



Flawed Scholarship & Dangerous Prescriptions

A Review of “Cultivating Consensus -Exploring Options For Political Accommodation And Promoting All Somali Voices” by Conflict Dynamics Int’l.

It is one of the amusing axioms of computing that the validity or veracity of the outcomes or conclusions of any computer program or model are only as good or relevant to the issue at hand as the validity or veracity of the data that is input into the program or model. This is widely known under the somewhat pejorative acronym of GIGO (garbage in garbage out). This axiom comes to mind with respect to the above **Briefing Paper by the NGO Conflict Dynamics Int’l. since it bases its analysis upon several fundamentally flawed premises which lead to unhelpful and potentially dangerous conclusions regarding what it terms as “political accommodation” between Somaliland and Somalia.**

The first premise is that the dialogue initiated between Somalia and Somaliland **presents a “gain” which can prevent or forestall “continuing or new conflicts” (see Executive Summary).** In reality the so-called dialogue between Somalia and Somaliland has thus far not only studiously avoided the pivotal issue between the parties, i.e. the sovereignty of Somaliland, but has arguably contributed to the estrangement of the two parties. This is because the only agreement of substance reached through the said talks, at the Istanbul meeting in January 2014, involved the establishment of a joint body (comprising technical committees from both sides) which was to be based in Hargeisa to control the airspace of the two territories. However, in April 2014, the SFG in Mogadishu unilaterally announced that it had signed an agreement with the International Civil Aviation Organization (ICAO) to administer and control all the airspace over Somalia and Somaliland from Mogadishu.

This announcement was made at a time when ICAO officials were visiting Hargeisa to discuss precisely the issue of control and administration over Somaliland airspace!

As was to be expected, the SFG's announcement met with angry denunciations from the Somaliland government and its banning of UN and SFG flights over its territory. In addition, while there have been sporadic skirmishes on the border between Somaliland and Puntland, or its proxies, there has not been any armed conflict between Somaliland and the SFG or its predecessors since Somaliland announced recovery of its sovereignty in May 1991. Thus, the premise that the **Somalia-Somaliland talks have been a "gain" and/or that they are or have been instrumental in preventing "conflict" between the parties** is not only flawed, but patently false. Indeed, among the public at large in Somaliland, these inconclusive talks have demonstrably increased the already widely prevalent suspicion that the SFG has a hidden agenda to induce or compel Somaliland into another union with Somalia. This perception is fostered and strengthened by repeated statements from SFG officials, including President Hassan Sheikh Mohamoud, that Somalia is indivisible and that Somaliland is but an autonomous region thereof.

Finally, the talks do not address the conflict between Somaliland and Puntland which is not related to questions of sovereignty and independence. Rather, the issue underlying this conflict is the claim by Puntland upon some eastern regions of Somaliland which have a majority population drawn from the same kinship group as that of the **majority in Puntland. Thus, Puntland's claims upon the Sool and Sanag regions of Somaliland have no historical or political foundation but are based entirely upon clan or kinship affiliation. By contrast, Somaliland's claim of sovereignty is based upon historical and political realities that arise from the colonial era and the division of Africa into defined territories with recognized political jurisdiction, even though such political jurisdiction was vested in the colonial powers. These territories achieved independence from the colonial powers, thus becoming recognized nation-states and formed what is now the AU. While Somalia (including the region of Puntland) and Somaliland formed two such**

territories as defined above, other regional states that have recently emerged from the detritus of the collapse of the Siyad Barre dictatorship twenty three years ago, i.e. Puntland, Galmudug and Jubbaland, never did. Instead, they are local responses to the inability of successive **'governments' established for Somalia by foreign powers to re-establish** the state in that country and defeat the prevalent warlords and terrorists that had established dominance in the absence of a functioning state. As such they are to be admired and encouraged, but they have no *de jure* claims to statehood.

The second flawed premise concerns the history of Somalia and Somaliland, the establishment of the Somali Republic in 1960 through the union of the ex-British Protectorate (Somaliland) and the ex-UN Trust Territory administered by Italy (Somalia) and the genesis and evolution of Somali nationalism. The Briefing Paper completely sidesteps these issues and proceeds with its analysis as though the history of Somalia-Somaliland relations commenced in 1991. This exposes a fundamental flaw in the analysis as it completely ignores the underlying rationale behind the union in 1960, tensions within the union during the civilian era, **Somaliland's** history of opposition to rule from Mogadishu, the decade long civil war with the regime in Mogadishu that resulted directly in the collapse of the Siyad Bare dictatorship, and its **recovery of its sovereignty after expelling the regime's forces. The flaw** is demonstrated by a fact in the Briefing Paper.

The paper makes repeated reference to the Constitution of the Somali Republic of July 1, 1960 without clarifying that this was the constitution of the ex-UN Trust Territory and did not evidence the union of the two countries. This union was evidenced by an Act of Union signed by the legislatures of the two states; however it transpired that the Acts of Union signed by the two legislatures were significantly different. In point of fact, the 1960 constitution, which was adopted by acclamation at a joint meeting of the two legislatures, never evidenced the union of the two states. Instead, the union of the two states was finally evidenced by an Act of Union promulgated by the legislature of the Somali Republic in January 1961 which was made retroactive. This Act

of Union was never ratified by either through a national referendum or by a union constitution adopted through universal suffrage in both constituent states. Thus, the legal and institutional Somali references for the paper comprise three constitutions for Somalia (or parts thereof) that were never ratified by universal suffrage, i.e. the 1960 Constitution, the Provisional Federal Constitution of 2012, the Constitution of the Puntland State of Somalia of 2012 and the Constitution of Somaliland of 2001 which was ratified in a referendum by an overwhelming majority of its citizens.

Since the Constitution of Somaliland was ratified by an overwhelming majority of its citizens through a national referendum in 2001 that was observed by international observers which pronounced it free and fair, it can be said with a great measure of certainty that it represents the wishes of the people of Somaliland. Thus, the simple fact is that this constitution evidences their right to self-determination which is enshrined in Article 1. By ignoring this fact completely, the paper compromises its scholarship, its utility as a tool to promote accommodation between Somalia and Somaliland that it purports to be and, indeed, its relevance to such a process.

In conclusion, while the Briefing Paper has laudable aims and clearly outlines a veritable menu of options or models for relations between Somalia and Somaliland, it suffers from the substantial flaws outlined above. It starts from a very questionable characterization of the status of the talks between Somalia and Somaliland instead of addressing head-on the clear and evident failures and weaknesses of a process that was initiated at the behest of foreign powers and entered into by both parties without an agenda or a clear end goal. The paper then builds upon this house of cards through an analysis that ignores the history of the Somali Republic that was established in 1960 which underlies, informs and continues to affect the relationship between the two states to this day. Finally, by completely ignoring the political aspirations of the people of Somaliland and the endemic suspicion among the vast **majority of Somaliland's youthful population regarding the intentions of**

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Somalia regarding their hard won, de facto, sovereignty, the paper fatally compromises both its utility and relevance.

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