

SOMALIA AND SOMALILAND:

Envisioning a dialogue on the question of Somali unity

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Introduction

Not for the first time since the collapse of the Somali government in 1991, international mediators are struggling to assist Somalis to rebuild their failed state. If the current round of peace talks in Nairobi, Kenya, is successful, then a comprehensive peace agreement should be signed by mid-2004. If not, and the talks succumb to the regional rivalries, parochial disputes, and mediocre leadership that have hamstrung their progress since October 2002, then Somalis must resign themselves to several more years of political disorder and occasional violence.

The conclusion of a peace agreement, however, will mean that the real work is just beginning. Somalia's faction leaders have signed innumerable settlements in the past, only to resume their skirmishing to even more deadly effect. Many observers doubt not only the faction leaders' collective commitment to peace, but also their capacity to fulfil the fundamental obligations of a transitional government. Such concerns notwithstanding, the implementation of a Somali peace agreement will face formidable challenges. Negotiating the structure and systems of a federal state will be delicate and potentially divisive. Demobilisation and disarmament, as well as the creation of new security forces, will be fraught with mistrust and anxiety. The collec-

tion, sharing and distribution of revenues will be fiercely contested; and preparations for a new constitution and national elections will be complex, painstaking and easily derailed.

Arguably the thorniest problem facing a new transitional government will be the unity of the Somali Republic. The Republic of Somaliland (northwest Somalia) declared its independence from the rest of the country in 1991. Although it has yet to earn recognition as a single member state in the United Nations (UN), Somaliland, through its relative peace and stability, has earned the support and sympathy of a number of governments inside and outside Africa. A constitutional referendum in 2002 found that a significant majority of Somaliland's inhabitants approved of the independence platform—an observation confirmed by numerous independent reports and media accounts.

But Somaliland's aspirations to independent statehood are anathema to a significant minority of Somalilanders, and to the vast majority of southern Somalis as well. It may be no exaggeration to state that the question of Somali unity is the most divisive and emotive dimension of the crisis. A transitional Somali government will undoubtedly claim sovereignty over the entire territory of the former Somali Republic, including Somaliland, which might bring matters to a head. Ideally, some solution of the dispute will be found

through dialogue. Unresolved, it could lead to violent conflict between Somali unitarians and the proponents of an independent Somaliland.

Background

Somaliland's declaration of independence on 18 May 1991 was an impromptu event. The political and traditional leaders gathered at the dusty northern Somali town of Bur'oo had come to discuss peace, not secession. Since 1982, the Somali National Movement (SNM), a guerrilla movement drawn chiefly from the northern Isaaq clan, had struggled to unseat the military government of General Mohamed Siyaad Barre. The conflict had escalated dramatically in 1988, when the SNM seized control of the major northern towns and the government responded with a scorched earth campaign that left tens of thousands of civilians dead and forced nearly half a million into neighbouring Ethiopia as refugees. During the course of 1989 the SNM was joined in its efforts by two southern clan-based factions,¹ and in January 1991 rebel forces seized control of the Somali capital, Mogadishu.

The leadership of the three fighting fronts had previously agreed that the Somali Democratic Republic should remain unified, but under a federal rather than a unitary system. But many ordinary Isaaq had long believed that the true aim of the struggle was independence from southern Somalia,² and in the months following the collapse of the Barre regime the separatist lobby had begun to gather momentum. In April 1991, SNM leaders and northern Somali traditional elders gathered in Bur'oo intending to conclude a lasting ceasefire and establish a transitional administration for Somalia's north-western regions. But on 18 May they reached an entirely unexpected decision: the dissolution of Somaliland's 1960 union with Somalia, and the restoration of its sovereignty as an independent state.³

The immediate trigger for the decision appears to have been an announcement over Mogadishu radio, three days previously, that

the SNM had agreed to attend a conference in Cairo with southern political movements—a decision that was deeply unpopular among their supporters. However, the decision of the SNM's wartime allies from the south unilaterally to declare a new national government was probably an equally important factor. Mass demonstrations erupted through the Isaaq-inhabited regions of northwest Somalia, and on 16 May angry crowds converged at the Bur'oo meeting hall, where the SNM central committee was in session. After a one-day pause, the SNM leadership bowed to public pressure and declared Somaliland's independence.

Given the spontaneity of the event, there was no way of accurately assessing, at the time, the scope, depth and durability of separatist sentiment. Genuine support for independence was located almost exclusively within the Isaaq clan, which represents the majority of Somaliland's population. For them, rule by Mogadishu had become identified with discrimination, oppression and quasi-genocidal violence. Although representatives of other clans formally endorsed the declaration,⁴ some claim to have done so only as a tactical concession, in the interests of peace. The apparent fragility of the separatist platform was underscored three years later. In 1994, Somaliland's first president, Abdirahman Ahmed Ali "Tuur",⁵ having been ousted from office by a rival faction within the SNM, declared himself in favour of federation with Somalia and joined the self-proclaimed Somali government of General Mohamed Farah Aydiid in Mogadishu. Civil war erupted in Somaliland, with opposition leaders claiming (inaccurately, as it turned out) that their supporters favoured federation over independence.

Somaliland survived the federalist challenge intact, and with its commitment to separate statehood apparently undiminished. In the 13 years since the declaration of independence, Somaliland separatism has evolved from a relatively superficial platform to express clan grievances into a more nuanced and complex political reality. Although the dissolution of Somalia's 1960 union is still

vigorously opposed by some within Somaliland and by most southerners, for a majority of Somalilanders the prospect of independent statehood continues to be more attractive than unity with the south.

Nevertheless, Somaliland remains unrecognised, and its aspirations to independence are vigorously opposed by sections of the international community, especially the African Union (AU) and the League of Arab States. Successive resolutions issuing from these organizations and the European Union (EU) and UN have reaffirmed their recognition of the unity and territorial integrity of Somalia. More than a dozen peace initiatives between 1991–2003 have aimed at the restoration of a Somali government based in Mogadishu that would also exercise jurisdiction over Somaliland – despite the consistent lack of participation of credible representatives from Somaliland. Likewise, the most recent effort, an ongoing peace conference in Nairobi, Kenya, under the auspices of the Inter-Governmental Authority on Development (IGAD),⁶ aims to establish transitional federal institutions with authority throughout the territory of the former Somali Republic.⁷

The political and legal arguments in favour of Somaliland's case for independence have been extensively covered elsewhere, and they will not be recapitulated in this paper.⁸ Nevertheless, Somaliland's political leaders have long argued that their government is prepared to enter into dialogue with a southern government when one eventually emerges. Many observers, both Somali and international, have chosen to interpret such statements as evidence that Somaliland's commitment to independence remains flexible. If so, then it seems reasonable to expect that the formation of an interim Somali government could be followed by dialogue with Somaliland, leading either to a mutually acceptable form of association or an amicable divorce.

Renegotiating the union

The notion of dialogue between a transitional government in Mogadishu and a Somaliland government in Hargeysa offers an attractive

and superficially plausible method of addressing the issue of Somali unity. In practice, it is likely to prove a complex proposition, and one that could easily exacerbate tensions rather than mitigate them.

Getting to the table

Any Somaliland government that moves towards dialogue with the south must be prepared to confront vigorous internal opposition, including allegations of a “sell-out”. Before committing themselves to such a potent political risk, Somaliland's leaders are likely to first evaluate the credibility of their southern negotiating partners. The stability of an interim Somali government, the quality of its leadership, and the degree to which its commitments would be respected by its successors would all come under scrutiny. A fragile, provisional government of national unity might be poorly placed to offer unpopular concessions. Thus it might prefer to retreat into populist, unionist rhetoric in order to shore up its support base in the south. From Somaliland's perspective, there would be little point in discussing its sovereignty with such a feeble and inflexible partner, except possibly to demonstrate the futility of dialogue. External parties may harbour similar reservations: international observers of the Intergovernmental Authority on Development (IGAD) peace process asserted in early 2003 that an interim Somali government would lack sufficient legitimacy to alter the country's international commitments or status.⁹ They may therefore question whether an interim authority would be competent to take binding decisions on the issue of Somali unity.

Likewise, a southern government will have to contend with domestic opposition to a dialogue with Somaliland. Some southern leaders will argue that bilateral dialogue with Somaliland is tantamount to recognition of the breakaway state. Others may feel that bilateral negotiations between Mogadishu and Hargeysa might upset existing power-sharing arrangements amongst southern groups, by awarding excessive importance and legitimacy to Somaliland and its administration.

Status of the parties

With sufficient goodwill on both sides, reinforced by arm-twisting from international parties, the initial reservations felt by Somalia and Somaliland about a bilateral dialogue could probably be overcome. The next hurdle on the path to negotiations between the two governments would probably be the relative status of the two parties. The Somaliland leaders consider that their polity has broken away from Somalia, whether or not others choose to recognize that fact, and will therefore initially insist that a meeting be conducted as between two sovereign states. A southern Somali government, on the other hand, will approach Somaliland as a secessionist entity acting in defiance of a legitimate national government, and will expect this unequal relationship to be manifested at the bargaining table.

Such differences over status are not uncommon in peace negotiations, and can probably be addressed by a formula that provides for talks between sovereign equals, without prejudice to the legal status of either party.

Agenda

With status issues resolved, the two parties will approach talks with very different aims and expectations. In setting the agenda, both will naturally seek to predetermine, as far possible, the final outcome of the negotiations.

On Somaliland's part, this will probably entail the demand that dialogue be without preconditions, leaving independence as a possible (if not probable) outcome. This will be unacceptable to a transitional Somali government, which will inevitably seek to preclude the formal break-up of the Somali state as a product of the talks.

The positions of the two parties will reflect not only their respective preferences or principles, but also the real political and legal constraints they must each contend with. For example, while a clear majority of northerners seek independence for Somaliland, an approximately equal proportion of southerners reject it. A Somaliland government can no more afford to cede sovereignty to Mogadishu than a southern government can afford to

acknowledge Somaliland's independence. On this crucially sensitive issue, leaders on both sides will be acutely aware that to defy the will of their respective constituencies would be tantamount to political suicide.

These mutually exclusive positions find legal expression in the respective charters of the two polities. Somaliland's leaders are bound by their 2001 constitution to uphold the sovereignty and independence of their state. An interim government in Mogadishu will be similarly charged by the transitional national charter to defend the unity and territorial integrity of Somalia. In order to enter negotiations at all, one of the two governments (possibly both) would have to be prepared to contemplate altering or violating the legal instruments from which it derives its authority.

In Somaliland, the situation is further complicated by ancillary legal considerations. First, Article 1 of the May 2001 constitution stipulates that "sovereignty resides in the people", implying that any alteration of Somaliland's sovereign status would require a popular mandate and could not be taken by the administration alone. Since that same constitution was approved by general referendum, it would be difficult for the Somaliland government to alter Somaliland's sovereign status without submitting the question to a second plebiscite. Such considerations may seem arcane to outsiders, but since the Somaliland government is democratically elected, it can ill afford to ignore them.

One way of splitting the difference between north and south might be to borrow a chapter from the current Sudanese dialogue and to discuss unity as a "priority". While southern unionists could probably accept such a formula as a basis for talks, Somaliland's leaders are more likely to insist that the "priority" assigned to unity be purely procedural rather than political. In other words, they will insist that the negotiations should first explore the possibility of association and, if that fails, advance to arrangements for legal separation.

The shape of Somali unity: restructuring the state

In negotiating a hypothetical association, one of the first orders of business would be the structure of a united Somali state. The opening positions for this aspect of the negotiations are far apart.

From Somaliland's perspective, anything less than outright independence would represent an extraordinary sacrifice, and would require dramatic concessions from the south to make it worthwhile. The next best arrangement would be a bilateral confederation between sovereign equals. Somaliland's negotiators would probably argue that anything less would fail to win public support, and would strengthen the hand of hard-line separatists. In the unlikely event that they could be persuaded to consider an even more centralized form of unity, they would take as their point of reference the number of parliamentary seats and cabinet posts allocated to the State of Somaliland (roughly one-third of the total) upon unification with the south in 1960. But this would place the talks on shaky ground. Somalilanders often blame the failure of the initial union on the inadequacy of the 1960 arrangement, and are convinced that only a more equitable merger could succeed.

For their part, southern leaders will be concerned that significant concessions to Somaliland—say, of the kind required by a bilateral confederation—could upset the delicate transitional power-sharing arrangements in the south. Consensus in the south has been shifting, although with great difficulty, towards some kind of federalism, probably involving four or five relatively autonomous states—one of which would be Somaliland.¹⁰ Since this would ostensibly award Somaliland only one-quarter or one-fifth of the “national cake” (less than the one-third share implied by the 1960 union, and far less than a bilateral confederation would offer), it would almost certainly prove unacceptable to the separatists.

Of course it would be both inaccurate and deceptive to equate the power-sharing arrangements of a unitary state with those proposed under a new federal structure.

Somaliland would retain a far greater degree of autonomy and sovereignty within a federation than it did following the 1960 union. But the political and legal subtleties of a federal formula will be unfamiliar to most ordinary Somalis and public discourse on the topic will tend to reduce any settlement to a simplistic “cake-cutting” exercise. The more complex the formula, the harder it will be for leaders on either side to sell it to their respective constituents.

An asymmetrical federation or confederation could conceivably bridge the gap between the kind of confederal arrangement that might mollify northern separatists and the federal structure proposed by some southerners. Asymmetry might entail a “confederation” between a unitary Somaliland and a federal Somalia. Under this arrangement, Somaliland would receive a greater degree of autonomy than other member states of the union, a larger share of national representation and possibly the option of a referendum on independence at some specified point in the future (*à la* Sudan). This would allow Somaliland to subscribe to elements of the interim charter or constitution already in force in the south, while imposing certain conditions. These would probably take the form of restrictions on the deployment of southern military forces or police in its territory, decentralized control over revenues or foreign assistance, and/or limitations on the political rights of non-Somalilanders (such as their eligibility to run for electoral office in Somaliland). It might also eventually open the door for certain regions of Somaliland to opt for closer ties to the (southern) federation while permitting others to retain their confederal status.

There are two reasons why an asymmetrical federation might prove problematic. First, many southern Somalis will vehemently resist the notion that any region or clan should be given preferential treatment.¹¹ The greater the concessions to Somaliland's special status, the more opposition they will face from southerners who perceive these to be unjust and a threat to the long-term stability of the new union. Second, the separatist leaders in

Somaliland will have little confidence in the legal and institutional intricacies of such a mechanism, and may have difficulty in persuading their constituents of the merits of asymmetrical union as an alternative to outright independence. Despite its hypothetical merits as a possible compromise, in practice a proposal for asymmetrical federalism is likely to meet with condemnation from both sides.

Beyond unity: prospects for integration

A negotiated settlement between the governments of Somalia and Somaliland would not of itself result in a stable and durable union. Its implementation will require great care and sensitivity, if the deal is not to collapse. The hasty and haphazard process of integration following the 1960 union was one of the root causes of the alienation between north and south, and the subsequent war in the north between the SNM and the Somali government. Successful integration of the two territories will be critical to sustaining support for the union, preventing a return to both secessionism and violent conflict.

To be successful, integration ideally requires the merger of two democratic polities at similar levels of political and economic development. The greater the differences between the partners in a merger, the greater the political and economic capital that must be expended to make the union viable. Somaliland and Somalia have evolved along very different trajectories for more than a decade, making their proposed amalgamation a formidable challenge.

Somaliland's political system has progressed some way in the direction of a constitutional democracy. In May 2001, a constitution was approved by referendum. Local elections took place in December 2002; presidential elections followed in April 2003; and legislative elections are expected to complete the transition to a multiparty system by mid-2005, if not sooner. Though weak, Somaliland's democratic experiment is characterized by vigorous political pluralism, exceptional press freedom and reasonable respect

for human rights.

Though southern Somali political leaders routinely express their determination to move in the same direction, they are many years behind Somaliland in terms of political development. An interim Somali government, when one is formed, is likely to be dominated by faction leaders whose democratic credentials are doubtful. Genuine democratisation will be postponed until the expiry of the interim government's mandate and the transition to a democratically elected civil administration. Although the interim period envisaged in the current peace process has been set at five years, it is quite possible that the transition will actually take much longer.¹² The Somali Transitional National Government (TNG) declared in August 2000 following a peace conference in neighbouring Djibouti utterly failed to undertake its transitional duties within its three-year mandate. The first president of Puntland, an autonomous regional administration in north-eastern Somalia,¹³ circumvented the prescribed transitional arrangements, plunging his region into conflict and postponing indefinitely the political transition to an elected administration. Somaliland's transition has so far required more than a decade, and is still incomplete.¹⁴ There is no reason to believe that an unwieldy interim government of national unity will be any more successful in meeting its initial transitional targets and deadlines. It must also be taken into consideration that the interim arrangements could break down at any point, causing the peace process to collapse. The integration of two largely incompatible systems—Somaliland's embryonic democracy on the one hand, and Somalia's fragile transitional national structure on the other—would run the risk of destabilizing both.

The duties of a interim Somali government will be laid out in a transitional charter of some kind. This is likely to take the form of an agreement that represents a complex compromise between diverse southern Somali interests, but without significant input from Somaliland. Since Somaliland is unlikely to simply accept a southern peace agreement, provisions dealing with everything from rev-

enue sharing and currency to security forces and electoral systems will have to be either amended or added.

The chances of successful integration would be greatly improved by robust international diplomatic engagement, external economic support and, most important, the existence of mature, capable and committed political leadership on both sides. At the moment, few Somalilanders are enthusiastic about the prospects for integration, and few southerners seem prepared to make the kind of concessions that might make unity more attractive to the north. Leaders on both sides are inclined to be inflexible and populist rather than visionary and statesmanlike in their approach to the unity issues. And foreign governments remain committed to the principle of Somali unity, while lacking sufficient interest or engagement to invest substantively in its success.

Negotiating separation

Many Somalilanders consider their independence to be non-negotiable and irreversible. They oppose any discussion on the topic of association and view the prospect of dialogue with the south solely as an international requirement for obtaining international recognition as an independent state. The dominance of the separatist platform in Somaliland politics, enshrined in constitution and reinforced through the electoral process, means that no Somaliland government will be able to hazard dialogue with the south unless independence remains an option. In order to justify such a risk, Somaliland's leaders would also probably seek reasonable assurances of international recognition if unity proves unworkable.

However, negotiating a mutually acceptable formula for separation is likely to prove no less difficult than a workable formula for unity, partly because of reluctance in the south to accept the break-up of the Somali Republic. Another reason is Somaliland's assertion that its exercise of self-determination should be independent of southern influence or control.

An "Eritrean–Ethiopian" solution?

Foreign diplomats have sometimes suggested an "Eritrean–Ethiopian" solution to the Somali problem. In other words, Somaliland would have to obtain the recognition from Mogadishu before other foreign governments would follow suit. This precedent is especially attractive to African governments, since it permits them to exercise a degree of control over secessionist dynamics elsewhere on the continent. In the Somali context, this would be equivalent to awarding a southern government a right of veto over Somaliland's assertion of the right to self-determination. This is a scenario that is reminiscent of the 1961 referendum, when the rejection by the north of a new unitary constitution was swept away by a tide of "yes" votes from the numerically dominant south.¹⁵ Somalilanders are probably correct in their assumption that, given the chance, southerners would once again vote overwhelmingly in favour of continuing unity. Since Mogadishu's veto of Somaliland's independence is virtually assured, committed separatists will feel compelled to reject the Eritrean–Ethiopian formula outright. This time, Somaliland's leaders will almost certainly argue, the decision should belong to Somalilanders alone.

A "Sudanese" solution?

As in the Sudanese peace process, Somaliland's leaders might be prevailed upon to accept a trial period of co-existence with Somalia under transitional legal arrangements, before Somaliland's final status is determined via referendum.

Despite vast differences between the Sudanese and Somali cases, this option has a number of intriguing features. A trial period of "cohabitation" might serve to develop communication between the two sides and encourage open debate on the question of unity. Both sides would be under pressure to uphold justice, democracy and effective administration, since public opinion is likely to be swayed by the quality of governance rather than by rhetoric alone. Perhaps most significantly, the international legal principles of self-determination and territorial integrity

would be given equal weight in the determination of Somaliland's future status.

But several key ingredients required for the Sudanese peace process are lacking in Somalia. Unlike those of the Sudanese People's Liberation Movement (SPLM), the leaders of Somaliland would find it difficult to agree to join a government of national unity during the interim period, since this would technically oblige them to abandon their claim to independent statehood. Nor is Somali unity likely to bring the kinds of "rewards" that are on offer in Sudan, where the inducements of increased oil revenues, foreign investment and large-scale donor commitments will help to make a peace agreement desirable. On the contrary, the very limited nature of the Somali "peace dividend" is likely to leave most Somalis dissatisfied, sharpening perceptions of inequity, breeding resentment and – in Somaliland – fuelling separatist sentiments. Somalilanders would also oppose the Sudanese option if the "peace dividend" – foreign aid – were to be channelled through Mogadishu during the interim period, favouring a southern government and providing it with an opportunity to undermine the political arrangements of the north.

If, as in Sudan, a referendum were the agreed instrument for determining Somaliland's final status, some southern leaders would undoubtedly argue that all Somalis should vote on the issue. The Somaliland leadership, remembering what happened in the 1961 referendum, will insist that only the people of Somaliland have the right to cast ballots. Even so, a Somaliland-only ballot will not entirely resolve the problem: southerners will demand that the results be tallied on a region-by-region basis. This would permit the eastern Sanaag and Sool regions to opt out of the secession if a majority of the Dhulbahante and Warsengeli populations so cast their ballots.¹⁶ However, since the loss of Sool and eastern Sanaag would mean forfeiting the boundaries received by Somaliland at the moment of independence, it would almost certainly disqualify it for admission into the AU, which would jeopardise the likelihood of its being granted international recognition.

Somaliland will thus insist that any referendum be settled by a simple majority vote by its own citizens.

A matter for Somalis to decide?

In diplomatic circles, the question of Somalia unity is routinely described a matter best left for Somalis to decide. This is a disingenuous and deceptive argument to the extent that it refers only to the recognition of Somaliland; most foreign governments stand ready to recognise a new Somali government when one finally emerges, implicitly accepting its claims to sovereignty over Somaliland as well. In the context of the mutually exclusive claims of the authorities in Mogadishu and Hargeysa, international recognition of one or the other would be deeply prejudicial to the resolution of the unity question and might endanger the prospects of a genuine Somali dialogue on the issue. In effect, the issue of unity would have been decided even before dialogue could be opened.

If a transitional Somali government eventually emerges from the current round of peace talks in Kenya (or from any subsequent process), its leaders and their sponsors in the region will immediately seek international recognition and support. Recognition in any degree would tacitly acknowledge the new government's claims to jurisdiction over Somaliland and discourage further negotiation on the question of unity. Having been awarded international recognition and legitimisation, southern Somali leaders might then be tempted to treat the Somaliland government as a rebel faction rather than as an equal partner in the pursuit of a comprehensive and enduring peace.

Under such circumstances, it is questionable whether a meaningful dialogue between Hargeysa and Mogadishu could be engaged at all. Neither party is likely to recognise the legitimacy of other. Having earned international recognition as the custodians of Somali sovereignty during the interim period, Somalia's new leaders would be duty-bound to preserve their country's unity and territorial integrity. Somaliland's leaders, on the other

hand, would be confronted by a dilemma: whether to pursue their demands for independence in an increasingly unfavourable international environment, or renegotiate the union from a clearly disadvantaged position.

An interim Somali government will enjoy a critical advantage over Somaliland: juridical recognition, which implies privileged access to external resources, and a monopoly on the legitimate use of force throughout Somali territory. The leadership of the interim government may of course choose how best to deploy this leverage; there will inevitably be some temptation to exploit the ascendancy of office for political consolidation rather than for reconciliation and reconstruction. The prospect of a military confrontation between an interim Somali government and Somaliland is implausible, because a provisional Somali government will – at least for several years – lack the forces and resources to project military power in such a way. A more likely deployment of its powers would be the distribution of resources, contracts and political appointments in a way calculated to attract the loyalty of individuals and groups from within Somaliland. The example of the TNG established in August 2000 is instructive in this regard: rather than engaging its challengers in dialogue, it deployed financial and military means throughout Somalia, notably the areas controlled by the Rahanweyne Resistance Army (RRA),¹⁷ Puntland and Somaliland, in order to co-opt and destabilise.¹⁸

While intervention of this kind could potentially unsettle Somaliland, it might only damage, not eliminate, separatist sentiment. It might even reinforce demands for independence by compounding Somaliland's sense of historical humiliation and grievance. Imposing unity in this way would thus achieve little more than displacing the Somali conflict from south to north. This might serve the short-term objectives of an interim government by undermining Somaliland's credibility as a stable and sovereign entity. However, over the long term it would also illustrate the government's inability to pacify large stretches of its territory, while absorbing

a significant proportion of its scarce financial resources.

In sum, the future of the Somali republic is unlikely to be decided by Somalis alone. International recognition of a new interim government will tip the scales in favour of Somali unity, making the prospects for a peaceful, negotiated settlement with Somaliland more difficult. Also, by presenting Somalis with such a *fait accompli*, such recognition might inadvertently polarise the situation further, and raise fears that a new chapter in the Somali war will open.¹⁹

The way forward: preventive diplomacy

Were the current round of Somali peace talks to collapse, it is not inconceivable that Somaliland will receive the international recognition it seeks. This would present a whole new range of scenarios for managing the relationship between the two sovereign states so as to defuse the natural tensions between them, and to maintain peace and stability in the Horn of Africa.

If an interim government does emerge from the talks, however, the challenge for the international community will be to encourage its success while mitigating the likelihood of tension and conflict arising over the Somaliland question. Striking the right balance, however, requires that the prevailing "wait-and-see" attitude should be discarded in favour of active preventive diplomacy.

A first step might be for the AU Peace and Security Council to take the issue of Somaliland under formal consideration prior to the formation of an interim Somali government.²⁰ This would open a diplomatic forum for deliberation of the unity issue, and justify the opening of diplomatic channels of communication with both the interim Somali government and the Somaliland administration before and during the transitional period. Establishing the mechanism will not be enough, however: foreign governments and international organisations, especially the IGAD, the AU, the League of Arab States and the UN, should actively engage with both par-

ties in order to reinforce their commitment to a negotiated outcome.

Negotiations will hold little attraction for Somaliland if the outcome appears to have been predetermined by international recognition of an interim Somali government. Some form of qualified recognition, such as awarding both parties observer status in various international organisations (such as the UN, AU and IGAD), would help to level the playing field and provide an incentive for both sides to come to the table.

Lastly, the AU Peace and Security Council and the United Nations could together establish procedures for accompanying and monitoring progress during the transitional period that would include the resolution of the unity question. An international presence of this nature could help to build the confidence of both parties in the viability of a negotiated settlement, while ensuring that talks are conducted in good faith. At the same time, it would prevent an Somali government from losing focus on critical transitional tasks such as a new constitution, national elections and demobilisation.

Such measures will involve political commitments and financial costs above and beyond those currently available for the Somali peace process. Organising a dialogue on the issue of Somali unity will be challenging, taxing and – from some political perspectives – risky, but it is a far better option than the most probable alternative: another intractable conflict in the Horn. This would prove far costlier than peace talks, not least in humanitarian terms. There exists, at least for the time being, a window of opportunity for international mediators to prevent conflict rather than to pick up the pieces after the fact. That alone should be grounds for early and decisive intervention.

Notes

- 1 The United Somali Congress (USC) led by General Mohamed Farah Aydiid and the Somali Patriotic Movement (SPM) headed by Colonel Ahmed Omar Jess.
- 2 See M Bryden, "Fiercely Independent" in *Africa Report*, African-American Institute: November-December, 1994, p35.
- 3 The term "Somaliland" is used in this paper to denote the territory of the former British Protectorate and the independent "State of Somaliland", to which the British government ceded sovereignty on 26 June 1960.
- 4 The 'Iise, Gadabursi, Dhulbahante and Warsengeli are the four largest clans in Somaliland after the Isaaq.
- 5 *Tuur* is a Somali nickname meaning "Stooped" or Hunchbacked".
- 6 A regional intergovernmental organisation that comprises Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.
- 7 The Somali National Reconciliation Conference (SNRC) was inaugurated at Eldoret, Kenya, in October 2002 and relocated to Mbagathi, a suburb of the Kenyan capital, Nairobi, in January 2003. The conference was still in progress at the time of writing.
- 8 See for example, Touval, *Somali nationalism*, Cambridge, 1963; Drysdale, *Whatever happened to Somalia?* London, 1994; The case for Somaliland's international recognition as an independent state, a Briefing Paper prepared by the Somaliland Ministry of Foreign Affairs, Hargeysa, August 2002; and *Somaliland: democratization and its discontents*, International Crisis Group (ICG) Africa Report No. 66, Nairobi/ Brussels, 28 July 2003.
- 9 For example, international observers at the Mbagathi talks argued that an interim government should be given no power to alter the status of Arabic as an official language, since this would jeopardize the country's membership in the Arab League.
- 10 These would probably be Somaliland, Puntland, Central Somalia, and Southwest Somalia. Whether or not the inter-riverine areas (Bay and Bakool) would become a separate province or be absorbed by Southwest Somalia remains unclear. Mogadishu would probably have special status as the capital city.
- 11 Opposition to an asymmetrical federation will be especially strong in Puntland, which has consistently sought to portray itself as a non-secessionist state, but in every other respect on a par with Somaliland.
- 12 Among the tasks facing a provisional government will be: drafting of a permanent constitutional document; demarcation of new regions and districts; passage of electoral legislation; and completion of census and/or voter registration. All of these issues are likely to prove highly contentious, which will delay their completion.
- 13 Formed in 1998, the Puntland administration opposes Somaliland's independence and advocates instead a federal system for Somalia. Puntland and Somaliland exercise mutually exclusive claims to certain areas that fall within Somaliland's colonial boundaries but are inhabited by members of clans linked more closely by kinship to Puntland than to Somaliland.
- 14 The first parliamentary elections are due in March 2005.

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- 15 The rural southern district of Wanle Weyne alone reportedly (and implausibly) cast more ballots than the entire population of Somaliland.
 - 16 Ancillary disputes are likely to emerge over such issues as whether or not non-resident Somalilanders (that is members of Somaliland clans resident in southern Somalia or members of the diaspora) are eligible to vote.
 - 17 A faction drawn from the Digil-Mirifle clans, who inhabit mainly the regions of Bay and Bakool in south-western Somalia.
 - 18 The strategy was partially successful with respect to the RRA and Puntland, both of which became divided between factions aligned with the TNG and others opposed to it. Only in Somaliland did the TNG manifestly fail to achieve its objectives.
 - 19 For additional arguments, see *Negotiating a blueprint for peace in Somalia*, ICG Africa Report N°59, 6 March 2003, p 14.
 - 20 This is recommended in *Biting the Somali bullet*, ICG Africa Report No. 79, 4 May 2004, p ii.