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Country/ entity	Somalia
Region	Africa (excl MENA)
Agreement name	Protocol Establishing the Somali National Constituent Assembly
Date	22 Jun 2012
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict ( 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	Agreement to establish the Somali National Constituent Assembly, defining the terms of its composition, mandate and operation, in accordance with previous agreements.

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Agreement  
document

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## Groups

Children/ youth	Groups→Children/youth→Rhetorical Page 3, ARTICLE 4, National Constituent Assembly Members, 3. Collectively, the National Constituent Assembly must generally reflect the composition of Somali society, including youth and women, religious scholars and traditional elders (except those involved in selecting the NCA), business people, professionals, scholars, and the Diaspora.
Disabled persons	No specific mention.
Elderly/age	Groups→Elderly/age→Substantive Page 3, ARTICLE 4 National Constituent Assembly Members 2. Each member of the National Constituent Assembly shall be selected and appointed by the Traditional Leaders, based on the 4.5 formula, and each must– ... (b) Be at least 21 years old;
Migrant workers	No specific mention.
Racial/ ethnic/ national group	No specific mention.
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.

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## Gender

Women, girls and gender	Page 3, ARTICLE 4, National Constituent Assembly Members, 1. The National Constituent Assembly shall comprise 825 delegates of whom at least 30% must be women. ... 3. Collectively, the National Constituent Assembly must generally reflect the composition of Somali society, including youth and women, religious scholars and traditional elders (except those involved in selecting the NCA), business people, professionals, scholars, and the Diaspora.
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) Governance→Political institutions (new or reformed)→General references  
Summary: the agreement lays out detailed provisions for establishing the National Constituent Assembly, including the method of its formulation, criteria for membership, compositions, the structure and procedures.

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

#### ARTICLE 2

Preparation of Draft Provisional Constitution for Provisional Adoption

The Signatories Technical Facilitation Committee shall finalise the draft provisional constitution for provisional adoption in accordance with the Protocol Establishing the Signatories Technical Facilitation Committee and submit the draft to the Somali Roadmap Signatories.

The Somali Road map signatories shall approve by initialing and signing the final draft provisional constitution on 22 June 2012;

The Principals shall thereafter, and no later than 25 June 2012, transmit the final, approved and initialed draft to the IFCC to conduct civic education and in any event conclude the civic education process not later than 29 June 2012;

The Somali Roadmap signatories shall conclude the mandate of the IFCC through a ceremony recognizing the dedicated national service of the IFCC over the past six years and their contribution to peace and reconciliation in Somalia.

The Principals shall present the draft constitution to the Technical Facilitation Committee;

The Technical Facilitation Committee shall present the draft constitution to the National Constitutional Assembly

#### ARTICLE 3

Establishment and Tenure of the National Constituent Assembly

The Traditional Leaders shall select members of the National Constituent Assembly and the Somali Roadmap Signatories thereafter shall convene a National Constituent Assembly, which shall sit at the first practicable opportunity, in accordance with and adhering to the directions and agreements previously reached by the Somali Roadmap Signatories including the Kampala Accord, the Somali Roadmap, the Garowe I and II Principles, the Galka'yo Agreement, the Addis Ababa Communiqué, and the Decree of the President, dated 22 June, 2012, for the purpose of considering, and voting to provisionally adopt or provisionally adopt with exceptions, the draft provisional Constitution as published in accordance with this Protocol.

The National Constituent Assembly shall be dissolved when it adjourns following its vote on the draft provisional constitution.

#### ARTICLE 4

National Constituent Assembly Members

Elections	<p>Page 2, ARTICLE 3, Establishment and Tenure of the National Constituent Assembly,</p> <p>1. The Traditional Leaders shall select members of the National Constituent Assembly and the Somali Roadmap Signatories thereafter shall convene a National Constituent Assembly, which shall sit at the first practicable opportunity, in accordance with and adhering to the directions and agreements previously reached by the Somali Roadmap Signatories including the Kampala Accord, the Somali Roadmap, the Garowe I and II Principles, the Galka'yo Agreement, the Addis Ababa Communiqué, and the Decree of the President, dated 22 June, 2012, for the purpose of considering, and voting to provisionally adopt or provisionally adopt with exceptions, the draft provisional Constitution as published in accordance with this Protocol.</p>
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	<p>Page 3, ARTICLE 4, National Constituent Assembly Members, 3. Collectively, the National Constituent Assembly must generally reflect the composition of Somali society, including youth and women, religious scholars and traditional elders (except those involved in selecting the NCA), business people, professionals, scholars, and the Diaspora.</p>

Traditional/religious leaders Page 2, ARTICLE 3, Establishment and Tenure of the National Constituent Assembly,

1. The Traditional Leaders shall select members of the National Constituent Assembly and the Somali Roadmap Signatories thereafter shall convene a National Constituent Assembly, which shall sit at the first practicable opportunity, in accordance with and adhering to the directions and agreements previously reached by the Somali Roadmap Signatories including the Kampala Accord, the Somali Roadmap, the Garowe I and II Principles, the Galka'yo Agreement, the Addis Ababa Communiqué, and the Decree of the President, dated 22 June, 2012, for the purpose of considering, and voting to provisionally adopt or provisionally adopt with exceptions, the draft provisional Constitution as published in accordance with this Protocol.

Page 3, ARTICLE 4, National Constituent Assembly Members, 2. Each member of the National Constituent Assembly shall be selected and appointed by the Traditional Leaders, based on the 4.5 formula, and each must-

...3. Collectively, the National Constituent Assembly must generally reflect the composition of Somali society, including youth and women, religious scholars and traditional elders (except those involved in selecting the NCA), business people, professionals, scholars, and the Diaspora.

... 6. The Traditional Leaders, in consultation with their clans and communities shall select the members of the National Constituent Assembly from among persons whom the Technical Selection Committee have vetted against the required criteria set out in clause 2 above.

7. If a vacancy arises in the Constituent Assembly for any reason, that position shall be filled by appointment of a person chosen for that purpose by the Traditional Elders.

8. Any dispute during the selection process for members of the Constituent Assembly shall be referred to the Elders Arbitration Board for resolution as set forth in the Somali Addis Ababa Communiqué of 23 May 2012.

Public administration No specific mention.



Constitution Governance→Constitution→Constitutional reform/making

Summary: Technical Facilitation Committee to draft constitution. The TFC is in charge of helping the National Constituent Assembly through its drafting process. See Article 5.

Page 2, ARTICLE 2, Preparation of Draft Provisional Constitution for Provisional Adoption, 1. The Signatories Technical Facilitation Committee shall finalise the draft provisional constitution for provisional adoption in accordance with the Protocol Establishing the Signatories Technical Facilitation Committee and submit the draft to the Somali Roadmap Signatories.

2. The Somali Road map signatories shall approve by initialing and signing the final draft provisional constitution on 22 June 2012;

3. The Principals shall thereafter, and no later than 25 June 2012, transmit the final, approved and initialed draft to the IFCC to conduct civic education and in any event conclude the civic education process not later than 29 June 2012;

... 5. The Principals shall present the draft constitution to the Technical Facilitation Committee;

6. The Technical Facilitation Committee shall present the draft constitution to the National Constitutional Assembly

Page 2, ARTICLE 3, Establishment and Tenure of the National Constituent Assembly,

1. The Traditional Leaders shall select members of the National Constituent Assembly and the Somali Roadmap Signatories thereafter shall convene a National Constituent Assembly, which shall sit at the first practicable opportunity, in accordance with and adhering to the directions and agreements previously reached by the Somali Roadmap Signatories including the Kampala Accord, the Somali Roadmap, the Garowe I and II Principles, the Galka'yo Agreement, the Addis Ababa Communiqué, and the Decree of the President, dated 22 June, 2012, for the purpose of considering, and voting to provisionally adopt or provisionally adopt with exceptions, the draft provisional Constitution as published in accordance with this Protocol.

Page 3, ARTICLE 4, National Constituent Assembly Members, 2(g) Not currently be serving in an official capacity at the federal or regional levels nor have served in federal constitutional drafting bodies; and

[summary] Page 6-7, Article 7, Consideration of the Draft Provisional Constitution, Article looks at the checks and balances and inevitable referrals of the Draft Provisional Constitution as well as the mechanics of the final vote.

**Power sharing**

Political  
power  
sharing

Power sharing→Political power sharing→Other proportionality  
State level

Page 3, ARTICLE 4, National Constituent Assembly Members,

1. The National Constituent Assembly shall comprise 825 delegates of whom at least 30% must be women.

2. Each member of the National Constituent Assembly shall be selected and appointed by the Traditional Leaders, based on the 4.5 formula, and each must–

(a) Be a Somali citizen;

(b) Be at least 21 years old;

(c) Be literate;

(d) Have relevant experience;

(e) Be of good standing in Somali society, as an honest, patriotic, and tolerant citizen who upholds the rights of all Somalis;

(f) Have no immediate declared personal political ambitions, or conflicting loyalty to a foreign state; but, for the purpose of this clause dual citizenship shall not be deemed to be a conflicting loyalty;

(g) Not currently be serving in an official capacity at the federal or regional levels nor have served in federal constitutional drafting bodies; and

(h) Have no record of serious crime or crimes against humanity.

3. Collectively, the National Constituent Assembly must generally reflect the composition of Somali society, including youth and women, religious scholars and traditional elders (except those involved in selecting the NCA), business people, professionals, scholars, and the Diaspora.

4. The Technical Selection Committee must reject--

(a) Any submitted nomination list (by each of the 4.5 clans) that does not include at least 30% women; and

(b) Any applicant or nominee who does not satisfy the criteria set out in clause 2, above.

5. If a nominee, or a whole list of nominees, is rejected by the Technical Selection Committee, those who propose that nominee or list may submit another nominee or list in its place, but any such replacement nominee or list must satisfy the criteria set out in this Article.

6. The Traditional Leaders, in consultation with their clans and communities shall select the members of the National Constituent Assembly from among persons whom the Technical Selection Committee have vetted against the required criteria set out in clause 2 above.

7. If a vacancy arises in the Constituent Assembly for any reason, that position shall be filled by appointment of a person chosen for that purpose by the Traditional Elders.

8. Any dispute during the selection process for members of the Constituent Assembly shall be referred to the Elders Arbitration Board for resolution as set forth in the Somali Addis Ababa Communiqué of 23 May 2012.

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 Page 3, ARTICLE 4, National Constituent Assembly Members, ...2. Each member of the National Constituent Assembly shall be selected and appointed by the Traditional Leaders, based on the 4.5 formula, and each must– (a) Be a Somali citizen; ... (f) Have no immediate declared personal political ambitions, or conflicting loyalty to a foreign state; but, for the purpose of this clause dual citizenship shall not be deemed to be a conflicting loyalty;
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.

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## **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.

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.

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## 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 ARTICLE 7, Consideration of the Draft Provisional Constitution, 7.3 Result of the final vote on adoption, 3. If the provisional constitution is ratified in the referendum, the provisional constitution as reviewed and amended takes full effect as the new constitution; and

4. If it is rejected in the referendum, it will nevertheless continue as the provisional constitution until a further constitutional draft has been prepared, presented and ratified by referendum.

International mission/force/similar No specific mention.

Enforcement mechanism Page 3, ARTICLE 4, National Constituent Assembly Members, 8. Any dispute during the selection process for members of the Constituent Assembly shall be referred to the Elders Arbitration Board for resolution as set forth in the Somali Addis Ababa Communiqué of 23 May 2012.

Related cases No specific mention.

Source UN Peacemaker - <http://peacemaker.un.org/>; [http://peacemaker.un.org/sites/peacemaker.un.org/files/SO\\_120622\\_ProtocolConstituentAssembly.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SO_120622_ProtocolConstituentAssembly.pdf)

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