

Somali National Consultative Constitutional Conference

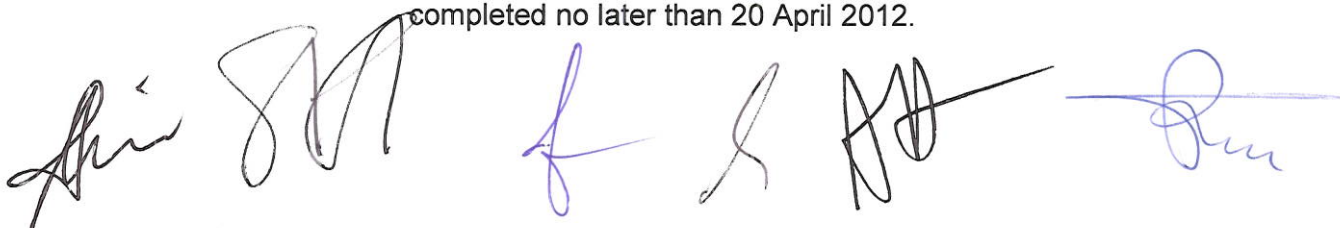
21 – 23 December 2011
Garowe, Puntland, Somalia

1. The first national constitutional conference was held in Garowe from 21-23 December, 2011. The meeting was convened by the Transitional Federal Government (TFG) of Somalia and 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.
2. The meeting brought together the signatories of the Roadmap and members of Civil Society. Among the dignitaries present were H.E. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government (TFG), Honorable Sharif Hassan Sheikh Aden, Speaker of the Transitional Federal Parliament (TFP), H.E. Professor Abdiweli Mohamed Ali, Prime Minister of TFG, H.E. Dr Abdirahman Sheikh Mohamed Mohamud, the President of Puntland, H.E. Mohamed Ahmed Alin, President of Galmudug, Sheikh Mohamed Mohamoud Yusuf, Representative of Ahlu Sunna Wal Jama'a (ASWJ). The meeting was opened by the host, H.E. Dr Abdirahman Sheikh Mohamed Mohamud, the President of Puntland, who highlighted the need to end the transition by pointing to the urgency to implement the Roadmap.
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.
4. Whereas the Participants have considered the Transitional Federal Charter, the Djibouti Agreement, the Kampala Accord and the Roadmap; 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. 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.

The Garowe Principles on the Finalization and Adoption of the Constitution and the End of the Transition

1. National Constituent Assembly

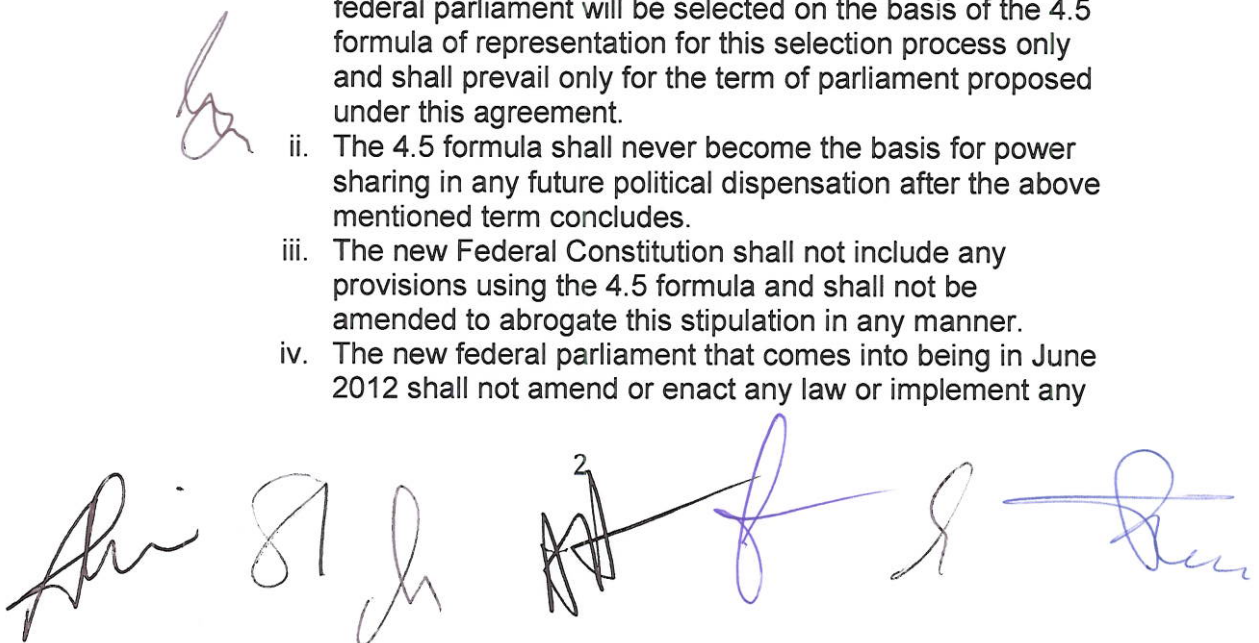
- a. The Final Draft of the Somali Federal Constitution shall be completed no later than 20 April 2012.



- 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.
- c. The National Constituent Assembly shall be nominated by all Roadmap signatories and civil society based on the 4.5 formula.
- d. The National Constituent Assembly shall consist of a Maximum of 1,000 Delegates of which 30% shall be women.
- 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.
- 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.
- g. The National Constituent Assembly shall convene and commence its proceedings no later than 15 May 2012.
- 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.
- i. The National Constituent Assembly shall be dissolved on May 30, 2012.

2. Post-transition Parliamentary Structure

- a. A bicameral federal legislature shall be established commencing on the 21st of August, 201~~1~~², 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.
- b. The new Somali Federal Parliament shall comprise of 225 members of Parliament, with 20% women members.
- 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.
 - 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.
 - iv. The new federal parliament that comes into being in June 2012 shall not amend or enact any law or implement any



The bottom of the page features several handwritten signatures and initials in black ink. From left to right, there is a large signature, followed by the initials 'SI', then a signature that appears to be 'Jh', a signature with a superscript '2' above it, and finally two more signatures on the right side.

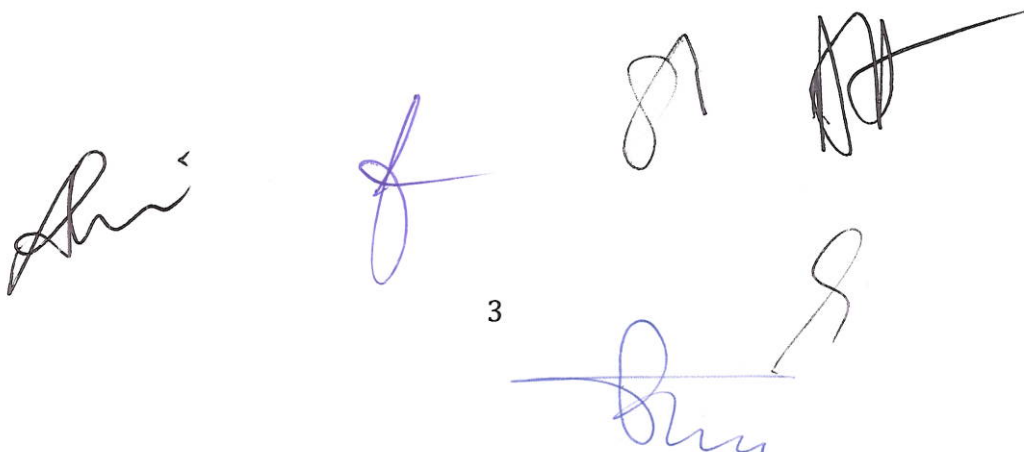
- policy that takes into account or attempts to reinstate the 4.5 power sharing formula.
- v. After the first term, the parliament will be elected through universal polling of one person one vote.
 - vi. In case the prevailing situation does not allow for universal polling, the parliament will be selected on the basis of constituencies.
- 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.
 - 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.
 - i. An 15-member Independent Interim Electoral Commission consisting of representatives from Somali stakeholders shall evaluate and approve all nominees.
 - ii. Where there are existing State administrations, the state administrations will nominate their delegates and submit the list to Independent Interim Electoral Commission.
 - f. The new Somali Federal Parliament shall be sworn-in on 15 June 2012.
 - 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.

Whereas, the Signatories respect the independence of the Parliament as the legislative body.

Whereas, the Parliament in turn is urged to respect the Kampala Accord, and should not take any action that violates the Kampala Accord.

Further, the Signatories request the International Community to take action against any elements that bring forth frivolous and capricious motions against the President, Prime Minister, Speaker and the two Deputy Speakers designed to derail the implementation of the Roadmap.

The Signatories announce that the next Constitutional Consultative Conference will be held in Garowe in the third week of January 2012 and will focus on the finalization and adoption of federalism.




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Signatories:

1. Transitional Federal Government

President of the Transitional Federal Government


Hon. Sheikh Sharif Sheikh Ahmed

_____  24-12-2011

2. Transitional Federal Parliament

Speaker of the Transitional Federal Parliament

Hon. Sharif Hassan Sheikh Aden

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3. Transitional Federal Government

Prime Minister of the Transitional Federal Government

Hon. Dr. Abdiweli Mohamed Ali

_____  24-12-2011

4. Puntland

President of Puntland

Dr. Abdirahman Sheikh Mohamed Mohamud

_____  24-12-2011

5. Galmudug

President of Galmudug

Mohamed Ahmed Aalim

_____  24-12-2011

6. Ahlu-Sunna Wal Jamaaca

Representative of Ahlu Sunna Wal Jamaaca

Sheikh Mohamed Mohamud Yusuf

_____  24/12/2011

7. Deputy Special Representative of the
Secretary General of the UN for Somalia

Christian Manahi

_____  24/12/2011