



The Transitional Federal Parliament of the Somali Republic
(TFP)
Office of the 2nd Deputy Speaker

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AIDE MEMOIRE

To : The UN Secretary-General
From: The Somali Transitional Federal Parliament

The Somali Transitional Federal Parliament (TFP) presents its compliments to H.E. the Secretary-General of the United Nations and takes this opportunity to laud HE's recent visit to Africa. In particular, the TFP commends his decision to see for himself the blight and the suffering of the Somali people brought about by the lengthy civil strife coupled with natural calamities, like the draught.

The TFP, however, felt offended by the oversight of the Secretary-General to meet during his stop-over at Mogadishu some representatives of the TFP, which happens to be constitutionally the most important Organ in the Somali National Charter.

Monumental CRISES.

The TFP would like to inform the Secretary-General that its MPs had been, undertaking some rethinking about the political situation in this country. As HE the Secretary-General knows:

- Somalia had been without a central Government for over two decades.
- Three previous attempts at creating a Government two- at Djibouti and one at Cairo- were now part of history.
- The present TFG- the Fourth attempt- is about to meet the same fate as its predecessors.
- The UN was partially responsible for the failures of the first three. But it would bear the complete responsibility for collapse of current effort.

The TFP hopes that HE, who had achieved so much in such short time in improving the UN system, **would go down in history as the Man had solved the intractable Somali anarchy and succeeded**, where lesser men had failed. The TFP is of the opinion that HE could arrest the precipitous failure of present of TFG by undertaking two daring steps:

1. Recalling **HE's Special Ambassador- Mr. Mahiga** immediately.

2. Replacing him by a Trio, that should collectively deal with the problem. The TFP believes that, because this post so important and powerful, it could not be left to the whims and caprices of a single person. The TFP further advises that the Trio be preferably composed of an African, an Arab and a European.

The Secretary General may have already realized the fact that **some monumental crises had been brewing between the TFP and the Executive branch of TFG. Mr. Mahiga was at the centre of this tense state of affairs.** He had usurped the power of the Executive and had become a **colonial Vice Roy** and reduced the incumbents to be his errand boys. He had organized a conference after another- giving them fictitious names, selecting the venues and almost all the participants of these conferences without consulting the Ministers, the PM, or other executives. **In fact, the President and the PM had boycotted some of his Conference.**

The present crises came to the open, when TFP, on one of it's rare sessions- on 3rd Feb.2011- realized that only six months had remained from the Transition, and took into account the following factors:-

- That while the present Executive and Speaker proved to be no more effective than their predecessors, yet nobody seemed to be doing anything about them. In the past, the International Community initiated the removal of Presidents, Prime Ministers, Ministers and entire Governments, whenever they were not providing effective leadership to the TFG..
- That the TFP failure to take immediate steps then would **slide the country through at least another long, tedious and expensive Gathering like those of Nairobi or Djibouti.**
- That the country could hardly afford this at present, as **Shabaab would take advantage any political vacuum thus created.**

The TFP had no alternative but to take the following decisions:-

1. That **TFP was to extend it's tenure for three years.** This was the only way out of the impasse and this was **no new constitutional precedent as it had been adopted before at Djibouti.**
2. That TFP decreed **not to extend the President's tenure and arrange for the re-election of his successor** before its expiry on 22nd August 2011.
3. That the Speaker and his Deputies would be replaced or re-elected before the election of the new President.

4. The recent trend to recruit young Somali Ministers fresh from Western Universities had not impressed the majority of the MPs. These youths, though they had clean bill from corruption, had proved to be no better than foreign expatriates in attitude and outlook. They were unable to adopt themselves to the tempo and rhythm of Somali Politics.

The Secretary-General is fully aware that, **in taking those decisions, the TFP was exercising the powers given to Parliament by the National Charter.** Yet the reaction was one of hue and clamour and the Executive was up in arms against the TFP. The Executive and in particular **the President and the Speaker** described TFP decision as selfish and openly **stated that the TFP should have extended every one's tenure.** **This was when the number of the MPs and TFP size began to be important.** The Secretary-General would remember that **The President and the Speaker were responsible for doubling the number of the TFP more than anyone else in Djibouti 2009.**

The Kampala Accord

The meeting in Kampala was organized by the President, the Speaker and Mr Mahiga. The trio's primary aim was to reverse the TFP's feb.3rd decision and to **extend the tenure for the President, the Speaker, and the Government for a year at least to August 2012.** It was also to provide a means to place all blame squarely on TFP's shoulders. The essence of the document could be summarized as:-

1. The agreement states, on its first article, that **anything which contradicts the spirit and letter of Charter would be invalid.**
2. **The feigned conflict** that had been said to exist between the **President and Speaker** would henceforth be a thing of the past.
3. There would be an **extension of one year for the President, Government and the Speaker and his Deputies.** This **excludes the Prime Minister who was to resign forthwith** and replaced immediately. **(He had committed the unforgivable sin of becoming more popular with the public than those, who had brought him to the lime light.**
4. **TFP would not be allowed to submit any motion against the President, its Speaker and his deputies or the Government for those 12 months.** This article annuls the constitutional checks, balance and control system, which is pivotal task of any parliament. **It was also contrary to many articles of the National Charter.**
5. The Trio had then asked HE the President of Uganda to sign as a Guarantor to this Accord.



The TFP had accepted the Accord out of respect for the illustrious and popular Ugandan President. It was, however, sure that the Accord would not function, as it has no claim to legality.

From thence the Somali People's unsuspecting attention and the world was constantly directed against the excessiveness of the 550 MP

The Two Somali leaders and Mr. Mahiga were all eager to cover their inability to provide leadership to the TFG institutions and to the International Community. The European Country Report on Somalia, which came out after Feb. 3rd TFP initiative, had stated in no unequivocal terms that this action was due to Mr. Mahiga's leadership failure.

The TFP Sit –Down Strike

TFP was not to meet unless the Speaker and the Executive were sure that things were under their control. **The secretary-General would be surprised to hear that the Somali Parliament had only had about 26 sittings in the Last THREE YEARS.**

The TFP had, since it had sensed the implication of the Kampala Accord, it had to use maximum pressure to bear upon its Speaker and his two protégés to open Parliamentary session so that the TFP could fight back. As expected they refused to open the Chambers even after, various motions all properly signed by the legally required number of MPs, had been presented to them.

The TFP then requested the AU and IGAD Representatives in Mogadishu to intercede or mediate with The Sharif. Again, he would not budge. He refused to meet the TFP in the presence of those officials and at a place of his choice.

When all those labours produced no result, a group of around two hundred MPs had to resort to a sit-down strike session in the Mosque compound opposite the parliament building on 13th December 2011. **The press and Media had participated in full force and the Somali public watched the spectacle from the Streets. The newly found spirit being portrayed by the hitherto docile Parliament surprised both the Press and the Public. It also fortunately moved the Amison Detail, guarding the Parliament Building. They had immediately to communicate what was happening to their commanders, who had immediately instructed the Guards to open the Chamber for the demonstrating MPs. AMISOM had thus been instrumental in saving the day: the patience of the TFP members and the general public was running thin.**

Immediately the Chambers were reopened, many other MPs came and the quorum was attained. **The 283 TFP members that had come to partake in this meeting invoked Article no 38(B) of the National Charter and the relevant Parliamentary Byelaws to elect an ad interim Speaker in the Person of Hon. Madobe Nunow Mohamed unanimously.**

The Ad interim Speaker declared the SESSION formally open and after a lengthy discourse allowed the motion- to remove Hon. Sharif Hassan from the seat of Speaker of TFP- to vote. The voting result was:-

2 80 MPs voted in favour of Sharif's removal.

2 MPs opposed the motion.

1 MP abstained.



The Ad interim Speaker and the MPs observed meticulously the etiquette and the parliamentary procedures during the session. The Media Representatives were invited to make a physical count and check the Attendance Register so that nothing was left to chance. The only incident worth mentioning took place on the following day when the **Sherif's first Deputy-Hon Abdul Weli entered the Chamber with armed Guards**. Some MPs who were waiting for a meeting were **mal handled**, some were **beaten with the butts of the pistols**; the raiding party threw other MPs into the floor.

This behaviour unbecoming of responsible MPs: It should, of course, be referred to the TFP's Disciplinary Committee and be dealt with.

The next sitting that took place on the third day was chaired by second Deputy, Hon. Mr. Ahmed Dhimbil Robel(Asowe) who had returned and assumed the leadership of TFP having accepted the legality and correctness of the removal of the then-Speaker. He also took into account the behaviour of the First Deputy Speaker, which had barred Hon. Abdi Weli to chair TFP meetings. Then the second Deputy Speaker put to a vote whether the house agrees to delegate to him the appointment of a Select Committee to oversee the election of The Speaker. 287 MPs voted yes and three abstained with no negative votes.

Removing the Thorn

The TFP makes no apologies for taking this step of removing the Sharif.

No one knows better than the Secretary-general that every Assembly has the right to replace it's Chair Person wsshenever the holder proves to be counterproductive.

Hon. Sheriff Hassan has been a thorn on the flesh of Somali Politics since the first day he was elected to that chair at Nairobi in 2004. He had set TFP members against one another. He had instigated one group to fight against another inside Parliament, beating one other with their chairs. He had twice divided TFP into two opposing Camps separated by distance and sometimes by Frontiers. One time he headed a group of MPs to Mogadishu, while the other was in Jowher. Another time, he took with him some Parliamentarians and **sought asylum in Eretria**

Latest Incident: On the first of this month, the Somali President made a statement at a press conference in the presidential Palace which he stated that the Parliamentary decision of 13th December 2011 was null and void. He claimed that some people from outside parliament had participated in the session which is far from reality as AMISOM, National Security Officers and the police have checked the identities of participants.

The TFP sees that the aim of the president's statement was a continuation of Kampala Accord. Both the President and the Ex-speaker want to be re-elected for several years by a hand-picked parliament after their tenure expires. This is why they want to terminate the national Charter, the present laws, constitutional continuity and the knowledgeable TFP members.

The impact of this presidential uncalled for intervention was to encourage about 30 MPs who are supporters of Ex-Speaker to disrupt the planned session of the candidates' speeches on 2nd January 2012 by:



1. Refusing security checks
2. Refusing to sign the attendance register
3. Tearing down the attendance register
4. Forcefully entering the meeting chambers after taking by force the rifles of AMISOM and police guards and beating some of them
5. This attack came after realizing that the quorum of the session had been reached.

ROADMAP

Roadmap is a plan for future action. One cannot refuse or reject out right the drawing of a plan of action, **especially one, which would enable the TFG to move from Transition to a proper Government.**

TFP had never seen a cohesive Roadmap the time frames, action sequence and schedules form transition to a democratically instituted Government, drawn by the UN or various units of the TFG. It would be far from the truth to say TFP was against this Roadmap since no body had submitted any draft of the Roadmap to be approved by TFP.

In Mr. Mahiga's conferences, in Nairobi, Mogadishu and, more recently, in Gowe, the talk was how to reduce the size of the TFP. Agreement on this topic seems to have eluded them. Indeed in Garowe tempers got out of control as the result of the outspoken Puntland President. The conference host had almost wrecked the boat.

The word 'Roadmap' is being used to mislead, and confuse the Somali Public. The only thing discussed in these conferences was how to reduce the TFP which accounted to about 4% of the 2011 Budget of the TFG.

Should such a plan be drawn, four elements would be considered:-

- a) Internal Peace is secured. This is a pivotal component.
- b) The Constitution. Discussions with stake holders.
- c) The basic institutions of the Government - Executive, Legislature and Judiciary are streamlined.
- d) The Regions, districts and other units are given a definite grass-root democratic shape.

INTERNAL SECURITY

1. **The TFP had sees Shabaab as an elusive enemy that could not be defeated by any number of AMISOM and other Forces.** It is no secret that When Shabaab felt weakened in the confrontational war in Mogadishu, they changed their tactics and methods of operation.



One of their new tactics is to infiltrate into the rag tag and unmotivated Somali Units to do their job for them.

Another is the obvious increase in the number of explosions in Mogadishu.

2. TFP does not believe that **the entry into the Somali border by the forces of the neighbouring countries would ensure Shabaab's defeat.** This may on the contrary, accord popularity boost and a new lease of life to Shabaab.
3. **The TFP is convinced that a nationally constituted, motivated and well trained Somali Army of about ten thousand men, assisted by an equally efficient police force of the same strength supported by AMISOM and other foreign forces would be capable of cleaning the stables.**

The Gimmicks of Leaders appearing on TV and media wearing Military fatigues and uniforms was unlikely to raise the morale of the present tribally constituted militia and to enable them to fight Shabaab, when they had received no salaries for several months.

In the same way, it would be next to impossible to expect them to organize the distribution of food to those affected by the draught, when they have their loved children and wives starving at home.

THE CONSTITUTION

4. Most TFP members consider that **any discussion about the shape which the future constitution would assume, would be like putting the cart before the horse.** Equally, any administrative Unit created in Diaspora or even within the country, which is based on divisive tribal or clan politics, is an obstacle to the creation of a state, where people lives are to be based on tolerance and democratic ideals. The Berlin Wall in Galkacayo, for example, is an anathema to a State aspiring to democracy.
5. Equally, **while no settlement had been reached with Somaliland, any discussion about a constitution would be untimely.** How could one talk about constitution when the TFG hardly controls the Capital, and when the greater part of the country is either under the control of Shabaab or others whose loyalties are at best dubious.

TFG INSTITUTIONS

6. TFP should be allowed to set some definite criteria which would enable to reduce its size.



7. The TFP would organize itself. It intends to improve the facilities denied to MPs by Sharif's regime. The MPs should be given the right attire to work, and an organized training to think properly. This should include better seating facilities, electronic voting systems, secretarial help and legal advice and above all, ensure their personal security, which nobody cared a hoot about. Many MPs had been killed or maimed by Al- Shabaab.

Conclusion

The TFP takes this opportunity to renew its esteem and respect to HE the Secretary-General of the United Nations and would like to exchange further discussions on the topics raised herein and hopes that HE would give priority attention to the immediate removal of Mr. Mahiga.

Equally TFP apologizes for this long note which resulted from its determination to set the record straight for HE and the International Community.

Lastly The Transitional Parliament wishes a happy and prosperous New Year to HE the Secretary-General of the United Nations and the distinguished leaders of the countries and Organizations in the International Community, listed below that had given unwavering support to the Somali People in its prolonged agony. Our hearts, on this occasion, also goes to those brothers and sisters who had lost their lives or limbs in order to put an end to the anguish of the Somali people.

Copies to:-

1. Somali President
2. President of Uganda
3. President of Burundi
4. The Prime Minister of the UK
5. Chairperson of the AU
6. Chairperson of the IGAD
7. UNPOS
8. Secretary General of Organization of Islamic Countries (OIC)
9. Arab League Secretary General
10. HE USA Ambassador (Somali Affairs) Nairobi
11. EU Somali Country Representative Members of the EU Embassies in Nairobi.

