

Sanaag Regional Peace Charter (Erigavo Peace Charter)

- Article 1 Establishment of a regional administration Article
- 2 Emblem of the Region
- Article 3 General Principle to be applied by the region
- Article 4 The Organic structure of regional administrative bodies Article
- 25 Recognition of national laws
- Article 26 Changes of Statutes Article
- 27 Coming into Force

Article I: Adoption of Peace

The communities of the Sanaag Region have collectively opted for instituting peace among themselves, and hereby request every member of their respective communities to uphold the agreements ending the inter-communal strife within the Region and re-instituting peace and harmony.

Article II: The Promulgation of the Preceding Peace Agreement

This charter is founded on the peace agreements concluded by the communities of the Region from the middle of 1991 to 1993, and their various terms are hereby promulgated as being the sources and complement of this protocol.

Article III: The Informing of the Agreed Terms

The conclusions reached and agreed upon by the General Assembly of Peace of the Sanaag Region communities during the session between 19 August and 8 November 1993 represent the final definition and delineation of the struggle for peace in the Region, and their enforcement and respect are vested with special social regional and legal significance.

Article IV: Determining of the immovable Properties of the Communities and the Individuals.

- 80. This protocol determines and guarantees the immovable property rights of each community and its members.
- 81. The rights of the communities and individuals determined and guaranteed by the preceding paragraph will be assured by their combined social, religious and legal dimensions.
- 82. The committees for the transfer of immovable properties established in their bilateral meetings by the communities are assimilated, in respect of the validity of their decision to the Executive Committee of the Regional Administration.

Article V: The Individuals Right to Life

- 83. Further to the agreements reached in the bilateral meetings of the communities on the quantity of compensatory damages payable for the loss of life and personal injuries, the present protocol establishes individuals' legal rights to his life and property.
- 84. Every person committing the premeditated killing of another shall henceforth be executed in accordance with the precepts of Islamic Sharia.
- 85. When the killing of another person is not intentional but is due to accidental factors or is committed in the course of reasonable self defense, the provisions of Islamic Sharia and Somali customary law will apply.

Article VI: Raiding, Rustling, Killing and Injuries

- 86. If robbing, raids and rustling are committed by a community or any of its members after the coming into force of this charter, the community concerned will be held responsible jointly with the members directly implicated.

87. In the case of death and personal injuries, caused during a raid or rustling, the parties directly involved bear jointly the full legal consequences.
88. Collective community culpability for pillage, death and injury as well as other criminal acts shall be abrogated by this protocol as contained in the above sub-sections 1 and 2 of this article.
89. The attackers who get killed or injured during their raid, rustling or robbery are entitled to no legal rights or remedies.
90. Stray livestock will be returned to their rightful owners in accordance with the terms of the peace agreement and those of this Charter.

Article VII: Sharing of Grazing Water and camping

91. Shall the distribution of rainfall caused better grazing and water to be concentrated in the traditional grazing area of a particular community, the grazing, water and camping will be open to all the communities.
92. The responsibility for the facilitating the joint camping for sharing such grazing and water among the communities of the traditional occupiers of the area and those of the visiting communities falls on the community of the traditional occupiers.
93. Further to provisions of the preceding paragraph, the communities so gathered shall form a joint good offices committee to look into and find a solution for any fraction or dispute among the communities.

Article VIII: Measures against Violators of Peace

94. The Sanctions against a community or a sub-section of a community who disturb inter communal peace in violation of the provisions of the protocol shall include unlimited proprietary fines, whether in cash or livestock and collective censuring by the others.
95. The *Guurti* (Council of Elders) determines the traditional norms and applicable, the amount and nature of the fine imposed and other sanctions taken against the offending community or sub-section.

Article IX: Responsibility for Peace and law and Order

96. Peace and law and order in the Region is the direct joint responsibility of each community's *guurti*, the organs of the Regional Administration and those of its districts.
97. The organs for the maintenance of peace shall be the Region's security forces (police and custodial corps) the *guurti* (council of Elders) and those aiding them at the time.

Article X: The Guurti and the Regional Administration as the Primary Peace Maintenance Organs

98. The *Guurti* of the Regional Administration and those of its Districts are the organs traditionally responsible for maintaining peace, and shall therefore form among themselves good offices committees to examine inter-communal frictions and disputes and find peaceful solutions for them.
99. The Executive Committee of the Regional Administration is entrusted with the duty of organising the law and order institutions for the maintaining the peace including the Police and Custodial Corps and Law Courts.

Article XI: Creation of the Good-Office Committee of the Guurti

The Regional Guurti shall constitute in the first formal meeting a Regional Committee or Good Office, composed of those who led the campaign for the prevailing peace and inter-communal harmony. The role of such committee shall be to instil in the public the social significance of peace and the restoration of inter-communal harmony.

Article XII: The Creation of a Regional Security Force

100. To provide solid permanent foundations for the prevailing peace, a Regional Security Force composed of all the communities of the region and consisting of Police and Custodial Corps shall be created.
101. The Regional Administration shall do its utmost to place the members of the existing forces of each of the communities of the region in productive endeavors, including the acquisition of technical skills.

Article XIII: Responsibility for Peace in Districts

102. Until such time as the regional Police Forces is able to extend its peace-keeping role to all parts of the Region, peacekeeping in the districts shall be responsibility of their respective communities.
103. Assuring the complete security of foreigners in the Region, consisting at present essentially of officers of international aid entities who are engaged in promoting the welfare of the people of the region, is the collective responsibility of the people of Sanaag, and specifically that of the Districts of their respective residence.
104. In the areas of multi-communal habitation, like towns, responsibility for peace and law and order shall be entrusted to a multi-communal ad hoc force.
105. All the Security organs of the districts shall conform to the extent possible to the model established for those of the region.

Article XIV: The Regional Peace and Law and Order Forces

In view of the communal sensitivities engendered by the recent inter-communal strife, the criteria for selecting the members of the Regional Security Force shall be (i) exceptional personal attributes, (ii) nationalism, and (iii) clean sheet of conduct. Preference shall, in addition be given to the former members of one of the services of the Somali armed forces.

Article XV: Property of Public Domain

106. Responsibility for the custody and management of all state assets in the Region shall be vested exclusively in the Regional Administration and its District Officers, who in turn shall be responsible to the State for safeguarding and proper utilization of such assets.
107. The Natural resources of the region, including the wildlife, fish the vegetation, shall enjoy Regional protection and the Regional Administration shall use its own powers and those of the districts, including the Security Forces, to protect such resources from abuse.

Article XVI: Amending this Charter

108. This charter may be amended, after it enters into force, by the Region's General Assembly of Peace. The General Assembly may delegate the authority to make the needed amendments in some specific matters or field to a plenary meeting of the Regional Guurti.
109. The plenary meeting of the Regional Guurti is empowered to make, in the cases of urgent necessity, provisional amendments of the protocol.
110. If there is a conflict between any of the provision of this Charter and those of the State, the State Law shall prevail.

111. Proposals for the amendment of this Charter may be made by any organ of the Regional Administration and of its inhabitations by sending the request to the *Guurti* of the region.
112. Meetings of the Regional General Assembly of Peace may be called only by the Regional *Guurti*.

Article XVII: Special Regional Honors

The region hereby awards exceptional honors to the persons who led struggle for peace among the communities of the Region on account of their devotion to the happiness and the prosperity of the people of the region.

Article XVIII: Recognition of the Day of Peace

This protocol recognizes 11 November 1993 as the official day of Peace of Sanaag, representing and embodying the prevalence of peace and progress in the region.

Article XIX: Status of Preceding Bilateral Agreements

The agreements concluded in the bilateral meetings which preceded the adoption of this protocol constitute an integral part of this protocol.