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PRESS RELEASE

Somaliland: A Unique State and Nation Spanning 3 Centuries

A SSE Statement on the 25th Anniversary of the Re-assertion of the Independent State of Somaliland

25 years and going strong

On **18 May 2016**, Somalilanders everywhere are marking the 25th anniversary of the re-assertion of the independence of the State of Somaliland, now called the Republic of Somaliland, and are busy strengthening their peaceful, democratic state in a region where both peace and democracy remain elusive. The warning that liberty may be acquired, but is never recovered if it is once lost¹ resonates with Somalilanders who on acquiring their independence from Great Britain on **26 June 1960** gave it up hastily for an unattainable dream of building a union of all the five territories inhabited by ethnic Somalis in the Horn of Africa. They re-acquired their lost independence, only at a considerable cost, on 18 May 1991. That lesson has been well and truly learnt and Somaliland's independence and sovereignty will never be compromised again.

In addition to the two dates mentioned above, there is another less well known date that marks the beginning of the distinct Somaliland national identity. This was the formal declaration of the colonial state, the British Somaliland Protectorate, on **20 July 1887**. Like in many other African, Arabian and Asian countries which were created by the European colonial powers in the latter half of the 19th century or the beginning of the 20th century as new colonised 'states' or territories with international borders respected to date, the distinct national identity of Somaliland now spans three centuries. We explained that national identity in more detail in our SSE Statement² of 30 October 2014.

Independence re-acquired

Whilst we will all be also celebrating next month on 26 June (Independence Day) the birth of the independent State of Somaliland, 18 May (Re-acquisition Day) involves not only celebrations, but also commemoration and remembrance of the atrocities, mass killings and the destruction of all the main towns by the armed forces of the then Government of the Somali Democratic Republic, which was neither democratic nor a Republic. These planned and systematically executed acts marked the end of the hasty 1960 union of the two states of Somaliland and Somalia – a union whose central plank of democracy enshrined in its Acts of Union³ and constitution were all already torn up by a Military dictatorship⁴ in 1969. In turn when, in January 1991, the Somali Democratic Republic state collapsed, a few individuals in Mogadishu crowned themselves as rulers, thereby jettisoning the 1979 Constitution, as well. Somaliland's

re-assertion of its independence on 18 May 1991 was, as confirmed by the ICJ⁵, not contrary to international law, and neither was there, any longer, any semblance of an existing constitutional order. The state that disappeared was neither governed democratically, nor respected human rights and it beggars belief that its remnants and other claimants and pretenders that came after it were allowed to claim non-existent 'territorial integrity' over territories that they have never controlled.

Somaliland and Somalia are different

Two independent countries called Somaliland and Somalia united in July 1960 and not two regions⁶, as sometimes portrayed in the Somalian press. As was repeatedly pointed out by the late President Egal, Somaliland, even during its 'union' with Somalia, was never part of a country called SOMALIA. Both the Acts of the Union and the 1960 Constitution⁷ confirmed that following their union, the new state shall be called the SOMALI REPUBLIC. There was no discussion anywhere or agreement that the name of one or the other of the two states that united (i.e Somaliland⁸ and Somalia⁹) should continue to be used. Indeed both of the names were colonial constructs as the suffix 'land' (of Germanic origin) and 'ia' for new states (and 'stan' in others) are used worldwide in numerous countries with different languages from Finland to Nigeria, and neither is any more or less Somali than the other. Yet Somalians continued to refer to the 'united' state as 'Somalia', an attitude that very much represented the lopsided nature of the union in so many different issues.

Since 1991, it is of course, up to the Somalians what they call their country/state, and we note that both their 2004 Charter and their 2012 Interim Constitution refer to their country as the Federal Republic of Somalia¹⁰. Despite the Somalian claims, the reality which the world is aware of is that Somaliland has never been party to the various Somalia conferences held since 1991 and to the various political dispensations for Somalia that started in 2000 onwards and are still ongoing, with the latest ones being for this year and, as recently announced also for the year 2020. Somaliland has its own constitution and government elected in popular elections¹¹.

Somali ethnicity across national borders

It is common ethnicity evidenced by, among other things, common language and culture etc. (and common religion) that all the Somali people who inhabit the five territories of the Horn shared, but there was never one single state¹² they all shared. Today ethnic Somali leaders in the capitals of three of these territories (Hargeisa, Jigjiga and Djibouti), which are only a few hundred miles of each other, share no common nationality or national origin but meet co-operatively about the common affairs of their three countries and often also meet ethnic Somali ministers and members of the Parliament of Kenya. However, the continuing fatuous Somalian claim over Somaliland makes any similar very close co-operation and joint working impossible. One only needs to look across the Gulf of Aden to see examples of ethnic Arab small and large states, some of whom with past common governmental structures at various times, co-operating side by side in peace and mutual support.

An amicable parting or another costly war?

In this third decade since the end of the defunct union between Somaliland and Somalia, we repeat again our previous plea and warning. We saw in Europe, in 2014, how one of the oldest democracies, the United Kingdom, had contemplated the end of the

prosperous and peaceful 300 year old union of England (population then 54.3 million) and Scotland (population then 5.3) through the exercise of self-determination by the people of Scotland. We mention this again because, in the case of Somaliland and Somalia, there has actually been no union at all for not only the last 25 years but also for the preceding 6 or so years when there was what was described 'a government at war with its own people'¹³. Our underlying message is that it is imperative that the defunct union is laid to rest peacefully to avoid another costly war.

The International Community

Many new countries in Europe and elsewhere have joined the international community since 1991 and it appears that Somaliland's location in Africa and its misfortune to have been once part of the one of the most drastic state failures have overshadowed its unique (*sui generis*) case as highlighted in the conclusions of the African Mission to Somaliland¹⁴ in 2005. For decades, the international community has been, understandably, preoccupied with re-establishing peace and governance in Somalia and has repeatedly failed to address the status of Somaliland properly.

The spurious claims about Somaliland made by various changing faces in Somalia ranging from the warlords of yesteryears to various appointed persons that followed have so far been accepted, without any questioning. It is incredible that in spite of the fact that Somaliland leaders, parliamentarians and local councillors elected in popular elections governing the country, the Somalian authorities in Mogadishu often portray individuals of Somaliland origin who represent no one but themselves as representing Somaliland in Somalia. These practices which are sold to the international community fool no one and are disingenuous and fraudulent. We ought to be all concerned about the messages that these dubious practices and the continuing disregard of the Somaliland people's exercise of their right to self-determination 25 years ago send to the vast majority of the Somaliland population who are aged under 30 years.

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¹ Jean-Jacques Rousseau, French Philosopher (1772 – 1778).

² SSE (2014) Somaliland's Union and Disunion and the Lessons of the Scotland Referendum, section 3. Available at: http://www.somalilandlaw.com/SSE_Somalilands_disunion_Scotlands_Ref_R2.1.pdf

³ See for example, Art. 1 of the belated 1961 Act of Union 'Somaliland and Somalia, being united, constitute under the Constitution the SOMALI REPUBLIC, which shall be an independent, democratic and unitary republic'. Copy of the 1961 Act is available at: http://www.somalilandlaw.com/Act_of_Union_Law_No._5_of_31_January_1961.pdf

⁴ The 1960 Constitution was abrogated initially by the First Charter of the Coup on 21 October 1969 and expressly annulled by the Decree of the Supreme Revolutionary Council No. 38 of 24 February 1970. In 1979 a new Constitution was introduced which was endorsed by a national referendum that was held by the Dictatorship on 25 August 1979 - the outcome was reported as being a Yes vote of 99.79% (3,597,592 Yes votes).

⁵ Accordance with the International law of the Unilateral Declaration of Independence in respect of Kosovo, Advisory Opinion, 22 July 2010, ICJ Reports 2010.

⁶ See note 3 above. At the time of the union, Somaliland was divided administratively into 6 principal districts and Somalia into 6 regions (consisting of over 30 districts). It was only in 1961 that the 6 Somaliland districts were grouped into two regions (Hargeisa and Bura) of 3 districts each and throughout the 1960s although the number of districts increased, the total regions remained 8. The mushrooming of regions and creation of many more further districts took place during the dictatorship era.

⁷ The Constitution which was already drafted for Somalia from 1957 onwards and was accepted by

Somaliland 'as the basis for the constitution of the new Republic' also confirmed formally that it was, as titled, the 'Constitution of the Somali Republic', although unusually the name 'Somalia' was left in clause 1.1 (and was later removed in the 1979 Constitution) and clause 1.5 which referred to the 'the emblem of Somalia' that was indeed the pre-union emblem of Somalia adopted in 1956 (see below note 9).

⁸ As we have stated above, Somaliland was called the British Somaliland Protectorate from 1887, then in 1960, on independence, Article 1 of its first (1960) Constitution of Somaliland formally referred to the new independent country as Somaliland. (The 'State of Somaliland' was also used). Copy of the Constitution available at: http://www.somalilandlaw.com/somaliland_constitution_1960.HTM

⁹ Although during the Trusteeship period, the UN referred to Somalia in its documents and reports as 'Italian Somaliland', the Italian trusteeship administration of the country from 1 April 1950 was formally known as AFIS - *Amministrazione Fiduciaria Italiana Della Somalia*. Prior to that, after the defeat of the Italians in the War, the country was administered by British Military Administration from 1941. However throughout the Italian colonialism, the country was (contrary to Wikipedia) called '*Somalia Italiana*' (Italian *Somalia*) and for a few years before 1941 it became part of the *Africa Orientale Italiana* (Italian East Africa) which covered Italy's occupation of Ethiopia and Eritrea, as well. With internal elected Somali government from the beginning of 1959, the Internal administration's name changed to '*Governo della Somalia*' - Somalia Government - as can be seen in the Official Bulletins of 1959 and early 1960. The drafting of the post-independence *Somalia* Constitution was started in September 1957. Earlier, the Flag of Somalia (*Bandiera della Somalia*) was adopted under Ordinance No. 17 of 6 September 1954 - http://www.somalilandlaw.com/Somalia_Flag_Ordinance_1954.pdf. The Emblem of Somalia (*Emblema della Somalia*) was adopted under law No. 11 of 10 October 1956 - http://www.somalilandlaw.com/Somalia_Emblem_1956.pdf (Sources: Official Bulletins 1950, 1954, 1956 and 1959 and Tripoli P (1999) *The Colonial Legacy in Somalia*, Macmillan Press: London).

¹⁰ Indeed the 2012 Interim Constitution specifically refers to 'Somalia' (Art.1(1)) and the 2004 Charter included Art. 1(3) which simply stated that 'Somalia' was the same as 'Somali Republic' or the 'Republic of Somalia' or the 'Somali Democratic Republic'.

¹¹ For further information see our August 2012 Statement 'SOMALILAND: We have our own Constitution and Elected Representatives'- available at: http://www.somalilandlaw.com/Somaliland_Aug_2012_Statement_Final.pdf

¹² There was, in the words of IM Lewis no 'tradition of political unity at this level of the transcendent nation and, a fortiori, no tradition of statehood based on Somali culture' before the making of the colonial states - Lewis IM (2010) *Making and Breaking States in Africa: The Somali Experience*, The Red Sea Press Inc. 201.

¹³ Africa Watch, Somalia, [A Government at War with its own People](#): Testimonies about the Killings and The Conflict in the North, Africa Watch Report 1990

¹⁴ African Commission, Resume: AU Fact-finding Mission to Somaliland (30 April to 4 May 2005), (African Union 2005).