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Country/

Somalia

entity

Region Africa (excl MENA)

Agreement

Cairo Declaration on Somalia

name

22 Dec 1997 Date

Agreement

Multiparty signed/agreed

status

Interim Yes arrangement

Agreement/ Intrastate/intrastate conflict (Somali Civil War (1991 -))

conflict level

Stage Framework/substantive - partial

Conflict

Government

nature

Peace Somalia Peace Process

process

Parties Hussein Mohamed Aideed, Mohamed Haji Adan, Hilowle Iman Omar,

> Mohamed Nur Aliyow, Mohamed Farah Abulhai, Mohamed Kanyare Afrah, Ahmed Omar Jes, Jama Mohamed Galib, Abilkarim Ahmed Ali, Abdirahman Farah Islamil, Ali Haji Mohamed Jabiri, Hassan Mohamed Nur, Mohamed Farah Jimale, Mohamed Khalif Shire, Ali Mahdi Mohamed, Abdullahi Yousef Ahmed (unsigned), Abdullahi Abdelkader Mohamed Addan, Adan Abdullahi Nur Gabyow (unsigned), Osman Hassan Ali Atto, Abdi Mouse Mayow,

> Mohamed Ragiq Mohamed, Abdullahi Sheikh Islamil, Omar Hagi Mohamed, Abdi Osman Farah, Abukar Abdi Osman, Mohamed Ali Hamed, Mohamed

Abshir Mouse, Ali Adan Husseen.

Third parties Egypt, Yemen, IGAD (Kenya, Ethiopia, Djibouti, Eritrea, Sudan, Uganda), UN, the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and members of the Movement of Non-Aligned

Countries

Description

Provided for a ceasefire, cessation of hostilities and disengagement of forces. Recognised need for a transitional mechanism of national authority and agreed to preserve Somalia as an independent and indivisible state. Reiterated belief in principles of democracy, equality, social justice and constitutional guarantees of individual human rights. Also provided details of arrangements for a National Reconciliation Conference on 15 February 1998 to be held to elect a Presidential Council, a Prime Minister, and to adopt a Transitional Charter. Agreed the agenda would include: a Declaration of National Commitment to the formation of a Constitutional Transitional Government guaranteeing individual freedoms and to the creation of the democratic national Government; a Declaration of Peace and Co-operation for the people of Somalia to work with the Transitional Government towards the establishment of a Constitutional Federal Government; and adoption of a Transitional Charter to serve as a framework for the National Transitional Government. Agreed that Transitional Presidential Council would consist of three members from each of the four major social groups in Somalia and one of the remaining Somali social group and that 46 seats would be allocated to each of four Somali social groups and three and two to the remaining social groups respectively in the Constituent Assembly. The existence of the Transitional Government was to be limited to a period of three years with a possible extension of an additional two years. Also made provision for a national census from which an electoral system could be implemented, and for the approval of a permanent Constitution enshrining fundamental rights through a national referendum.

Agreement document

SO_971222_CairoDeclaration.pdf 🗇 | Download PDF

Groups

Children/ youth No specific mention.

Disabled

No specific mention.

persons

Elderly/age No specific mention.

Migrant workers

Racial/ ethnic/ national group No specific mention.

Religious groups

No specific mention.

Indigenous people

No specific mention.

Other

groups

No specific mention.

_

No specific mention.

Refugees/ displaced persons

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys

No specific mention.

LGBTI

No specific mention.

Family

State definition

Nature of state

Page 2, untitled preamble, part 1, (paragraph 10): ... the sovereign State of

Somalia;

(general)

Page 3, Be it therefore resolved: (4-5) That to preserve Somalia as an independent and indivisible State within internationally recognized

boundaries; and

That Mogadishu is the capital of the Republic of Somalia,

State No specific mention.

configuration

Self No specific mention.

determination

Referendum No specific mention.

State

No specific mention.

symbols

Independence/ No specific mention.

secession

Accession/

No specific mention.

unification

Border

No specific mention.

delimitation

Cross-

No specific mention.

border provision

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 4, Be it Further Resolved: (8) That the purpose of the National Reconciliation Conference shall be to elect a Presidential Council, and a

Prime Minister and to adopt a Transitional Charter

Page 5, (16) That there shall be established, as provided in the Transitional Charter, a Constituent Assembly which will function as a legislative authority as stipulated in the Transitional Charter;

Page 6, (25) That the Transitional Government will limit its existence, and therefore the time of completion of its responsibilities, to a period of three years, with a possible extension of two additional years as provided for in the Transitional Charter; and

That the popular approval of a permanent Constitution and first election of a succeeding Constitutional Government will be held before the completion of the transitional period and by the Transitional Government; and

Be it Further Resolved:

That there is a need for a permanent constitution to be drafted during the transitional period, which enshrines, inter alia, the fundamental rights, liberties and duties of the Somali people; and a system of checks and balances on the power of the Government should be established and approved through a national referendum;

Elections

Page 4-5, (d) The organization of the established National Transitional Government on the basis of the Transitional Charter, shall specifically provide for the creation of:

...

- (iii) Election of the 13 members of the Presidential Council; and
- (iv) Election of a Prime Minister who shall form and be the head of the Government in Transition.

Page 6, (20) That the Transitional Government shall, as provided in the Transitional Charter, conduct, as soon as possible, a national census, from which an electoral system, including electoral registration, elections and other related democratic functions can be implemented;

Page (26) That the popular approval of a permanent Constitution and first election of a succeeding Constitutional Government will be held before the completion of the transitional period and by the Transitional Government

Electoral commission

Political

No specific mention.

parties reform

Civil society No specific mention.

Traditional/religious

leaders

Traditional/ No specific mention.

Public No specific mention. administration

Constitution Governance→Constitution→Constitutional reform/making

Page 6, (26) That the popular approval of a permanent Constitution and first election of a succeeding Constitutional Government will be held before the completion of the transitional period and by the Transitional Government

Page 6, (27) That there is a need for a permanent constitution to be drafted during the transitional period, which enshrines, inter alia, the fundamental rights, liberties and duties of the Somali people; and a system of checks and balances on the power of the Government should be established and approved through a national referendum;

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition State level

Page 4-5, (d) The organization of the established National Transitional Government on the basis of the Transitional Charter, shall specifically provide for the creation of:

•••

..

- (iii) Election of the 13 members of the Presidential Council; and
- (iv) Election of a Prime Minister who shall form and be the head of the Government in Transition.

Page 5, (13) That the 13 members of the Presidential Council shall be designated as follows:

- (a) Three members for each of the four major social groups in Somalia (12 members);
- (b) One member of the remaining Somali social group (1 member). That the Presidential Council shall, by simple majority vote, designate one of its members as President of the Presidential Council;
- ...(15) That the Prime Minister of the Transitional Government, designated by the National Reconciliation Conference, shall be responsible for establishing the programmes, executive functions of the Transitional Government and public administration. The Prime Minister shall also nominate the Ministers and Vice-Ministers and such other officials as he/she shall consider necessary to conduct the affairs of the Transitional Government as authorized by the Transitional Charter;

Power sharing→Political power sharing→Other proportionality State level

Page 4-5, (d) The organization of the established National Transitional Government on the basis of the Transitional Charter, shall specifically provide for the creation of:

(i) A Constituent Assembly with a Chairman and two Vice-Chairmen; and

Page 4, (5) That the National Reconciliation Conference will be constituted of four hundred and sixty-five (465) delegates, who shall be allocated as follows:

- (a) One hundred and sixty (160) delegates shall be allocated to the two sides participating in the Cairo Somali Meeting (80 delegates each);
- (b) Ninety (90) delegates to specific northern Somali communities;
- (c) Fifty-eight (58) delegates of the three Somali social groups not included in paragraphs (a) and (b) above;
- (d) Twenty-three (23) delegates, 10 delegates, and 8 delegates for each of the three Somali social groups not included in paragraphs (a), (b) and (c) above.

That the delegates for the Conference shall be selected from all segments of Somali society. Such selection should be on a careful consideration of community balance;

... (6) That the delegates for the Conference shall be selected from all segments of Somali society. Such selection should be on a careful consideration of community balance;

Page 5, (17) That the Constituent Assembly will be composed of 189 members who shall be distributed as follows:

(a) Forty-six (46) seats are allocated to each of four Somali social groups (184 members):

Territorial power

Power sharing→Territorial power sharing→Federal or similar sub-divided

government

sharing Page 2, untitled preamble, part 1, (paragraph 9): Whereas, there is a need and

desire for the re-establishment of the rule of law and the institution of a

federal democratic system of governance;

Page 2, untitled preamble, part 1, (paragraph 11): The Transitional

Government will be based on a system of federal governance and will carry

out its functions and responsibilities, within the transitional period;

Page 3, Be it therefore resolved: (6-7) That the Transitional Government will be bound by the rules of international laws and the objectives and principles of the United Nations and all other international and regional organizations

in which Somalia is a member; and

That to respect all the international and regional conventions entered into by

the former Somali Governments; and

Economic

power sharing

No specific mention.

Military

Power sharing→Military power sharing→Merger of forces

power sharing

Page 3, Be it Further Resolved: (3) That a joint security force will be

established for the National Reconciliation Conference

Human rights and equality

Human rights/RoL general

Page 2, untitled preamble, (paragraph 6) Whereas, we agree to set aside our differences for the common good of our people and wish to embark on a new path towards national unity and re-establishment of the basic rights, aspirations and freedom of the Somali people

Page 2, untitled preamble, (paragraph 8): Whereas, we reiterate our firm belief in the principles of democracy, equality, social justice and the constitutional guarantees of individual human rights as provided by international conventions and declarations

Page 2, untitled preamble, (paragraph 9): Whereas, there is a need and desire for the re-establishment of the rule of law and the institution of a federal democratic system of governance;

Page 2, untitled preamble, part 1, (paragraph 10): Whereas, realizing the strong will of the Somali people to enjoy their God- given birthrights under the sovereign State of Somalia;

Page 3, Be it therefore resolved: 3. That it shall be an indication of our unfailing desire to unite our people, protect their rights and form the institutions that can and will serve basic needs

Page 3, Be it therefore resolved: (6-7) That the Transitional Government will be bound by the rules of international laws and the objectives and principles of the United Nations and all other international and regional organizations in which Somalia is a member; and

That to respect all the international and regional conventions entered into by the former Somali Governments; and

Page 4, (9) (c) Adoption of a Transitional Charter, which shall serve as a framework of the branches of the established National Transitional Government for the protection of individual rights and fundamental liberties and shall be the supreme law of the land

Page 6, (24) That the Transitional Government shall immediately take such actions as are necessary to implement and sustain full civilian enforcement of the rule of law as provided in the Transitional Charter;

Bill of rights/similar

Treaty

[summary] Parties reiterate commitment to constitutional guarantees of incorporation individual HR as provided by intl conventions and declarations. The transitional govt will be bound by the rules of intl laws and the objectives and principles of the UN and all other intl and regional orgs I which Somalia is a member, committing to respect all intl and regional conventions entered into by the former Somali govts. Parties resolve that there is a need for a permanent constitution to be drafted during the transitional period which enshrines the fundamental rights, liberties, and duties of the Somali people.

Civil and political rights

Human rights and equality→Civil and political rights→Equality Page 2, untitled preamble, part 1,(paragraph 8): Whereas, we reiterate our firm belief in the principles of democracy, equality, social justice and the constitutional guarantees of individual human rights as provided by international conventions and declarations

Human rights and equality→Civil and political rights→Freedom of movement Page 6, (23) That all checkpoints and lines of demarcation shall be withdrawn, and that the institution of such checkpoints and lines of demarcation shall be considered as a felonious act;

Socioeconomic rights

No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy

Page 2, untitled preamble, part 1, (paragraph 8): Whereas, we reiterate our firm belief in the principles of democracy, equality, social justice and the constitutional guarantees of individual human rights as provided by international conventions and declarations

Page 4, That the delegates for the Conference shall be selected from all segments of Somali society. Such selection should be on a careful consideration of community balance;

... (9) (a) A Declaration of National Commitment that the Somali people desire the formation of a Constitutional Transitional Government guaranteeing individual freedoms and the creation of the democratic national Government; and

Detention procedures

Media and

Rights related issues→Media and communication→Other

communication Page 4, (7) That invitations to attend the National Reconciliation

Conference shall be extended to Governments, regional and international

organizations as well as local and international mass media for the purpose of observing the deliberations and decisions of the Conference;

Mobility/

No specific mention.

access

Protection

No specific mention.

measures

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or

No specific mention.

international human rights

institutions

Justice sector reform

Criminal

Justice sector reform→Criminal justice and emergency law→Reform to specific

justice and

laws

emergency law Page 6, (23) That all checkpoints and lines of demarcation shall be withdrawn, and that the institution of such checkpoints and lines of

demarcation shall be considered as a felonious act;

State of

No specific mention.

emergency provisions

Judiciary and courts Page 4-5, (d) The organization of the established National Transitional Government on the basis of the Transitional Charter, shall specifically provide for the creation of:

(ii) Establishment of an independent judiciary, and prohibition of special courts; and

Page 5, (17) That there shall be established, as provided in the Transitional Charter, an independent judiciary system with no special courts

Prisons and detention

No specific mention.

Traditional

No specific mention.

Laws

Socio-economic reconstruction

Development Socio-economic reconstruction→Development or socio-economic

or socioreconstruction→Socio-economic development

Page 6, (23) That ... the necessary actions to reopen the port and the airport economic

reconstruction of Mogadishu [shall be taken] as soon as possible; and

National

No specific mention.

economic plan

Natural resources No specific mention.

funds

International Page 7, (30) That we need the help of, and appeal to, the nations of the world to assist us at this critical time of our history, and further appeal to the international community to recognize and support the Transitional

Government of National Unity of Somalia upon its formation;

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land

No specific mention.

reform/ rights

Pastoralist/

No specific mention.

nomadism rights

Cultural

No specific mention.

heritage

Environment No specific mention.

Water or

No specific mention.

riparian rights or access

Security sector

Security Guarantees No specific mention.

Ceasefire

Security sector→Ceasefire →Ceasefire provision

Page 2, untitled preamble, part 1, (paragraph 7): Whereas, we declare our rejection of violence, threat and use of force as means to achieve political and social goals, and therefore, we have decided unanimously to cease fire, [and on a] cessation of all hostilities and disengagement of opposing forces; and

Police

Page 3, Be it Further Resolved: (3) That a joint security force will be

established for the National Reconciliation Conference

Armed forces

No specific mention.

DDR

Intelligence No specific mention.

services

Parastatal/ rebel and opposition Page 3, Be it Further Resolved: (2) That all militias shall be encamped in pre-

arranged sites in all conflict areas;

group forces

Page 6, (22) That the Prime Minister, acting on behalf of the Transitional Government, shall immediately take all steps necessary and continue to monitor the withdrawal of all confronting militias and the undersigned agree to offer any and all assistance and cooperation as may be required to

permanently complete such disengagement;

Withdrawal

of foreign forces

No specific mention.

Corruption

No specific mention.

Crime/ organised No specific mention.

Drugs

crime

No specific mention.

Terrorism

No specific mention.

Transitional justice

Transitional No specific mention.

justice general

Amnesty/

No specific mention.

pardon

Courts

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 Page 2, untitled preamble, part 1, (paragraph 4) Whereas, we have jointly and with the spirit of brotherhood and common responsibility discussed all relevant issues consistent with national reconciliation, restoration of unity, and social harmony in Somalia.

Page 6, (29) untitled preamble, part 1, That we, the undersigned, call upon all the Somali people to forget the painful differences of the past and to magnanimously work together for common forgiveness, reconciliation and the end of hatred and mistrust forever.

Page 3, Be it Further Resolved: (1) That the undersigned agree to convene a National Reconciliation Conference in Baidoa, the capital of Bay region, on the date of 15 February 1998;

•••

(4) That the undersigned shall establish a national coordination committee to prepare, organize and hold the National Reconciliation Conference; and

Page 4, Be it Further Resolved: (5) That the National Reconciliation Conference will be constituted of four hundred and sixty-five (465) delegates, who shall be allocated as follows: (cross reference to power sharing)

Page 4, Be it Further Resolved: (6) That the delegates for the Conference shall be selected from all segments of Somali society. Such selection should be on a careful consideration of community balance; and

- (7) That invitations to attend the National Reconciliation Conference shall be extended to Governments, regional and international organizations as well as local and international mass media for the purpose of observing the deliberations and decisions of the Conference;
- (8) That the purpose of the National Reconciliation Conference shall be to elect a Presidential Council, and a Prime Minister and to adopt a Transitional Charter;

Page 4, Be it Further Resolved: (9) That the agenda for the National Reconciliation Conference shall expressly include (list of four goals, referenced elsewhere for clarity)

Implementation

UN No specific mention. signatory

Other No specific mention. international signatory

Referendum No specific mention. for

agreement

International No specific mention.

mission/ force/similar

Enforcement A joint security force will be established for the National Reconcilation

mechanism Conference (i.e. peace talks). The parties will establish a national

coordination committee to prepare, organize and hold the National

Reconciliation Conference

Related No specific mention.

cases

Source Peacemaker - http://peacemaker.un.org/; http://peacemaker.un.org/sites/

peacemaker.un.org/files/SO_971222_CairoDeclaration.pdf