

Twisting Talks between Somaliland and Somalia: *Critique on Briefing Paper – Cultivating Consensus – Exploring Options for Political Accommodation and Promoting All Somalis Voices - Conflict Dynamics International*

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INTRODUCTION

Conflict Dynamics International most recently Briefing Paper on Somaliland and Somalia attempts to raise some of the controversial arguments about the political future of Somaliland and Somalia. Mostly the paper is searching for political accommodation and inclusive political arrangements that advocate towards imposing reunification of Somalia and Somaliland, despite, confronting historical evolutions and trajectory of the problems caused by Somaliland's independence and its withdrawal of the Union in 1960. In the inception of the paper the authors showed more sympathy with Somalia and its current political trends of federalism. The options generated this paper seem to be unconvincing and unacceptable to the context of Somaliland which most actors in the world witnessed the sustainable peace and workable governance system.

Moreover, the paper has made some extensive conceptual explorations based on types of state formation that Somaliland and Somalia could entertain together in the future through current dialogue, but most narrative and cognizant views of this paper made clear tendency and favoritism with reviving once again a merger of Somaliland and Somalia, other than assessing critically the current position of the of Somaliland and political reality in which two countries pursued over the past three decades. The paper has also undermined the possibilities of achieving two state solution.

On the other hand, this Briefing Paper produced by Conflict Dynamics International in 2014, lacks much historical evidence about Somaliland and Somalia and eagerly misguides the cause and case of the Somaliland's independence, self- determination and timely revoking the failed union in 1960 and this is the reason that this critique wants to expose some historical and empirical experiences about context of Somaliland and Somalia. Without deep analytical and proper diagnosing, the political and historical trends of Somaliland and Somalia cannot be evaluated through such instantaneous analysis presented by this Briefing Paper.

This Briefing Paper has also explored variety of options to override and justify its core aims. The main aim of the Briefing Paper appears to demonstrate how Somaliland could adopt one of the "six options" notably; all these options seemed to be intimidating the sovereignty and historical existence of Somaliland, the paper failed to discover the political reality of Somaliland and Somalia due to the shallow analysis and consistent campaigning against Somaliland's history, independence and the will of the people, the paper treated to Somaliland as one of the entity of the federal states of Somalia for instance, many times the paper tried to make some interconnections between Somaliland and the semi- autonomous region of Puntalnd.

However, the so-called six options suggested by this Briefing Paper are imposing the way to single state solution other than two state solution. Presumably, the authors of this paper presented political arrangements which are impracticable to pursue by people of Somaliland and the authors of this paper have also failed to understand the profound and fundamental underlining

issues that Somaliland people are arguing in terms of their claim of independence based on historical and decisions of the majority of people of Somaliland.

More importantly, the central expression of this paper which is “political accommodation” is in the onset an imperative indication and deliberate reflection anticipated to forge a new path of political configuration between Somaliland and Somalia which is not helping the concept of the two state solution and it is plausible that this is a true diversion of the Somaliland’s aspiration as being sovereign state.

In fact, this Briefing Paper keeps away from all relevant examples of the two state solution as Ethiopia – Eritria in 1993,¹ Indonesia - East Timor in 1999², Sudan – South Sudan in 2011.³ In addition, the Somaliland’s case is legally, historically and politically reasonable more than those above states because the Somaliland and Somalia were united of states in 1960 and there is no legal base at all, that should distinguish which one Somalia and Somaliland can be recognized as “absorbing or absorbed state on the basis of international law” while there is no international treaty which was ratified by both assemblies.

Furthermore, Somaliland and Somalia talks commenced straightforward after the London conference on Somalia in 2012, this conference has coincidence two main stuffs, first, the London conference has become the first Somalia conference that Somaliland participated fully but Somaliland treated as independent entity and it had its special diplomatic privilege during the meeting, second, the final communiqué of the London conference extensively necessitated for talks between Somaliland and Somalia.

The conference recognized the need for the international community to support any dialogue that Somaliland and the TFG or its replacement may agree to establish in order to clarify their future relations⁴. Aftermath, of the London conference there were several rounds of talks held in UK, UAE and Turkey in between 2012- 2014, no signs yet to be found what current talks should be, but Somaliland Constitution is foundation of the negotiators from Somaliland and negotiators from Somalia may also carry on their own agenda based the old slogan of greater Somalia.

Ultimately, this easy evaluation has been divided into fourth main sections. First section: this easy reflects some of the historical perspectives of Somaliland and Somalia that this paper missed. Second section: re-assesses the governance options which the Briefing Paper examined as core areas, following some comparative analysis of Somaliland Constitution and Somalia Constitution and what paper is called existing arrangements. Third section: examines the intention and the central premises of the paper. Fourth section: this easy evaluation will also make some conclusions.

¹ Eritria seceded from Ethiopia in 1993 through referendum

² East Timor seceded from Indonesia in 1999 through referendum

³ South Sudan seceded from Sudan through referendum

⁴ London Conference on Somalia: Communiqué1 February, 2012

Historical Perspectives of Somaliland and Somalia

Somaliland and Somalia had been under British and Italian colony for many decades respectively where each country had developed its own cultural, socio-economic and political foundations. Somaliland British Protectorate was granted its independence from Britain in June 1960 and after few days later united with the United Nation Trust Territory of Somalia under the Italian administration in 1st July 1960.⁵

The overarching goal of this unification was to create a greater Somalia in the Horn of Africa consists of five regions partitioned during European era of colonialism- namely 1- Somaliland British Protectorate, 2- United Nations Trust Territory of Somalia under Italian administration, 3- Haud and Reserve area under Ethiopian administration 4- Djibouti under French administration and Northern Frontier District (NFD) of Kenya.

From this historical perspective, Somaliland's independence cannot be viewed as secessionist movements considering this historical stand point. Somaliland's territory is defined by three colonial treaties signed between the British on the one hand, and the French (1888), Italian (1894) and Ethiopian (1897) on the other hand. The boundaries, which encompass an area 137,600 square kilometres, are those received at the moment of independence from the British in 1960. In terms of size, independent Somaliland would rank 36th among 55 African States.⁶

For many reasonable justifications this merger of Somaliland and Somalia immediately failed and one of the significant shortcomings were lack of power sharing and absence Act of Union between two countries, and this has triggered the coup in 1961 that young military from Somaliland British protectorate attempted aftermath of the aborted union.

Subsequently, this long term injustice has also encouraged the establishment of the Somali National Movement (SNM) in 1981 and the struggle of SNM was based on civilian uprising against oppression, alienation, atrocity of the civilians, and discriminations that people from former Somaliland British Protectorate encountered. Thus, the SNM movement was one of the grassroots political and military initiatives caused by these ferocious actions committed by successive regimes across the Somali Republic.

In addition, SNM succeeded to overthrow the dictatorship of Mohamed Siyad Barre in 1991; this was a historical victory, a victory of all human rights defenders, Somali speaking people and the region as whole because Siyad Barre regime committed crimes against humanity as genocide and illegal detention, and this requires international investigation. In fact, this victory achieved by the SNM was properly preserved, managed and later on used as an opportunity of solidarity and spirit of the rebirth of the Republic of Somaliland. Where all clans of former British Protectorate took some pragmatic decision which was the declaration of the independence of the Republic of

⁵ Somaliland British Protectorate and Italian Trust Territory of Somalia united in 1960 through voluntary basis

⁶ International Crisis Group (ICG) report (2006) Somaliland: Time for African Union Leadership – Africa Report No-110-23 May 2006

Somaliland, in this occasion all clan elders ratified the resolution of the rebirth of the Republic of Somaliland in 18th May, 1991.⁷

Moreover, this resolution was a clear manifestation to dissolve the Union in 1960 between Somaliland British Protectorate and United Nations Trust Territory of Somalia. A voluntary merger in 1960 between sovereign state of Somaliland, a former British protectorate, and the neighbouring UN Trusteeship Territory of former Italian Somaliland, known colloquially as Somalia, ended mercifully on May 18th, 1991.⁸

However, Somaliland's case of reclaiming its independence is not attributed as model of secession movement as many post – Cold War secessionist movement emerged across eastern Europe and elsewhere but the case of Somaliland should be evaluated as withdrawal scenario, because Somaliland and Somalia united as two independent countries and split again into two countries with their emanate territory, the authors have either failed to cite this long term historical and political evolutions or intended the readers to be anesthetized to acknowledge realities on the ground.

Somaliland is an unavoidable reality that international community supported, given that Somaliland's state- formation and peace- building initiatives constantly succeeded Somaliland to lay a foundation of democratic state institutions. Likewise, this bottom up state- building trajectory seems to be more sustainable than, the internationally driving one, in Somalia. Somaliland's case of independence and its political stability underpinned the region to be more stable, secure and peaceful particularly the countries who share borders with Somaliland and beyond, in this regional and geopolitical interconnections, the paper has also avoided depicting the enormous political and security contribution that Somaliland offered to the regional states as Ethiopia, Djibouti and Somalia.

In contrast, Somalia has been under turmoil, violence and under enormous destruction over the past three decades, and the post- transitional state formation in Somalia posed a huge dependence of the external assistance both development and security. Somalia is under the protection of the AMISON troops which are regional troops funded by international community across, in this circumstance, Somalia is not independent country right now and international community viewed Somalia as delicate, unpredictable and weak state. Yet, just over two years after Mohamud's taking office, the outlook appears bleak. Al-shabaaba is far from defeated and continues to carry out regular attacks; the process of writing a new, permanent constitution has reached deadlock; and the federalism process has proven a source of conflict⁹

⁷ Clans signed the retrieve of the independence of the Republic of Somaliland were Isaaq, Gadabursi, Dhubahante and Warsangeli, they are all clans of former British protectorate

⁸ Somaliland: Demand for international Recognition (2001) A Policy Document of the Government of the Republic of Somaliland, 2001

⁹ Dominik Balthasar (2014) Thinking Beyond Roadmaps in Somalia – Expanding Policy Options for State- Building A Report of the CSIS Africa Program – Center for Strategic and International Studies November, 2014

Over the past twenty three years Somalia has been under serious situation of humanitarian, security and anarchic. By contrast, Somaliland seems to have fared reasonably well by treading the reverse path. Rather than focusing its energies on a progress in the de jure realm, it kick-started its state- building project by tackling particular de jure challenges that directly affected its population's livelihood, such as demobilizing fighters creating employment, and increasing the state's administration capacity.¹⁰ However, the paper ignored that Somalia under these circumstances of political and security crisis which undoubtedly put the Horn of Africa region with more vulnerable and violate place, where armed smuggling, piracy, terrorism and human trafficking are in widespread phenomena.

More than a dozen national peace conferences to revive the Somalia state have been launched, including several sponsored by the massive United Nations Operations in Somalia (UNOSOM) in 1993-1995. None has succeeded. This track record has earned Somalia the dubious distinction of being the world's fore- most graveyard of external sponsored state- building initiatives.¹¹ Therefore, Somalia is not a country that its leadership and citizens can determine the future of their country, but there are simultaneous political, governance and security issues which none of them the Federal government of Somalia cannot either handle or manage alone.

Aid workers, on the other hand, see Somalia either as a development project or a humanitarian crisis. The Somalia Project has become a never-ending enterprise in whose name millions of dollars are raised every year, with little to show for it. Meanwhile, Western governments and their allies portray Somalia as failed state that breeds piracy and terrorism and which needs to be reined in and rehabilitated.¹²

Moreover, Somalia is in the international limelight both development assistance, state formation and security, assessing the heavy burden of work remained, political polarization and tribal competing interests over the issues of federalism and strategic cities, should all perpetuating to attain the distance goals of the international community and their ambitious plan of the 2016 including the constitutional referendum and multiparty elections. Rationally, hope of state building and elections of Somalia can be both precarious and far beyond current capacity of federal government institutions. However, the authors of this Briefing Paper had very shortsighted experiences about the current political context of Somalia and Somaliland considering their comparative analysis and options generated by this paper.

¹⁰ Dominik Balthasar (2014) Thinking Beyond Roadmaps in Somalia – Expanding Policy Options for State-Building A Report of the CSIS Africa Program – Center for Strategic and International Studies November, 2014

¹¹ **Ken Menkhaus** (2007) *Governance with Government in Somalia – Spoilers, State- Building and the Political of Coping – Project MUSE Scholarly Journal Online*

¹² Rasna Warah (2014) War Crimes – How warlords, politicians, foreign governments and aid agencies conspired to create a failed state in Somalia

Governance Options

This Briefing Paper has made some extensive grave analysis, despite it has not sufficiently evaluated the current political status of Somaliland and Somalia at pragmatic manner. Hence, without bearing in mind the historical and political evolutions experienced both sides since 1960 any political prescription can bother the current dialogue between two sides. In addition, it is obvious that Somaliland's independence pursued acceptable political and historical trajectory, some of the issues touched this paper was the type of governance structure, legal framework and options that the paper intended to generate some multiple solutions that Somaliland and Somalia could utilize in the future as one nation state.

Notably, the intention of the paper followed more paradoxical analysis, which the authors never attempted to search two state solution and acceptable scenarios, perhaps the authors concentrated and attempted a type of political arrangement that Somaliland and Somalia can share, and there is no doubt that this immediate proposal presented Conflict Dynamics International is a misleading toolkit and propaganda against the independence of the Republic of Somaliland and political aspiration of the majority of the people of Somaliland.

This analysis primarily raises that the provisional Federal Constitution of Somalia is the center of the legal debate in this Briefing Paper and this is a entirely showing how far the paper and authors are aside, because the Constitution of the Republic of Somaliland has born under the will and consent of the people of Somaliland through public referendum and democratic manner where provisional Federal Constitution of Somalia was approved by only few traditional elders which most of them were not representing their real constituent.

In addition, this Briefing Paper followed the options for political accommodation which mostly are unlikely Somaliland to aspire in short and long run. The paper was needed to contrast and discover some classical and relevant examples but options and examples that this paper used seem to be immaterial to the context of Somaliland and Somalia, for example, this paper referred various governance options mostly from one single state to co-federation to independent sovereign states for examples *European Union, Benelux Union, East African Community and Egypt and Sudan integration charter* (1982).

Hence, the absence of two sovereign states of Somaliland and Somalia, these options are untenable and cannot generate any sensible conception and way out. If Somaliland and Somalia should become two independent states, these above options are searchable and deserve to negotiate but this time is impractical. The narratives of this paper failed to question the aborted union and its long term consequences that propelled Somaliland to extricate the merger itself through legitimate public participation. Indeed, the paper has explicitly spent a lot of efforts to introduce the policymakers and international actors with these fallacious options and the authors violated continually the rights of the self – determination and the will of the people in Somaliland.

As a result, this Briefing Paper has also made some apparent distortion on the current talks between Somaliland and Somalia and it is noticeable that the political ground of the talks is embryonic stage, Somaliland has opted this path of the talks as one way to search two state solution as many countries prevailed. In the meantime, Somaliland negotiators only represent the decision and the will of the people that has been reached by the majority of the Somaliland people in 2001.¹³

Moreover, it is obvious that this Briefing Paper attempted to degrade the Somaliland's case of independence which many regional, continental and international credible organizations proved the realities on ground, for example the African Union Fact- Finding Mission has delivered a concrete political and legitimate recommendations about the Somaliland's case of being sovereign state and the report has raised a clear signal to the African Union and rest of international Community to fully recognize the Republic of Somaliland due to its unique political phenomena and successive history.

The Union established in 1960 brought enormous injustice and suffering to the people of the region. The fact that the "union between Somaliland and Somalia was never ratified" and also malfunctioned when it went into action from 1960 – 1990, makes Somaliland's search for recognition historically unique and self-justified in African political history.¹⁴ In addition, the AU Fact – Finding Mission has also strongly figured out that Somaliland's case of the territorial integrity cannot be associated with the concept of "Opening a Pandora's box, because Somaliland inherited its international border from the British colonial rule – 1884-1960.

This Briefing Paper has made some narrow analysis on current political existing arrangement of Somaliland and Somalia, provisional Federal Constitution of Somalia was the foundation of the study aimed at to search how Somaliland constitution will be aligned with the draft constitution of Somalia, regarding these options generated by the paper. But fortunately this comparative analysis has never discovered any relevant and intersection between Somaliland and Somalia constitutions, thus, it was unnecessary discourses to compare these two constitutions which this Briefing Paper failed to understand the primacy of the Somaliland Constitutional democracy.

Apparently, Somaliland's governance structures and political system followed understandable political route based on democratic multi-party system which is presidential arrangement with clear checks and balances because of the three braches – Executive, Judiciary and bicameral parliament. *The political system of the Republic of Somaliland shall be based on peace, co-operation, democracy and plurality of political parties.*¹⁵ In contrast, Somalia is a parliamentary system that yet its checks and balances not clear because of its legal framework is draft, there are continues political conflict between in every President of Somalia and his Prime Minister even in this post- transitional period showing the legal trap that Somalia is pursuing all time.

¹³ Somaliland held its constitutional referendum in 2001 witnessed by international observers

¹⁴ Resume: Au Fact- Finding Mission to Somaliland (30 April to 4 May 2005)

¹⁵ Somaliland Constitution (2001) political system article, 9

The Briefing Paper was unable to realize that Somaliland and Somalia governance trajectory should not be linked the concept either jure or de facto state but realities on ground showing the profound divergence two states pursued. Somaliland embarked on political resilience that remarkably entertained a type of political system which many African countries cannot contest this type of governance that Somaliland tracked and it is viewed as hybrid political order which means the mixture of traditional prevalent governance systems and contemporary state features, consensus building and political compromises are significantly adopted throughout state-building and peace- building process as well as laying democratic foundations.

In contrast, Somalia state existence may only survive under the protection and safeguard of the international and regional troops and this is what this paper missed to portray the political realities in Somalia. Accurately, the analysis of the Briefing Paper is not only contradicting the facts and historical evidence but also generating ambiguities that could spoil the process of the talks between Somaliland and Somalia. The argument of the paper ultimately avoided to demonstrate any workable two state solution because political options laid down the paper are only appropriate or helping the federalism scenarios but not Somaliland and Somalia dialogue.

Despite, the paper to pretend opening a new paradigm shift that can pave the way Somaliland and Somalia to reunite again without evaluating the root causes of disintegration, there are also some favoring governance options that suitable federalism in Somalia and the authors of the paper missed to understand why Somaliland people revoked the Union in 1960, indeed, the authors of the paper have widely made clear indications to support the process of federalism in Somalia.

Although the paper was strongly fascinating how pragmatic reunification or federalism system should be adopted by Somaliland and Somalia together. But it is undeniable that there are many international organizations that have already confronted the political issues between Somaliland and Somalia for instance the Brenthurst Foundation discussion paper has wisely analyzed this political debate about Somaliland and Somalia and delivered these subsequently significant points.

For Africa, Somaliland's recognition not threatening a Pandora's Box of secessionist claim in other states. Instead it offers a means to positively change the incentives for better governance not only for Somaliland, but also in South- central Somalia.¹⁶As this paper of the Brenthurst Foundation pointed out Somaliland's recognition is impossible to encourage other self-determination entities, since Somaliland has had its international borders inherited from British colony and also as the paper indicated the recognition of Somaliland can even help Somalia to reach ultimate political solution. However, the authors were needed to take into account balancing the intent of the study through empirical and participatory manner, there is blatant of tendency that this Briefing Paper made across its analysis and options generated.

¹⁶ The BRENTHURST FOUNDATION Discussion Paper (2011) African Game Changer the Consequences of Somaliland's international (non) recognition

Central Premises of the Paper

The Briefing Paper central interpretations, analysis, intentions and terminologies used are all inapplicable to the context of Somaliland and the current dialogue between Somaliland and Somalia- *political accommodation, political interests, political conciliation, reconciliation and political arrangements*. For the benefit of the talks, this paper has obfuscated the spirit and possible two state solution. Somaliland has had clear position what it wants in pursuing these current talks between two sides, Somaliland wishes complete dissolution with its former failed Union through peaceful dialogue which the will and aspirations of the people of Somaliland have the primacy.

Thus, the paper exposed some arrangements or what the paper is called “political accommodation” which is the threshold and foundation of the analytical grounds of the paper. As the following definition, is indicating the political accommodation was not suitable to employ as tool of generating possible options that two sides can find some optimistic state arrangements.

The political accommodation as a convenient arrangement – a settlement or compromise, on the other hand, political accommodation a consociational state as a [state](#) which has major internal divisions along ethnic, religious, or linguistic lines, with none of the divisions large enough to form a majority group, yet nonetheless manages to remain stable, due to consultation among the [elites](#) of each of its major social groups. Consociational states are often contrasted with states with [majoritarian electoral systems](#)¹⁷. Considering these definitions the theoretical stand point of the paper is neither appropriate nor acceptable to Somaliland’s case as sovereign state.

Moreover, this is a type of political options that authors in this paper sketched out, how to entertain new paradigm shift that not only undermining Somaliland’s empirical sovereignty but distorting the overall image of the talks, the predetermining the political outcomes of this current talks and underestimation of political scenarios can stimulate the previous resentment and political confrontations based on historical and long term injustice.

Conclusions

Eventually, the Briefing Paper lacks all types of sensibility, rationality and realities on the ground, considering how intentionally the paper not even respected what 97% of the people of Somaliland decided. Explicitly and implicitly this Briefing Paper intimidated and miscalculated the independence and history of the Republic of Somaliland.

The paper has viewed Somaliland’s independent as political interests that can be modified on the basis of federalism and its relevant statehood process, many times the paper is looking forward how some inevitable arrangements between Somaliland and Somalia should be configured. Since

¹⁷ Oxford dictionaries – en. Wikipedia/ wiki –consociationalism

the overall central principles of the paper and its philosophical impression are neither appropriate nor relevant to what Somaliland people are seeking to achieve.

Ultimately, Pursuing current talks between Somaliland and Somalia is one way to prevail two state solution through facilitation, mediation and commitment of the international community particularly countries that had historical ties should be preferable to facilitate these talks between Somaliland- Somalia. In addition, it is quite obvious that such dearth of information from Conflict Dynamics International will not misguide both academic researchers and policymakers.

Thus, either authors campaigning against Somaliland's existence or attempting to open new paradigm, the Republic of Somaliland is a political reality that regional and international community appreciated its worthwhile state formation based on hybrid type of political order and that substantially reconciled and managed the internal differences without much external support, any options or recommendations that are threatening sovereignty and the decision of the people of Somaliland will be null and void.

Indisputably the authors of this paper were consistently and deliberately advocating the federalism slogan and the possible way that Somaliland can be convinced to be part of it, truly speaking the organization sponsored this study failed to bring any possible scenarios of two state solution.

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