

# AGREEMENT BETWEEN THE FEDERAL GOVERNMENT OF SOMALIA AND THE GOVERNMENT OF PUNTLAND STATE OF SOMALIA

## **Preamble:**

From 26 March to April 3, 2016 a delegation from the Federal Government of Somalia lead by His Excellency Omar Abdirashid Ali Sharmarke the Prime Minister of the Federal Government of Somalia paid a working visit to Garowe, the capital of Puntland State of Somalia. Subsequent to detailed talks and negotiations the two parties agreed to the following:

## **National Interest and Guiding Principles**

### **1.0 The Constitution**

- 1.1 The Provisional Federal Constitution is a social contract agreed upon by the Somali people in the spirit of social and political reconciliation and power sharing. Chapter 15 of the Provisional Federal Constitution (June, 2012) states the procedures for constitutional amendments.
- 1.2 The Government of Puntland recognizes the Provisional Federal Constitution signed on 22<sup>nd</sup> of June 2012 in Nairobi and subsequently approved by a Constitutional Assembly held on 1 August 2012 in Mogadishu as the legitimate version.
- 1.3 The Government of Puntland does not recognize changes not in line and made to Provisional Federal Constitution after 1 August 2012 in particular changes affecting the national interest and guiding principles requiring negotiation and political agreement; as stipulated in the agreement signed by His Excellency Abdiweli Sh. Ahmed the Prime Minister of the Federal Government of Somalia on 14 October 2014 witnessed by the international community.
- 1.4 The two parties agreed any prior legal frameworks that are contrary to the current Federal Parliamentary structures have no legal bearings and cannot be applied.
- 1.5 The Government of Puntland does not recognize the national commissions that were formed without being consulted by the Federal Government of Somalia, and subsequent policies and regulations put in place by these commissions. The Federal Government of Somalia and the Government of Puntland agreed to review the nominating process of the commissions and their implemented regulations to ensure compliance with the Provisional Federal Constitution.

- 1.6 As previously agreed, the two parties reaffirm that the National Constitutional Conference will take place in Garowe.
- 1.7 As stipulated in Article 54 in the Provisional Federal Constitution the two parties agreed that chapters of the Provisional Federal Constitution covering issues relating to key political issues and resource-sharing require an agreement between the Federal Government of Somalia and Federal Member States. Thus the current Federal Parliament cannot make any changes without such agreements. Changes of technical nature will require consent by the Federal Government of Somalia and Federal Member States.
- 1.8 As stipulated in Article 8 of Istanbul Ministerial High Level Forum communique on 23 - 24 February 2016 the two sides agreed “the Federal Government to engage the emerging and Federal Member States in the constitutional review and implementation process and conduct nationwide consultations with Somali people across all Federal and emerging member states to ensure broad based consensus and Somali ownership”.

## **2.0 The National Capital of Somalia and its status**

- 2.1 As stipulated in the agreement between the Federal Government of Somalia and the Government of Puntland signed on 14 October 2014 and, Article 7 of Istanbul Ministerial High Level Forum communique on 23-24 February 2016, the two parties agreed the need to complete and reach agreement on the clarification of the capital of Somalia and its status.
- 2.2 The National Capital of Somalia shall have a national character and political inclusivity.

## **3.0 2016 Electoral Process**

- 3.1 The two parties agreed the selection process for members of the Federal Parliament will take place at regional capitals of Federal Member States.
- 3.2 The Federal Government of Somalia and the Government of Puntland agreed upon the formation of inclusive 2016 Electoral Committees consisting of the Federal Government of Somalia and the Federal member States.
- 3.3 The two parties agreed that the Government of Puntland will form an Electoral Committee at Puntland State level.
- 3.4 The caucus electing each member seat of the Federal Parliament shall be 50 people selected by the traditional elders who will then forward their names to the Electoral Committees.

- 3.5 The caucus shall reflect members of the community.
- 3.6 Each seat for the lower house will be contested by a maximum of five candidates, one of which shall be a female candidate from the specific clan grouping. Further each candidate's filing shall comply with requirements and vetting process of the Electoral Committees at the National and State levels.
- 3.7 Each contested candidate for the lower house of the Federal Parliament shall meet constitutionally required criteria.
- 3.8 The two parties agreed that the election of the members of the federal parliament, of the clans agreed to the formation of Puntland in 1998 and those who subsequently joined shall take place in Garowe.
- 3.9 Puntland is open to host elections in Garowe for any other constituencies that is unable to conduct elections due to existing circumstances within their jurisdiction.
- 3.10 The president of Puntland will duly sign the list of official members representing Puntland at the lower house of the Federal Parliament after the Electoral Committee forwards the certified final result.

#### **4.0 Upper House**

- 4.1 The formation of the Upper House of the Federal Parliament will precede the formation of the Lower House of the Federal Parliament.
- 4.2 The two parties agreed that candidates for the Upper House of the National Federal Parliament representing Puntland will be proposed by the Executive branch of Puntland and chosen and appointed by the Puntland House of Representatives.
- 4.3 Each Upper House of the Federal Parliament shall be contested by a minimum of two candidates.
- 4.4 Each contested candidate for the Upper House of the Federal Parliament shall meet constitutionally required criteria.
- 4.5 The Federal Government of Somalia and the Government of Puntland agreed the election of the members of the Upper House of the Federal Parliament shall take place in the capitals of Federal Members States.
- 4.6 The two parties agreed that the elections for the Upper House seats representing Puntland for the Federal Parliament will take place in

Garowe. The candidates will be drawn from clans who agreed to the formation of Puntland in 1998 and those who subsequently joined.

4.7 The president of Puntland will duly sign the list of official members representing Puntland at the Upper House of the Federal Parliament after the Electoral Committee forwards the certified final result.

4.8 The Federal Government of Somalia and the Government of Puntland agreed to the elections of the President of the Federal Republic of Somalia and the Leadership of the Upper House and Lower House of the Parliament shall take place at a safe and neutral zone agreed upon by the Federal Government of Somalia and the Federal Member States.

#### **5.0 Fair Distribution of Senior Positions in the Federal Government of Somalia:**

5.1 Puntland seeks its fair share of senior and mid-level positions such as Commanders of the Armed Forces, Director Generals, Chief Executives of National and Independent agencies, Diplomatic Corps, Civil Servant Commissions, and nominations of national independent commissions. The two parties agreed that Puntland will receive its fair share of those positions.

5.2 The Federal Government of Somalia and the Government of Puntland agreed the headquarters of constitutionally mandated institutions shall be distributed throughout the country in order to devolve the locations, responsibilities and services to member states. This will be agreed upon by the Federal Government of Somalia and the Federal Member States.

#### **6.0 2020 ROADMAP:**

6.1 The two parties agreed that the 2020 federal elections will be held according to one-person, one-vote principle. If universal one-person, one-vote elections are not possible for any reason in 2020, the process will be the following:

- Federal Members of the Upper House of Parliament will be selected based on the 18 regions of 1991.
- Federal Members of the Lower House of Parliament will be selected based on the 92 districts of 1991.
  
- The two parties also agreed that the 4.5 clan model will not be used as a criteria to select any member of the Federal Parliament and that its use shall cease beyond the 2016 elections.
  
- Under no circumstances shall the 4.5 clan based power sharing arrangement be used beyond the 2016 elections.

6.2 The Federal Government of Somalia and the Government of Puntland agreed to implement a roadmap with benchmarks and timeline for the transition from the 4.5 clan model to universal one-person, one-vote formula. The Federal Government of Somalia shall be responsible for and implement 2020 road map. The federal government, federal member states and international partners will review quarterly and monitor the implementation of the roadmap to transition from the 4.5 clan model.

6.3 The two parties agreed to the timely implementation of the 2020 road map electoral process. The two parties further agree that the Intergovernmental Authority on Development (IGAD), the United Nations (UN), the European Union (EU), the African Union (AU), and other international partners, will guarantee the implementation of the above outlined electoral process for 2020.

#### **7.0 International Agreement and Aid:**

7.1 As stipulated in Article 142 in the Provisional Federal Constitution and in Article 4 of the Puntland Constitution, until such time the current 4.5 clan model is transitioned to one person one vote, the two sides agreed that Government of Puntland shall be entitled to enter international developmental agreements and benefit from its natural resources.

7.2 The two parties agreed that until such time a full federal framework is implemented, Puntland shall receive its fair share of the development assistance granted in the name of Somalia.

7.3 In recognition of Puntland's developmental stage, the Federal Government of Somalia and the Government of Puntland have agreed to support Puntland with development assistance aimed at improving economic infrastructure.

7.4 The Federal Government of Somalia and Government of Puntland agreed that the Puntland share of the projects under the New Deal and other regional and national development projects should be based on Puntland development plans and priorities, which could then be harmonized with the Somali national plan.

7.5 It is agreed that Puntland will receive its fair-share of the management and revenue of Somalia airspace.

#### **8.0 Puntland Democratization Process:**

8.1 The two parties agreed to provide financial and technical support to Puntland's ongoing democratization process in order to implement 2019 multiparty elections.

**9.0 National Security and Defense:**

9.1 The Federal Government of Somalia and the Government of Puntland agreed with immediate effect, that Puntland will receive a fair quota in the development and makeup of all sectors of the Somali National Armed Forces.

9.2 The Federal Government of Somalia and the Government of Puntland agreed that Puntland will receive fair-share of the financial support for Somali security operations and Somali Security Agencies provided by international partners.

9.3 The Somali National Army shall be inclusive and have a national character.

9.4 Given that Puntland has been continuing to fight with mostly its own resources against terrorism, piracy and illegal fishing; the parties agreed that Puntland shall receive fair share of financial and logistical support to include support from the international partners.

**10.0 Implementation of the Agreement:**

10.1 The implementation of this agreement between the Federal Government of Somalia and the Government of Puntland is guaranteed by Intergovernmental Authority on Development (IGAD), the United Nations (UN), African Union, European Union (EU) and international partners.