sacred monument, artifacts of its history, national art and treasures, national organizations, public buildings, etc.

ANNEX V

SOMALIA REGIONS AND DISTRICTS AS AT 31 DECEMBER 1990

1. AWDALL (Boramo, Baki, Lughaya, Zeylac)
2. GALBEED (Hargeysa, Berbera, Gebiley)
3. TOGDHEER (Burco, Buuhodle, Odwenyen, Sheik)
4. SANAAG (Ceerigabo, Ceelafyeyn, Badhan, Las Qorey, Dhahar)
5. SOOL (Lascaanood, Telex, Xudun, Caynabo)
6. BARI (Bosaso, Qardho, Qandala, Iskhushuban, Bender bayla, Alula)
7. NUGAAL (Garowe, Eyl, Burtinle, Dangoryo)
8. Mudug (Galkacyo, Jeriban, Hobyo, Haradhere, Goldogob)
9. GALGUDUUD (Dhusa-Mareb, Ceelbur, Ceeldeer, Cadaado, Cabudwaaq, Galhareeri)
10. Hiraaan (Beletweyne, Bulo- Burte, Jalalaqsi)
11. MIDDLE SHABELLE (Jowhar, Ballcad, caadale, Adan Yabal)
12. BANADIR MUQDISHO and its environs (15 Districts: Bondhere, Wadajir, Darkeynle, Karaan , Heliwa, Yaqship, Shibis Waberi, Hara Jabjab, Hawle Wadaag, hamar Weyne, Shangani, Hodan, Wardhiglye, Abdi Asis)
13. BAY (Baydhaba, Burhakaba, Qansadhere, Dinsor)
14. BAKOOL (Hudur, Ceel Barde, Yeed, Wajid, Tiyeglow)
15. LOWER SHABELLE (Mark Afgooye, Wanlaweyne, Qoryoyley, Kurtunwaarey, Sablaale, Braawe)
16. GEDO (Garbaharey, Bardhere, LUuq, Dolow, Beletxawa, Ceelwaaq)
17. MIDDLE JUBA (Buale, Sakow, Jilib)
18. LOWER JUba (Kismayo, Afmadow, Jamame, Badhadhe)