

Somaliland: Demand for International Recognition

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Contents

	<i>page</i>
Introduction	1
1 1941-1963 Whither Somali Unity?	12
2 1969-1991 Emancipation from Tyranny	19
3 1991-1993 'Participatory Democracy' – Essence of Stability	27
4 1993-2001 Triumph and Disappointment	34
Appendix. Somaliland: Demand for International Recognition	46
Map	iv

Illustrations

Reburial of the innocent from mass graves.....between.....	28-29
Contents of mass graves.....between.....	28-29
Mental torment.....between.....	28-29
The innocent ones at Badhka Hill, Hargeisabetween.....	28-29

Introduction

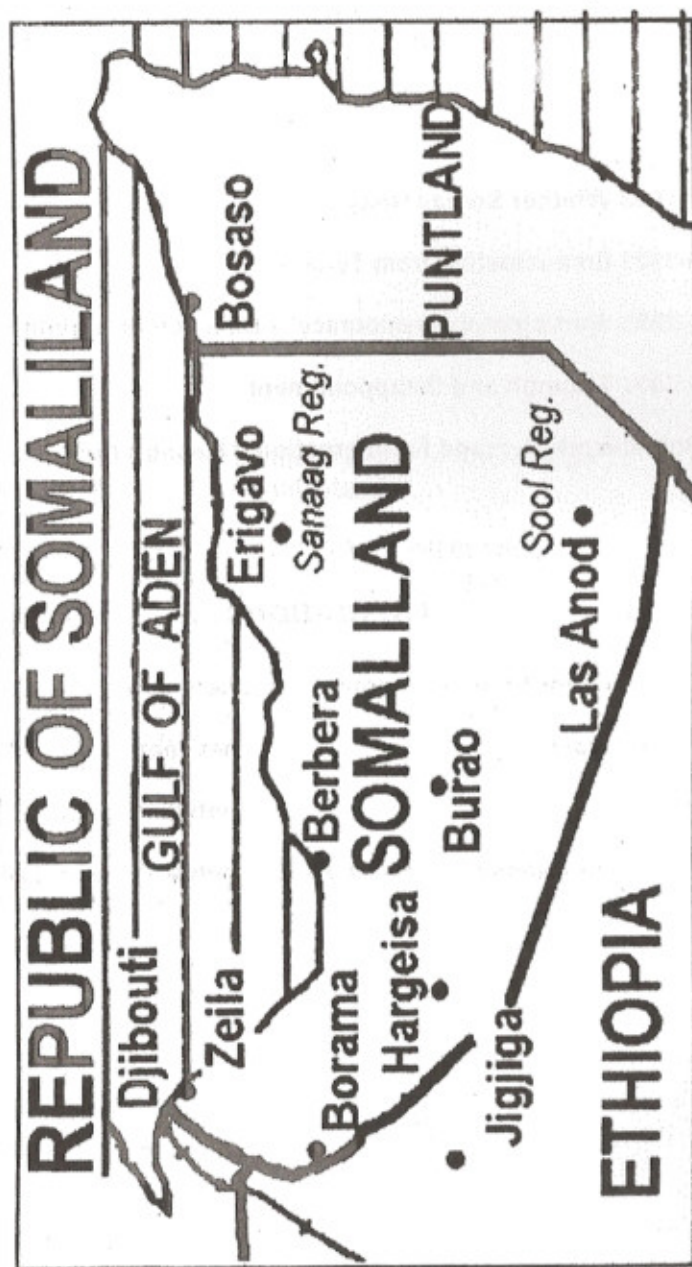
A voluntary merger in 1960 between the sovereign State of Somaliland¹, a former British protectorate, and the neighbouring UN Trusteeship Territory of former Italian Somaliland, known colloquially as Somalia, ended mercifully on May 18th, 1991. This was four months after the late military dictator of the Somali Democratic Republic, President Mohamed Siyad Barre, was forcibly overthrown in Mogadishu. It was also four months after his military garrisons in Somaliland had fled before the onslaught of Somali National Movement freedom fighters. Siyad Barre and a large part of his formidable army were, however, still at large in the Gedo Region of the failed Republic and continued to be a threat to those who had defeated him. His army twice attempted thereafter to recapture Mogadishu until the former president and the remnants of his forces were driven in disarray across the Kenya border on April 28th, 1992.

Through a wholly representative, democratic process, the people of the successor nation to the 1960 sovereign State of Somaliland, seized the long-awaited² opportunity on that day, May 18th, 1991, to separate voluntarily from the Somali Democratic Republic and to restore their country's sovereignty and national identity as the Republic of Somaliland. This followed years of sustained and abominable violations of human rights, including acts of genocidal extermination by the Siyad Barre regime³. By declaring independence, the people of

¹ The former British Somaliland Protectorate won its sovereign independence as the State of Somaliland on June 26th, 1960, and, on the following day, was recognised by 35 States including Egypt, Ghana, and Libya.

² See pp.28-29

³ See pp.23-24



Somaliland exercised their inherent right to self-determination in conformity with international law and the Organisation of African Unity's policy of adherence to colonial boundaries.

A legal opinion on the international recognition of Somaliland has been comprehensively documented. Excerpts from the opinion are given in the Appendix⁴ to this work. Succeeding chapters offer historical corroboration to Somaliland's legal grounds for reasserting itself on the international plane.

The seminal document in the legal opinion for Somaliland's demand for international recognition was the Act of Union, which established the Somali Republic as a separate state in 1960. Several factors, however, undermined its chances for success. These included the historical fact that the two territories had separate and distinct colonial administrations from the turn of the century until the departure of the respective metropolitan powers in 1960. As a consequence the two territories qualified as two individual countries.

There was thus little to bind the two territories together, not even mutual economic interests. There was no driving force to create a single country of only two states. The driving force was the creation of a Greater Somalia as exemplified in the five-pointed star on the Somali Republic's flag⁵. The five points represented Greater Somalia. The fervent expectation⁶ was that Greater Somalia would be composed of French Somaliland, the State of Somaliland, the Trusteeship Territory of Somalia, the Ogaden province of Ethiopia and the Northern Frontier Province

⁴ See Appendix, *Somaliland: Demand for International Recognition* p.46

⁵ The Somali Republic was founded as a result of the merger between the State of Somaliland and the United Nations Trusteeship Territory on July 1st, 1960. The national flag had a sky-blue background with a white, five-pointed star in the middle.

⁶ See p.14

of Kenya. Almost all of the populations being Somali-speaking peoples of the Somali Nation before they were partitioned in the late 19th century, without their consent, by Britain, France and Italy

The drive for a Greater Somalia, for which the merger in 1960 was an interim measure, arose indirectly from two historical events, namely, the proposal by the British Foreign Secretary, Ernest Bevin, in 1946 that former British Somaliland and Italian Somaliland should unite with the Ogaden province under one administration⁷; and secondly the 1954 Anglo-Ethiopian Agreement⁸ which effectively ceded large parts of Somaliland territory to Ethiopia for which Greater Somalia provided a remedy.

The first event, Ernest Bevin's proposal, arose initially out of the favourable reaction of the Somali people to the temporary British Military Administration of former Italian Somaliland, British Somaliland and the Ogaden province of Ethiopia after the Italian defeat in 1941 during World War II. The unprecedented prosperity in the entire region that resulted from substantial military expenditure, and the concomitant harmonisation of currency and tariffs, combined to give birth to the idea of a viable and culturally satisfying Greater Somalia. It was the formation of the Somali Youth League⁹ (SYL) in Mogadishu and its innate, sustained urge to succeed with the formation of a Greater Somalia that provided the impetus for other political movements throughout the area to follow suit.

The second event, the 1954 Anglo-Ethiopian Agreement, evoked an outcry of deep resentment in Somaliland at the transfer of 25,000 square miles of grazing lands, so vital for the

⁷ See p.13

⁸ See p.14

⁹ See p.13

transhumance life pattern of the majority of the population who were (and still are) livestock breeders, and of course of their herds as well. If it had not been for the traumatic, unexpected announcement by the British government of the transfer of territory there would not have been the desire for merger with the South. As a measure of Somali disgust with Britain, the precipitate merger with the Trusteeship Territory sacrificed a continued association with the then British Commonwealth of Nations.

In the event, the merger in 1960 was indeed precipitate, a haphazard union without solid foundations. No one was responsible for laying the legal foundations for the union, and consultations between the State of Somaliland and the Trusteeship Territory were, at best, inadequate. Delegates from both countries were to sign an international treaty to form a union, after which the southern Legislative Assembly was to approve the document. On June 27th, 1960, the day after its independence, the State of Somaliland's legislature passed the *Union of Somaliland and Somalia Law*. This was never signed by Somalia. It thus remained without force in that country. Instead, on June 30th, 1960, the legislature of Somalia approved the *Atto di Unione (Act of Union)*. This was significantly different from the *Union of Somaliland and Somalia Law*. There was thus no Act of Union between the two countries.

On January 31st, 1961, the National Assembly of the Somali Republic proclaimed a new Act of Union, repealing the *Union of Somaliland and Somalia Law*. The new Act was made retroactive as from July 1st, 1960. The act of repealing was not effective in all of the Somali Republic. Furthermore, since the South, in negotiations with Italian officials, drafted the constitution, northern politicians could make only marginal changes. This was followed six months later by a referendum on

the constitution¹⁰. It reflected northern resentment of southern power, overwhelmingly rejecting the Constitution. Thus the unification effort fell short of the legal requirements mandated by domestic and international law. A similar verdict was independently arrived at by a British judge presiding over a case of treason in the Mogadishu Supreme Court in March 1963¹¹. The accused in that case were all acquitted on the grounds that there was no Act of Union between the North and the South, the alleged offence having taken place in the North.

The legal grounds underpinning Somaliland's restoration of its sovereignty in 1991 are rooted in human rights jurisprudence in general, and more specifically in self-determination. These rights give international law a basis for the right of persons to secede. The Universal Declaration of Human Rights recognises the right to rebel against a government guilty of outrageous violations of human rights. These include the rights, liberty and security of persons, and rights to life, and rights of freedom from torture, detention without charge or trial, let alone freedom from aerial bombing, artillery shell fire and extensive mine laying¹². People have the right, according to international law, to self-determination through secession if they had suffered from violations of these rights on a genocidal scale. The right to secede acquires greater legitimacy if the pattern of human rights violations indicates an attempt by the state to decimate a distinctly identifiable group. The people of Somaliland suffered *in extremis* from these violations, including acts of genocide by the Siyad Barre regime¹³. By declaring their independence from the

¹⁰ See p.16

¹¹ See p.17

¹² See p.24

¹³ See p.23

Somali Democratic Republic, the people of Somaliland exercised their inherent right to self-determination.

It is asserted by the United Nations Political Office for Somalia that Somaliland has no right to exercise self-determination on the grounds that the territorial integrity of Somalia is inviolable. It is inviolable *per se* but when claims to territorial integrity clash with those of self-determination, the United Nations practice allows the latter to trump the former. This means that in self-determination situations, the wishes of the people concerned are the only relevant factor.

It is therefore incumbent upon the international community to recognise Somaliland. By denying Somaliland's right to self-determination the international community is taking the risk of ignoring the most stable region in the Horn of Africa, and of imposing untold hardship upon the people of Somaliland by applying persistent pressure on them to bend the knee in supplication to their former tormentors. To this Somaliland will never yield.

On a contemporary political note, relations between the Republic of Somaliland and the United Nations cannot be ignored. Somaliland seeks cordial relations with the United Nations and holds the Secretary-General himself in the highest esteem. But relations with the United Nations Political Office for Somalia in both Mogadishu and Nairobi have been constantly ambivalent and contradictory, as chapters 3 and 4 describe in detail.

Whilst criticising Somaliland over the years for declining to participate in UN-supported international conferences on Somalia, which were in essence invitations to Somaliland to surrender its sovereignty, the United Nations has ignored its culpability of gross omissions, from the early 1980's until 1991, which were indirectly responsible for Somaliland's subsequent absences from these conferences. During this period of heinous

crimes, including genocide, perpetrated almost daily by the Siyad Barre regime, the United Nations stood aside impotently, ignoring from a great distance the catalogue of atrocities outlined above. Atrocities that drove Somaliland to exercise its legal right of self-determination and sovereignty which the political representatives of the United Nations have found discomforting because of their desire (for reasons better known to themselves) to support a successor nation in sum, and not in part, to the failed Somali Democratic Republic.

The differences of opinion between Somaliland and the United Nations during the last ten years have been embedded in this dichotomy. Relations have borne the marks of polite, sometimes anguished, enmity over the respective assertions. Verbal hostilities had an unbecoming intensity from late 1992 until part of 1994, followed by a calmer period when mutual advantages were seen to be more profitable than mutually unacceptable arguments, until, alas, the political masters of the United Nations took umbrage in 2000 over Somaliland's historically consistent refusal to take part in any conference on Somalia which did not recognise Somaliland's national identity. The 'Somali National Peace Conference' at Arta in Djibouti was no exception¹⁴.

To turn to the more than just frivolous problems of late 1992 to part of 1994, these arose because United Nations political officers were operating under the umbrella of the United Nations Operation in Somalia (UNOSOM), with a 'zone office' in Hargeisa, thus straddling the territories of Somaliland and Somalia from north to south with mainly political, rather than humanitarian, concerns. It was understood by the Somaliland Government that the Republic's stance on its right to an independent statehood was difficult for United Nations political officers to swallow. But

¹⁴ See pp.42-43

democratic political institutions, a bicameral parliament, a functioning administration and a programme of disarmament. Aid workers started to multiply.

Over the next few years the political, social and economic progress of Somaliland matured rapidly. The country was at peace with itself, with an administration trimmed to available resources, with a steady increase in the country's economic growth, as evidenced by the rise in volume exports between 1993 and 1997 of 91 per cent, together with a regular balance of payments surplus and no external debts. The progress justified the country-wide decision by the Somali National Movement and clan representatives on May 18th, 1991, that warlordism was not in the interests of Somalilanders and the democratic path to governance, called 'Participatory Democracy'²⁰, was the only way forward.

The United Nations Political Office for Somalia in Nairobi, the successor to the discredited UNOSOM, even subscribed to the 'bottom-up principle' of political evolution (Participatory Democracy), as practised in Somaliland, and spoke excitedly about 'building blocks' as a pathway to a constitutional settlement in Somalia. But this was forgotten when the United Nations political representative for Somalia in Nairobi seized what was to be known as the 'Djibouti initiative' as an enlightened way forward for the formation of a 'government' for Somalia²¹. But the initiative ignored the principles of peace building previously embraced by the political representative.

Although Somaliland continued to be in demand by the United Nations as an open and secure country in which donors could fruitfully and generously open their budgets for worthwhile rehabilitation, and even development projects, Somaliland

²⁰ See p. 27

²¹ See p. 41

remained, in whispered tones, an outsider so long as it insisted on political separation from Somalia.

By the year 2000 the United Nations Political Office for Somalia no longer whispered. Somaliland was seen as an obstacle to 'peace building' in Somalia and became an object of public abuse, despite brotherly advice by President Egal to Djibouti's President Ismail Omar Guelle, at the latter's request, on the way the 'Djibouti initiative' might be successfully pursued²². Once again Somaliland was partially relegated to its former status of a political pariah. Some members of the international community, by no means all, shared the United Nations resentment that Somaliland declined to participate at the Arta conference. How, they asked, can anyone object to peace building?

Such an attitude is, of course, the language of sophistry. Somaliland of all the countries in the Horn of Africa needs no lessons on how to establish and maintain peace both internally and with its neighbours. The United Nations resentment, and that shared by some other members of the international community, has nothing whatever to do with a peace process. Their resentment is simply political aggravation. Why, they ask, can't the Somaliland government, this once, go that extra kilometre to find a way to ignore public opinion in order to please the United Nations by surrendering Somaliland's sovereignty to Mogadishu?

The succeeding chapters will explain why not.

²² See p. 42

Chapter 1

1941-1963: Whither Somali Unity?

Although the Somali peninsula had been partitioned during the European 'scramble for Africa' between 1888-1908, the idea of Somali political unity was on nobody's lips until the early years of World War II. The catalyst was the defeat of the Italian army in Ethiopia in 1941 and the immediate occupation of almost the entire Somali peninsula by a temporary British Military Administration. It was a colonial-type administration with British army personnel training Somali gendarmerie and British civil affairs officers administering districts throughout the vast area ranging southwards from the southern shores of the Gulf of Aden to the Kenya border. British Somaliland, but not Djibouti, was part of the triumvirate of distinct territories, which included the Ogaden province of Ethiopia and former Italian Somaliland, all under one administration.

The network of concentrated military expenditure in every corner of the peninsula, likewise the unprecedented circulation of a common currency and harmonised tariffs, combined to give birth to the idea of a viable and culturally satisfying Greater Somalia. The idea was first taken up in 1943 by a combination of Somali clerics and laymen in Mogadishu who brought together like-minded Somalis with a progressive turn of mind, mainly the younger generation of Somalis who had received education. They formed the Somali Youth Club in May of that year.

Meanwhile, British civil affairs officers had had time to study the problems of administration on the ground and concluded that there was an obvious need for the Somali provinces to be administered by a central authority with a

common policy. An opinion shared by the Somali Youth Club. Britain's Foreign Secretary, Ernest Bevin, took up the notion publicly. He proposed that

British Somaliland, Italian Somaliland, and the adjacent part of Ethiopia, if Ethiopia agreed, should be lumped together as a trust territory.

A cynical view of the proposal was taken, however, by Russia and the United States at the 1946 peace conference. They accused Britain of 'empire building'. But the proposal was not discarded by the Somali Youth Club, which, by the following year, developed into the Somali Youth League (SYL) with the distinctive policy of abandoning clan distinctions; of developing education, especially a practical orthography for the Somali language, and of uniting all Somalis. It was the formation of the SYL and its innate, sustained urge to succeed with the formation of a Greater Somalia that provided the impetus for other political movements, like the Somali National League (SNL) in British Somaliland, to follow suit.

The General Assembly of the United Nations did not, however, yield to the demands of the SYL that the Somali-occupied territories of the peninsula should become a United Nations Trusteeship Territory. Instead, Italy was selected to administer the trusteeship of former Italian Somaliland from 1950-1960; thereafter the territory would become an independent sovereign state.

By 1955, the SYL and the SNL had both envisaged a homogenous Somali nation, based on the right to self-determination, encompassing the Somali inhabitants of the five contiguous territories of French Somaliland, British Somaliland, the former Italian Somaliland, the Somali Ogaden region of Ethiopia and the Somali-occupied Northern Frontier District of

Kenya. A sky-blue flag and a five-pointed white star – the five territories that made up Greater Somalia – visually depicted the grand concept. It captured the imagination of Somalis throughout the peninsula.

The idea of a Greater Somalia had a uniquely emotional interest for Somaliland following a shock announcement early in 1955 that the British Government had signed an agreement with Ethiopia²³ to cease administering 25,000 square miles (65,000 square kilometres) of Somaliland's grazing lands to the south and southwest of Somaliland's border with Ethiopia. The consequence was that the territories, known as the Haud and Reserved Area, would fall under Ethiopian jurisdiction. The free ranging pastures were the precious grazing grounds for Somaliland's pastoralists during the annual seasons of rainfall without which their livestock could not survive the whole year round.

Somaliland's political parties challenged the international legalities of the transfer. A move to contest the issue at the International Court of Justice under Article 96 of the United Nations Charter was refuted by the United Nations. This disappointment, taken together with the emotional impact of the transfer, drove Somaliland to increase the intensity of its demands for early independence and the right of the Ogaden people to join a Greater Somalia that would ensure the recovery of Somaliland's traditional pastures under their own jurisdiction. No colonial issue had a more stunning impact on the minds of the Somaliland people. No sacrifice was too great to recover these lands. Greater Somalia was in their sights as they moved towards their sovereign independence in 1960 followed by a quick fix, voluntary merger with the Trusteeship Territory of Somalia as an example to the other three Somali territories to link themselves

²³ The Anglo-Ethiopian Agreement, 1954

also to the five-pointed star, on the principle of the right to self-determination inscribed in the United Nations Charter.

The legislatures of the State of Somaliland and of Somalia met in Mogadishu with their respective draft constitutions. These were greatly at variance with each other. No Act of Union could be agreed upon. But a title for the merger, the Somali Republic, was accepted. The impasse over the Act of Union was the first signal to Somaliland, now the Northern Region of the Somali Republic, that merger with the former Trusteeship Territory of Somalia was not necessarily an elixir for problems that were bound to arise with the formation of a Greater Somalia.

The Northern Region hung on to the non-union in the hope that a Greater Somalia would materialise. It was to no avail as finite opposition from France and Ethiopia, to any suggestion that their respective Somali populations would be permitted to exercise their right to self-determination, came as a devastating setback. Only the Northern Frontier District of Kenya, still under British colonial rule, remained a realistic hope for at least a truncated Greater Somalia of three constituent parts. The earlier euphoria in Somaliland over the prospect of Greater Somalia began to wane. Somaliland sensed that little of further value in its merger with Somalia would be forthcoming. The eventual refusal by Britain to accept the wishes of the people of the Northern Frontier Province to unite with the Somali Republic put paid to Greater Somalia – and to diplomatic relations with Britain.

A year after merger, relations between the Northern Region and Mogadishu began to deteriorate swiftly. Rumours were rife in Mogadishu that the North planned to secede from the Republic. Northern Deputies in Parliament hinted as much. The central government reacted by dividing the Northern Region into two smaller regions, shrinking its already diminished political influence in Mogadishu. Then two episodes occurred in the

North six months apart. They cast a dye of mutual distrust thereafter. They told the same tale.

The first episode was a national referendum in June 1961 to approve a provisional constitution for the Somali Republic in the absence of an Act of Union. The leading political party in the North, the Somali National League, boycotted the referendum. Only 100,000 votes were cast in all. Of these over 60 per cent opposed the constitution; 72 per cent in Hargeisa; 60 per cent in Berbera; 66 per cent in Burao and 69 per cent in Erigavo. The public's verdict on merger with Somalia, one year after the event, was unambiguous. They did not want it.

The second episode, an attempted military coup d'etat in the North, occurred on the night of December 9th, 1961, after three months of secret planning by junior officers of the only military unit in the entire Somali Republic – the Scouts Regiment. The Regiment was deployed in Hargeisa, Berbera, Burao and Borama. The coup was organised and carried out simultaneously in each town by eighteen officers of the Regiment. They had been trained at Sandhurst and Mons. Their purpose was to secede from the Somali Republic and form "an independent government which would obtain the rights denied by the South". The public's vote at the earlier referendum encouraged the conspirators to believe that there would be wide support for their action. Their prognosis was correct. The coup was supported enthusiastically by most of the public in the North, by the police and government civil servants, and by the Northern deputies in Parliament.

The coup failed because one of the senior army officers, all of whom were from the South, escaped from a room in which the coup plotters had held them hostage overnight. By mid-day on December 10th, Non-Commissioned Officers of the Regiment, who were aggrieved that the young officers had stymied their promotion to officer rank, rallied their soldiers in support of the imprisoned officers. The coup leaders were arrested. The

North's overt demonstration of serious discontent with the South was silenced. The offending officers were detained in a prison in Mogadishu awaiting trial.

On December 16th, the central government in Mogadishu called on Italian lawyers to draft a special law under which the accused could be tried. The government recognised that this was a dubious legal practice but, as Northerners, the coup conspirators were not subject to any existing legal code in the South. The idea of a retrospective law was, however, abandoned, following uproar in Parliament by Northern deputies who bitterly resented the fact that the accused had been brought to Mogadishu for trial.

In another legal stratagem by the government, an amendment to the constitution on April 12th, 1962, allowed for military courts to try cases in times of peace, and not only in times of war. This legal ploy was also abandoned. The government took its time to open the politically charged proceedings against the conspirators. It was not until January 19, 1963, that a trial in the Supreme Court was begun with Judge Hazlewood, a British magistrate, presiding. An Italian lawyer prosecuted and two lawyers from Kenya appeared for the defence.

A charge of treason was levelled against the instigators of the coup. There were 83 prosecution witnesses. On March 11th, Mogadishu radio announced that no charges had been brought against seven of the 21 accused; that 12 of the remaining 14 accused had been acquitted on March 6 on grounds of insufficient proof, and that two of the accused had been acquitted on the following day as "insufficient evidence of identity" could be established. In point of fact, all the accused were discharged on the constitutional ground that there had been no Act of Union between the State of Somaliland and the United Nations Trusteeship Territory. Whither Somali unity?

Reflecting in contemporary times on a current cry from Mogadishu that "Somali unity is sacred", the Somaliland government issued a public riposte on April 23rd, 1997:

They cling to one slogan, which they repeat like a parrot, unaware of its emptiness and insignificance. They have never stopped to ask whether that sacred unity involves the Republic of Djibouti, the 5th Region of Ethiopia, and the Northern Frontier District of Kenya. There is nothing sacred about something that does not exist and we reject them and their childish slogan.

Chapter 2

1969-1991: Emancipation from Tyranny

In a little over nine years after the State of Somaliland merged with the Trusteeship Territory of Somalia in 1960, there was an enforced change in Somaliland's destiny. Military rule in Mogadishu in 1969 replaced the democratic government of Prime Minister Mohamed Ibrahim Egal, the first and only Prime Minister of the State of Somaliland. His arrest and internment by the new regime, and the detention of many of his colleagues, and other ominous signs of things to come, put paid, for the time being, to thoughts in the North of another attempt to restore Somaliland's sovereignty. The army in the south and north was by now well trained and formidable.

A new order was afoot with mysterious terminology. It was invoked by General Mohamed Siyad Barre, the army commander who had seized power in a bloodless coup d'etat on October 21st, 1969, nine days after the then President of the Somali Republic, Abdirashid Ali Sharmarke, had been assassinated by a policeman of his own sub-clan in a non-political, unrelated, unusual event.

The new order was drenched in Soviet-inspired, Marxist fatuities of tedious monotony and incomprehension, such as 'scientific socialism' and similar banalities. They were the revolutionary 'ideologies' that for six years, from 1963, embraced the texts of communist indoctrination for young army officers from the Somali Republic.

The reason for the officers' exposure to these influences of the communist world had a two-fold premiss. First, the Somali Republic Government's disappointment with Britain's volte-face

in 1963 over her earlier support of the principle of self-determination for the Somalis in the Northern Frontier District of Kenya, and, secondly, the Soviet Union's offer to the Somali Republic in the same year of £11 million in military aid which was competitive with the joint offer of £6.5 million by Italy, the United States and West Germany. Britain withdrew its earlier military subvention of £1 million a year, which was jointly donated with Italy, because of the Somali Republic's break in relations with Britain in 1963.

The first three major innovations of the new regime, which were indicative of the political road along which Siyad Barre proposed to travel, were, first, the change in the country's title from the Somali Republic to the revolutionary sounding Somali Democratic Republic²⁴. Secondly, the appointment of military officers to a Supreme Revolutionary Council, the fountain head of omniscient power; and finally the removal from the judicial system of the singular pillar on which justice rests, namely, *Habeas Corpus* - the right of a person to be brought to trial, or released, within a short, specific period of detention. These tell tale innovations were the pathways to totalitarianism - and so it turned out. The execution of two generals in July 1972 allegedly for attempting to overthrow the regime, and the execution of ten religious sheikhs in 1975 on the question of women's inheritance rights, were prominent reminders (there were many others) of the thresholds of authoritarian intolerance.

A short hiatus of diversionary excitement in Siyad Barre's otherwise inexorable journey to despotic rule crossed his path in 1977. It was the birth of his undoing. Somalis of the Ogaden clan in Ethiopia, who lived in the Ogaden Province contiguous with the Somali Democratic Republic's eastern border, together with

²⁴ The change in title, as registered in the United Nations, was originally the Democratic Somali Republic.

the Ethiopian Muslim Oromo and Arussi peoples, were bent on prising their independence out of the hands of President Mengistu of Ethiopia and restoring what they perceived to be their 'lost lands'. Guerrilla units were formed with the already active Ogaden-run Western Somali Liberation Front. Ethiopian military outposts were attacked followed by the disruption of communications between Jigjiga and Harar.

Secretly, in so far as anything can be kept secret on the scale of an army on the move, Siyad Barre saw incipient signs of the possibility of a triumphant march into south-eastern Ethiopia as a repeat of the invasion in 1527, and its 15-year conquest of Christian Ethiopia, by the Somali Imam Ahmed Ibrahim al-Ghazi, better known as Ahmed Gran (or Guray the left-handed), together with his Somali and Afar armies. With this titillating prospect in mind, Siyad Barre thrust his 100,000-man army across the Northern Region's border with Ethiopia, linking up with the forces of the Western Somali Liberation Front. Together, they captured Jigjiga and drove the Ethiopian 3rd Division beyond the Marda Pass on the road to Harar and then on to Diredawa. Siyad Barre's popularity rose with every kilometre gained along the road to unimaginable conquests. But heightened exhilaration turned rapidly to desperation. Mounting military support for Ethiopia from a Cuban Armoured Brigade, and Soviet air power, underpinned a massive counter attack by the 10th Ethiopian Division in March 1978. Somalia's army and the guerrilla's of the Liberation Front were in full retreat, sustaining heavy casualties.

Somalis in the Democratic Republic, bitterly disappointed by yet another reverse in their irredentist tendencies, turned their attention to the tactical errors that had been made by Siyad Barre, deploring his summary executions of officers who were alleged to have disobeyed orders in Jigjiga. An attempted Majertein military coup on April 9th against Siyad Barre's forces,

led by Colonel Mohamud Sheikh Osman and Colonel Abdillahi Yousuf Ahmed, failed. This near-escape for Siyad Barre, taken together with his military defeat in Ethiopia, likewise attempted assassinations and whispered denunciations, persuaded him to embark on a strategy of reinforced ruthlessness in the interests of safeguarding his life and by extension the lives of his immediate kinsmen. The lesson he learnt was that no one, save his relations, could be depended upon to sustain him and his regime in power. He appointed close relatives and in-laws to key posts in areas where he was politically vulnerable by strengthening the apparatus of communist intelligence systems.

Siyad Barre's bitterest enemies were in the North. The key posts in that Region were the army commander of the formidable 26th and 27th military garrisons, military governors of regions and districts, who were renamed chairmen of local Revolutionary Councils, and dependent military courts and prisons on edicts of the day. The appointments were inevitably entrusted to relatives of Siyad Barre himself or his cross-clan in-laws. The tight grip on any sign of political deviation, on trade and commerce, was absolute.

By April 6th, 1981, the North had had enough. The Somali National Movement was formed with the aim of overthrowing Siyad Barre and his regime. The compelling urge to defend innocent people and to counter attack, despite the known risks of defeat, burst into the fury of real life and death when 37 professionals in Hargeisa, who were carrying out voluntary work to improve neglected standards in the central hospital, were arrested and detained by the regime in February 1982. They were behind an underground newspaper called UFO, meaning 'whirlwind'. Students in great numbers demonstrated in Hargeisa on February 24th against the arbitrary detention. The authorities' did not overlook an iota of public protest. Their response to the young people's remonstrations - they were

demanding justice and liberty from oppression - was to mow them down with tanks and armoured personnel carriers. There was high mortality - and high indignation.

The massacre brought the Somali National Movement (SNM) hotfoot to Addis Ababa where they were welcomed by Mengistu's government. The movement was generously offered by the Ethiopians the border areas south and west of the movement's tormentors in the North so that the nucleus of the SNM's freedom fighters could grow into an army of volunteers, mustered, trained and armed. Libya and the People's Democratic Republic of Yemen gave support, the latter equipping the first 500 freedom fighters. The SNM established a base in Jigjiga, organising communications and supplies of fuel, arms and ammunition. From these advantageous points they could strike against targets in the North, keeping the garrisons' 'heads down' behind their fields of fire, while their roads and bridges were systematically blown up by the movement's freedom fighters. A daring raid on the Mandera central prison in 1983 released over one thousand prisoners, most of whom were political detainees imprisoned without trial.

There was no lack of encouragement for the freedom fighters of the Somali National Movement to redouble their struggle against the tyrannical regime. In their homeland, acts of genocide were being perpetrated to which lasting memorials - graveyards - of mass executions of the innocent will forever testify. Each grave contains the skeletons of eleven to twelve huddled victims, together with their ragged sarongs, their rosaries, their impoverished sandals of diverse sizes, and a long, blood-encrusted cord still looped to where it had been noosed to the joints of their wrists. At the moment of death, each group, tied together, some women and children included, struggled to free themselves from their wicked, wrist-bound bondage as the tightening loops of cord tautened with each tug of finite

desperation, biting deeper into the blood-stained flesh, until bursts of machine gun fire toppled them helplessly and bloodily into pre-dug pits, called graves, and together they were silently emancipated from a monstrous tyranny, and denied the Islamic injunction of renditions from the Holy Qoran.

One of nearly 200 burial grounds with mass graves found so far in Hargeisa, Berbera, Sheikh and Burao lies for all to witness, in utter disgust at such naked brutality, at Malko Dur-Duro, half a kilometre from the military headquarters in Hargeisa. According to the Somaliland War Crimes Investigation Committee a delegation from the United Nations Commission on Human Rights inspected some of the sites in 1997, testifying to the acts of genocide. Some of the perpetrators of these war crimes attended the Djibouti Peace Conference²⁵ in 2000 as delegates, avowing dedication to peace and reconciliation in Somalia.

In 1988, the Somali National Movement marshalled their freedom fighters to the south of Ethiopia's border with North Somalia and planned an audacious assault on Siyad Barre's garrisons stationed in Hargeisa and Burao. The attacks were launched from May 27-30 with ferocity against the better equipped regular army. The garrisons were overrun but a counter attack with long range artillery and, in the case of Hargeisa, with indiscriminate air bombardment, decimated the two cities. Between 15,000 to 20,000 of the inhabitants were estimated to have been killed. Tens of thousands of innocent civilian populations of Hargeisa, Burao and Berbera fled to Ethiopia, others sought refuge in Europe and North America. Meanwhile a war of attrition between the Siyad Barre's garrisons and the SNM's freedom fighters continued unabated until the end of January 1991 when Siyad Barre was ousted from Mogadishu

²⁵ See p. 42

and the Somali National Movement recaptured Berbera on January 29th, Hargeisa and Burao on January 31, Borama on February 4, and Erigavo on the next day.

Without delay, and without any thought of senior military officers seizing political control, the Somali National Movement invited representatives in the North to a conference in Berbera from February 15-27 in order to consolidate a peaceful victory after a military triumph. The representatives came from the Sool, Awdal and Sanaag regions. A communiqué after the meeting expressed the need for a "revision" of the merger arrangements with Somalia in 1960 "in order to realise the establishment of a society based on equitable political and socio-economic rights". It was signed by Abdirahman Ahmed Ali, the chairman of the Somali National Movement; Garad Abdulqani Garad Jama (Sool); Jama Rable-God (Awdal); and Ismail Sultan Mohamed Ali (Sanaag). The communiqué was the official stamp on what the public throughout the North had in their hearts and minds. It was the prelude to a formal regional conference planned to coincide with the Congress of the 99-member Somali National Movement Central Committee scheduled for May that year.

Unbelievably, throughout these traumatic years, the United Nations was blissfully indifferent to the fate of the people of the North, and indeed to the fate of those in the South who were also terrorised by the Siyad Barre regime. Notwithstanding cold war constraints the United Nations Security Council had a duty to intervene with the regime to pre-empt the worst excesses of its bloodletting. The consequences of United Nations apathy during these horrifying years indirectly turned the tide in Somaliland against a continuation of its tragic merger with Somalia.

When the United Nations was subsequently aroused from its deep sleep nine months later at the end of December 1991 and

a representative from New York first visited Somalia (not Somaliland), he discovered, evidently to his surprise, an ousted President still at large and mayhem in Mogadishu. From thereon the United Nations, overlooking its culpability of omission during Siyad Barre's brutal dictatorship, has been single-minded in its discriminative pursuit of backing the restoration of a unitary government in Mogadishu as a successor to the discredited government of the Somali Democratic Republic, notwithstanding the justified refusal of the North (Somaliland) to attend any of its conferences. The United Nations narrow, myopic vision spurns Somaliland's political existence. Succeeding pages will offer ample grounds for Somaliland's deep resentment towards the attitude and behaviour of the United Nations, and equally for Somaliland's single-minded determination not to surrender its sovereignty.

Chapter 3

1991-1993: 'Participatory Democracy': Essence of Stability

It might be thought strangely in contrast with the widely-held opinion of Somalia by the outside world - that of gun-mounted battle wagons, faction leaders, anarchy and rampant banditry - that within two weeks of the defeat of Siyad Barre's regime in the North at the end of January 1991, the triumphant Somali National Movement had no inclination to permit competitive military commanders to develop into faction leaders. Instead, the Movement held discussions about a peaceful transition to civilian rule together with leaders of the traditional sector.

This was the lesson the Somali National Movement learnt during its nine-year guerrilla campaign. The lesson was that the modern sector, armed and apparently omniscient, could not do without the support of the traditional sector if the movement were to engage the loyalties of a voluntary force of freedom fighters. This succeeded and developed into a new concept, unpractised by previous Somali civilian governments, of 'participatory democracy', meaning an elected civilian government working in parallel with elders of the traditional sector. Elders were known, of course, to have the necessary skills to bring about a state of political equilibria among clans but modern political leaders in the South had tended in the past to ignore them and still do. It was a valuable lesson; a golden thread that has run through the body politic of Somaliland to this day.

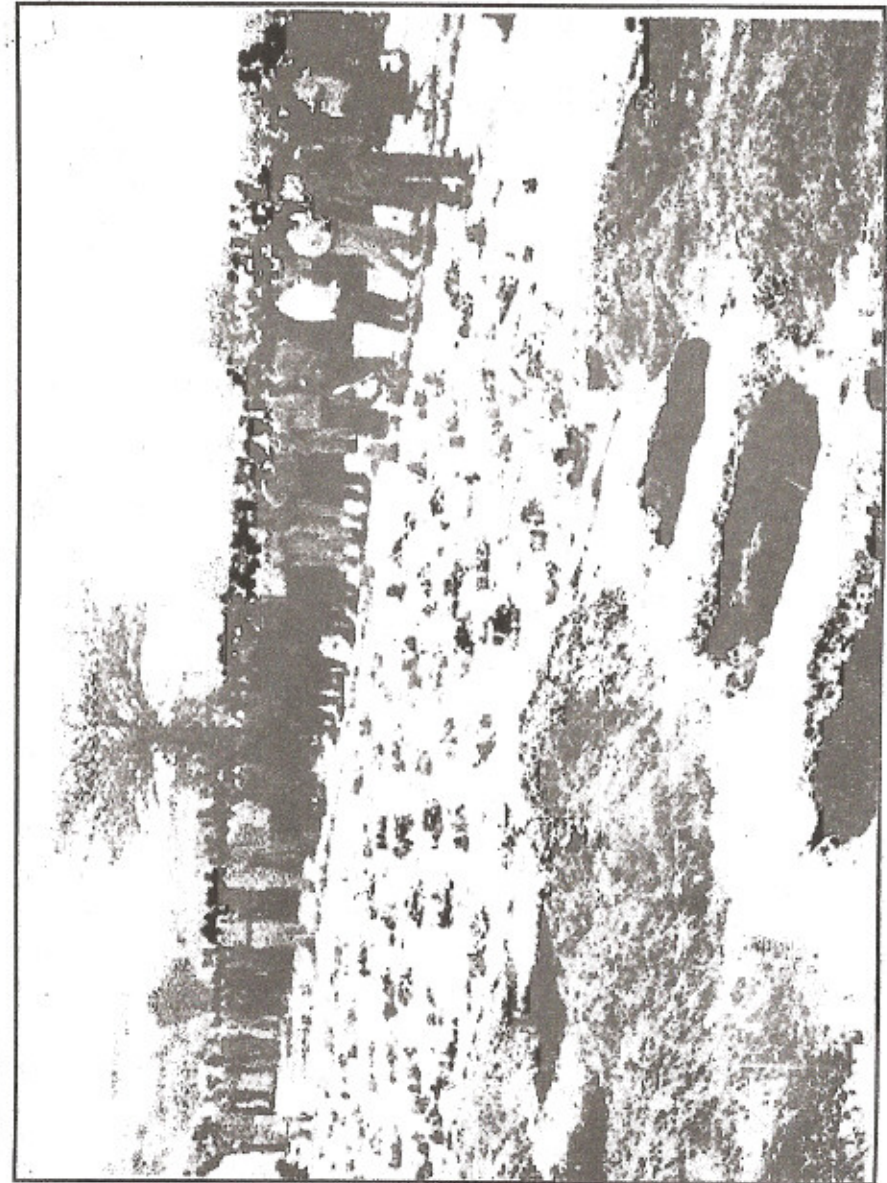
The principle was put into practice at the Central Committee of the Congress of the Somali National Movement

which assembled in Burao from early May to June 1991. There were ten members of the movement's central committee to which were added 89 more central committee members chosen by elders in each of the five regions. They included a cross-section of traditional leaders, businessmen, and academics. Each region had, in addition, non-voting observers.

Highlights of a long and intensive debate, which ranged from security issues to revenue and expenditure on an empty budget, and the question of immediate separation from the Somali Democratic Republic that had brutally treated Somaliland people, including acts of genocide. Separation from the discredited Republic, some delegates believed, would be too bold a step at that stage. Bold because of the fragile state of the economy inherited from the Siyad Barre regime and the presumed need for urgent international assistance that may not have been readily forthcoming if separation from the Somali Democratic Republic, and the declaration of independence, were followed through.

There was little external trade at the port of Berbera. Fuel imports were barely sufficient. Electric power did not exist. Paper from old office files was used for packaging small provisions in almost bare retail shops. There were no paper clips. As against that, the former President Siyad Barre was still at large with his formidable army in the Gedo Region of the South, having already attempted militarily to retake Mogadishu and resume power.

Not one political leader visited the North from Mogadishu during this period, nor in subsequent months. But international non-government organisations (NGO'S) flocked to Somaliland, especially doctors, to help where they could be of use. Some had even provided provisions and medicines to the freedom fighters during the campaigns, accompanying them in the field.



Reburial of the innocent from mass graves



Contents of mass graves



Mental torment



The innocent ones at Badhka Hill, Hargeisa

Concurrently with the congress in Burao, the Italian government, which had been unable to restore its embassy in Mogadishu because of persistent unrest and bloodshed, arranged with the support of the Djibouti and Egyptian governments, a conference in Djibouti. Delegations from major and minor political parties in Somalia, with the exception of the Somali National Movement, attended. No agreement was reached because the Darod clans in Somalia declined an invitation to accept Ali Mahdi as the provisional president and they were also averse to giving an undertaking to remove Siyad Barre from Somalia.

Meanwhile the Burao congress was reaching a climax. On May 18th the chairman of the Somali National Movement, Abdirahman Ahmed Ali 'Tuur', formally declared to a cheering crowd that the conference had decided to exercise its right to self-determination and that from henceforth the Somali Democratic Republic's northern region, formerly The State of Somaliland, would be known as the Republic of Somaliland. The flag of the Somali National Movement was duly hoisted.

There was, however, one more item to be debated. It concerned a draft constitution. The point at issue was whether a non-executive president, together with a prime minister, should govern Somaliland, or just an executive president. The vote was put to a show of hands. The majority, 46 votes to 33, was in favour of an executive president.

A government had then to be formed. It took nine days, until June 4th, for the chairman of the Somali National Movement, President Abdirahman Ahmed Ali, with his Vice-President Hassan Issa Jama, to form a 17-member council of ministers on the basis of proportional representation. The government was regarded as provisional for two years when a constitution would be completed, elections held and a bicameral (two-chamber) legislature introduced – the principle of

participatory democracy with the elders in one chamber and elected members in another.

In the following month another conference, known as Djibouti 2, was convened in an attempt to establish a central government in Mogadishu. Somaliland, having restored its sovereignty and formed its own government, declined to attend. The conference agreed to a unitary government in Mogadishu (including Somaliland); the restoration of the 1960 constitution for two years; and a 123-member parliament which would elect a president. The latter would nominate one of the parliamentary deputies as prime Minister to form a government.

Mr Mohamed Ibrahim Egal, the last prime minister of the Somali Republic, wrote in October 1991, "Everything went wrong in Mogadishu". The agreement, he noted, was ignored and legitimacy was lost. "The existence of a legislative assembly of 123 deputies", he added, "representing every opinion and every ethnic group within the country, acting jointly with an executive branch under their control, would have easily and effectively stabilised the country". Legitimacy was in fact lost when Ali Mahdi, who had been nominated provisional president, changed the constitution to assume executive powers.

By the end of 1991, fierce salvos of heavy weaponry and clashes between Ali Mahdi's forces and the forces of General Mohamed Farah Hassan 'Aideed', continued to take their toll, claiming thousands of lives and physical destruction on a large scale. The United Nations secretariat despatched its first political envoy to Mogadishu, James Jonah. He chose to deal almost exclusively with Ali Mahdi. In Jonah's view, Mahdi was the legitimate president while Mahdi's rival, Aideed, who was the elected chairman of the United Somali Congress, was virtually ignored. The scene of bitter conflict between the two rivals, the one having the overt support of the United Nations, and the other determined to resist United Nations intervention, was all set for

the arrival on May 4th, 1992, of the even-handed diplomat, Ambassador Mohamed Sahnoun as the Special Representative of the United Nations Secretary-General. The establishment of a United Nations Operation in Somalia (UNOSOM) followed in quick succession.

None of this would have been of any great moment to the embryonic government of the Republic of Somaliland that wished to distance itself from both Mogadishu and UNOSOM. UNOSOM would have none of it. Irritated by what appeared to the United Nations as Somaliland's effrontery, a UNOSOM office was established in Hargeisa to keep an eye on this nonconformist 'region'.

The irritation manifested itself in the form of Ambassador Ismat Kittani, the replacement for Ambassador Mohamed Sahnoun who had resigned in October 1992 because of conflicting policies with Secretary-General Butros Butros-Ghali. Kittani visited Hargeisa for two hours in November (his first and only visit). He had a head-on clash with President Abdirahman who declined to sign an agreement allowing foreign troops to be stationed at the port of Berbera. The identity of the troops was not disclosed. They were already at sea on their way to Berbera. Kittani was not, however, aware that the Somaliland Government had learnt of this furtive diplomacy through a friend in Mogadishu. The troops were to be from Egypt.

Kittani lost his temper, threatening the president that if he did not sign the document food-aid to Somaliland would be cancelled. After leaving Somaliland empty-handed he took a different course of action. He closed down the UNOSOM office in Hargeisa much to the satisfaction of the public and government alike. The closure made no difference to agencies and NGO's working in Somaliland. The office was eventually reopened without explanation.

At the turn of the year, 1993 was to prove a milestone in the hitherto short-lived Republic of Somaliland. The two-year provisional period of President Abdirahman's government was due to end on May 18th. As early as January, the 150-member Council of Elders, which was anxious to take its time to consider the onerous decisions that lay ahead, assembled in Borama. Led by Sheikh Ibrahim Sheikh Yusuf Sheikh Madar, 'The Somaliland Inter-Clan Council Conference' invited further proportional representation from every clan in Somaliland. They numbered 500 persons drawn from a cross-section of elders, religious leaders, politicians, retired civil servants, intellectuals, businessmen and others. Lasting five months the conference cost the United Nations virtually nothing compared with the US\$1.3 million the United Nations spent on the Addis Ababa conference in March that year in the hope of finding an agreed solution to the formation of a unitary government for Somalia, including Somaliland. That conference failed.

By April 25th, the Borama conference had agreed on two resolutions: a security framework and a national constitutional structure. Immediate steps for the implementation of a security framework included the removal to camps of clan militia from all cities, towns and urban centres, and from all major roads. The task was to be carried out jointly by militia commanders and members of the Inter-Clan Council. A disarmament programme was accepted as an essential element in maintaining security.

The chosen formula for the country's constitutional structure was an executive president as head of state and chairman of the council of ministers, together with a vice-president. The legislature was to be bicameral, a lower and an upper house with 82 members each. Lower House members would possess educational qualifications, elected by the Inter-Clan Council. The Upper House of elders would participate in all legislation, with security being their prime interest, especially

reconciling political differences and summoning a National Congress if differences should persist. A comprehensive National Charter included parliamentary procedures, legislation, an independent judiciary and human rights. Diligent preparations and extensive debates prepared the Borama conference, as an electoral college, for the election of a president and vice-president on May 16th, 1993. Somaliland was on course for getting its house in order in preparation for international recognition.

Chapter 4

1993-2001: Triumph and Disappointment

After eight years, from 1993-2001, of exceptional achievements, unparalleled in any other part of the Somali-occupied territories of the Horn of Africa, the world community still knows virtually nothing about the Republic of Somaliland and its readiness to be a useful partner of the international community. Why? Because the United Nations expects the Republic of Somaliland to rescind the 1991 restoration of its sovereignty and to merge again with Somalia as a region of an as yet unattainable panacea known as the 'Somali Republic', the anticipated successor to the Somali Democratic Republic. Thus the core of United Nations political interest has focused disproportionately for nearly a decade on the troubled Benadir region of Somalia, with Mogadishu at its centre, to the virtual exclusion of the rest of Somalia and Somaliland.

In the eyes of the United Nations, the politically and economically successful Republic of Somaliland is a regional distraction that erred by separating from the Somali Democratic Republic in 1991. For the United Nations to give Somaliland prominence in its Reports to the Security Council, for instance, would, in the view of the United Nations, divert the Council's (and the world's) attention from what the United Nations envisages as a future centralised government in Mogadishu; a government that would embrace Somaliland as one of its regions. For this reason Mogadishu, past and present, holds centre stage in the minds of the world body.

The thought that the United Nations might have erred in its game plan is not far fetched. By alienating Somaliland and waiving aside its exemplary performance, the United Nations may be seen not necessarily to have acted in its own best interests, nor those of the region, as political experiments of a dubious nature in Mogadishu unfold. That apart, the characteristics of the United Nations active alienation of Somaliland, particularly from late 1992 to part of 1994, which are described below, have redoubled Somaliland's firmness of purpose to hold to its right to self-determination.

One of numerous Reports on Somalia by the United Nations Secretary-General to the Security Council typically played down one of Somaliland's unique achievements. It was the Report of November 1993, six months after the milestone accomplishment of the five-month long Borama Conference. A short sentence of eight dismissive words described the conference thus: "Borama was convened to settle some minor tribal differences".

Running concurrently with the Borama conference was the United Nations-sponsored conference in Addis Ababa referred to in the previous chapter. It achieved next to nothing at enormous expense but was given a sympathetic, encouraging review in the same Report, while the Borama Conference, which was so disdainfully dismissed by the United Nations Secretariat, had laid a firm foundation for a democratic state. A state that reignited a vibrant nation in its turn. The Somaliland government objected strongly to the biased reporting in the United Nations Report to the Security Council.

This was not the only occasion that the Somaliland government was compelled to protest officially against the content and omissions of these Reports to the Security Council. A random check of complaints over the years about these Reports reveals a consistent United Nations policy of ignoring

Somaliland's progress towards restoring state maturity with, in several cases, deliberate fabrications to underplay the contrast between Somaliland and its unfortunate neighbour.

For example, in the United Nations Report of August 1993 to the Security Council, the Somaliland Government complained:

Successive Reports to the Security Council ignore the significance of developments in Somaliland and the resolute nature of the people's decision to end its union with Somalia.

Again, commenting on the September 1994 Report to the Security Council, the Somaliland Government stated that the Report concerning Somaliland was "mostly a fabrication concocted in the United Nations Secretariat in New York". Following the March 1997 Report to the Security Council, the Somaliland Government protested that the "Report only had one paragraph on Somaliland which was far removed from the truth". In the December 2000 Report to the Security Council, the Somaliland Government noted that an independent expert on human rights, who appeared to have been a fictitious character since no-one of that description had visited Somaliland, accused the Somaliland Government of having killed an officer on the grounds that he had opposed the forcible deportation of Majertein leaders who wished to travel to the Arta conference in Djibouti. There was not an iota of truth in the Report.

Furtive diplomacy towards Somaliland by the United Nations Operation in Somalia during the period November 1992 to part of 1994 was of a special genre. From the Gulf of Aden to the Kenya border, Somaliland and Somalia were teaming with UNOSOM political officers; some of whom were bent on destabilising Somaliland. It began with Ambassador Kittani's two-hour visit to Hargeisa in November 1992, as noted in the previous chapter. His purpose, albeit abortive, of securing an

agreement to station foreign troops in Berbera, without disclosing their purpose or identity, failed. The Ambassador's threat to withdraw food aid if he did not get his way, typified the UNOSOM attitude to Somaliland post-Ambassador Mohamed Sahnoun's short but effective tenure as the Secretary-General's Special Representative in Somalia from May-October 1992.

In August 1993, a leaked copy of a confidential memorandum written by the United Nations Zone Director in Bosaso to his headquarters urged that the United Nations should hasten the disintegration of Somaliland by excising Somaliland's north-eastern region of Sanaag. This region is contiguous with Somalia's North-East Region that borders partly on the Gulf of Aden and on the Indian Ocean. The Sanaag Region would thus have come under the control of the United Nations Zone Director in Bosaso and not under the Zone Director in Hargeisa. In other words, a malevolent move to undermine the integrity of Somaliland's borders and to destabilise the country politically.

This was not a vindictive thought out of the imagination of one UNOSOM political officer. Senior political officers of UNOSOM were involved as evidenced by the surreptitious arrival in Las Anod and Erigavo (the capitals respectively of Sool and Sanaag Regions of Somaliland) at the end of the same month by the deputy, no less, to the United Nations Secretary-General's representative in Somalia. The Bosaso Zone Director accompanied him on his undisclosed mission. There was no referral to the Somaliland Government. A plot was evidently being hatched.

President Mohamed Ibrahim Egal was under pressure from his colleagues in the Council of Ministers to declare members of the UNOSOM office in Hargeisa *persona non grata*. This unwelcome news reached the United Nations Secretariat in New York. Hastily it elicited a consoling letter from the Secretariat. The letter, dated October 1st, 1993, acknowledged

that the "peaceful reconciliation process has moved forward impressively" and noted "the formation of a functioning administration under the leadership of Mr Egal". It expressed the belief that "political differences must be resolved by the Somali people themselves". It urged "the greatest sensitivity" in United Nations relations with Somaliland.

The letter was also intended as a guide to United Nations officials in Hargeisa as to how they should conduct themselves towards the Somaliland Government. As such, it served a useful purpose, but it underlined the policy of the United Nations Secretariat to keep their silent approbation of Somaliland's progress in the private domain, forming no part, at any time, of the Secretary-General's Reports to the Security Council.

The injunction to United Nations officials to treat with the Somaliland Government with "the greatest sensitivity" was not observed. An example of the latter occurred in September 1994. It concerned a politically induced lure of evidently irresistible temptation to UNOSOM - an opportunity to destabilise Somaliland politically. Some UNOSOM political officers in Mogadishu were deeply involved. The plot surrounded one Abdirahman Ahmed Ali 'Tuur', who, as the former Chairman of the Somali National Movement, had been President of the Republic of Somaliland until his term of office had constitutionally expired in 1993 at the end of the Borama conference that did not re-elect him. A year later, aided and abetted by senior UNOSOM officials, Abdirahman 'Tuur', who had a home in London, returned unexpectedly to Djibouti and Addis Ababa to negotiate with UNOSOM his defection from the very Republic that he had founded three years earlier. He claimed that he was still Chairman of the Somali National Union.

UNOSOM political officers in Somalia were seized by the opportunity of a daring stunt to quash Somaliland's claim to sovereignty and international recognition. They acclaimed

Abdirahman 'Tuur' enthusiastically as the legitimate chairman of the Somali National Movement and by extension rendered President Mohamed Ibrahim Egal a usurper. Moreover, to the evident delight of the United Nations officials, Abdirahman denounced Somaliland's claim to sovereignty.

Somaliland featured as never before in the United Nations Report to the Security Council. It was a scoop that named Abdirahman 'Tuur' personally, endorsing his self-declared status and his denunciation of Somaliland's declared sovereignty. The 'scoop' had no political follow through in Somaliland. It was a ploy by UNOSOM political officers that infringed the spirit and the letter of the United Nations approval of President Egal's administration a year previously. It also failed to observe the injunction that relations with the Somaliland Government should be conducted with "the greatest sensitivity".

With much the same turn of mind two months earlier, a political officer was sent from Mogadishu to the Sanaag Region in Somaliland to issue UNOSOM "Certificates of Approval" for three District Councils with an undertaking to recruit police for the Region. Concurrently with this manoeuvre a substantial troop-carrying helicopter was despatched from Djibouti to Bosaso to prepare to fly to Hargeisa in the event, it was judged by UNOSOM, that their political officer's activities in Sanaag might create a security risk for United Nations personnel resident in Hargeisa.

There was in fact no risk since the Government was wise by then to the games being played by UNOSOM in Mogadishu. The Government kept the public informed. They were in a state of scornful tranquillity. The cumulative effect of these underhand transgressions reaped a hostile sentiment toward the United Nations. The Government reluctantly terminated, much to the public's satisfaction and to the avoidable discredit of the United Nations, UNOSOM's political presence in Hargeisa, which on the whole was that of an innocent bystander. Typically, the United

Nations Report to the Security Council made no mention of the circumstances surrounding the removal of UNOSOM from Hargeisa; it merely lumped together Hargeisa with some minor UNOSOM outposts in Somalia that had subsequently been closed down.

The removal of UNOSOM from Hargeisa was evidently a salutary lesson to its headquarters in Mogadishu. Their political gamesmanship ceased. But this did not stop Italy from taking up the cue. Italy, which has historical reasons for being closely concerned with developments in Somalia, and has demonstrated time and time again a genuine affection for its former colony, is intransigent over its political future. Italy does not accept Somaliland's withdrawal from the former Somali Democratic Republic. In an attempt to force the Somaliland Government to change its policy, the Italian Government voiced publicly the opinion that Somalilanders wishing to travel abroad should only be able to do so if they acknowledged allegiance to a central government in Mogadishu by applying for a Somalia passport. The Italian government added the strangely inhuman (for Italians) proposition that Saudi Arabia should ban all imports of livestock from Somaliland – some 90 per cent of Somaliland's export trade. In response Somaliland had its own passports printed that are currently accepted by Ethiopia and Austria.

Unconvinced that the United Nations Political Office for Somalia in Nairobi, the successor to the discredited UNOSOM, was serving the United Nations Secretariat in New York with accurate reports on Somaliland, the Somaliland Government wrote to the United Nations Secretary-General on March 13th, 1997, about the realities of Somaliland's peaceful progress, and importantly the fundamentals of nation building in a Somali culture and environment. The letter stated in part:

We have rebuilt a nation from the grass roots. We started from the rural nomadic settlement, the village and on to the districts, and then regional headquarters, and from there we brought together representatives with legitimate popular credentials to a national conference. Then we made peace between the people and we established co-existence between the clans.

This, in summary form, was the essence of Somaliland's peaceful state, its political stability and visible economic progress. It pointed the way forward if Somalia were ever to achieve equally impressive results.

Two years later, the United Nations Political Office for Somalia in Nairobi, having spoken 'authoritatively' on the need for a 'building block' approach to form a central government in Mogadishu, seized a new and untried formula in 1999 for a conference in Djibouti scheduled for the next year. President Ismail Omar Guelle of the Republic of Djibouti announced the formula to the United Nations General Assembly. It was based on the not unattractive proposition to the uninitiated that political conferences based on political party adherents and warlords had failed in the past and thus a conference based on the Somali 'civil society' would be more likely to throw up an acceptable government.

The problem with the civil society approach was that it ignored accreditation of conference participants by clan authorities. The practice, in other words, of participatory democracy as successfully adopted for ten years in Somaliland. In the event, the civil society approach was found by the conference to be unworkable and was replaced by clan proportional representation. Doubts, however, were expressed as to whether Somali visitors to Djibouti from many corners of the world genuinely represented their respective clan interests or were merely their own personal interests.

On January 28th, 2000, well before the conference got underway, President Mohamed Ibrahim Egal, whose political experience in Somaliland and in the Somali Republic stretches back as prime minister or president for over 21 years, travelled to the Republic of Djibouti at the request of President Ismail. During the course of their conversation President Egal advised his host, in the spirit of goodwill towards Somaliland's two Somali neighbours, that the Djibouti President should consider a certain course of action before embarking on his peace initiative.

President Egal suggested that a fact-finding mission to Somalia would be advisable. It could ascertain from the respective clan communities in Garowe, Galkayu, Belet Weyn, Mogadishu, Baidoa, Merca, Kismayu and Gedo acceptable principles on which the conference could be based. President Egal advised that the mission should meet clan elders, merchants, intellectuals, politicians and moderate religious leaders. The mission, he proposed, should garner the grievances and the aspirations of the various actors of the awful tragedy. Then, advised President Egal, President Ismail could evolve from the mission's report a practical policy for reconciliation.

Consideration was evidently given by President Ismail to this advice in that plans were afoot to hold clan meetings in various parts of Somalia, as a preliminary to a short conference in Djibouti, but these plans were abandoned for fear that a long time-delay before a government were formed would allow irreconcilable conflicts to impede such a formation.

As the Djibouti conference wound towards a conclusion at the resort of Arta, the Somaliland government's policy towards the conference was outlined in a personal letter from President Egal to the United Nations Under Secretary General in the Department of Political Affairs on July 2nd, 2000.

I support the conference because I consider the success of the conference as being in Somaliland's vital interest. Only after the problem of Somalia is resolved and the anarchy and chaos is arrested and eliminated can we find a counterpart with whom we can discuss our future destiny.

Earlier, in an internal policy statement, the Somaliland Government had concluded that Somaliland could only cooperate with a counterpart who had attained the same level of stability and legality, and who was conducting the affairs of his area through constitutional institutions and a system of justice based on established laws.

The Somaliland government added a prerequisite to this internal policy statement in a letter to the President of the Security Council on January 12th, 2001. The letter, which invited the attention of the Security Council to omissions and inaccuracies in the Secretary-General's Report to the Security Council dated December 19th, 2000, included a statement concerning Somaliland's terms for holding discussions with the Transitional National Government in case there were any doubts about the bases on which such discussions could be held. The letter stated:

Any discussion between the Republic of Somaliland and the 'Transitional National Government' on future relations can only proceed with the prior, unconditional acceptance by the 'Transitional National Government' of the Republic of Somaliland. We shall not surrender our sovereignty. We shall not tolerate the cult of political superiority towards Somaliland which is prevalent in Mogadishu, nor the preposterous claim, evidently shared by the United Nations, that Somaliland and all its assets are by some mythical right legitimately vested in an authority in Mogadishu.

Ever since the former President of the Somali Democratic Republic fled from the country in 1992, having twice attempted and failed over fifteen months to regain military power in Mogadishu, the door has been open for a government in Somalia to discuss future relations with the Republic of Somaliland. Somalia has not availed itself of this opportunity. The United Nations had simply waited in the wings for a response, unjustly penalising Somaliland for nearly a decade by, *inter alia*, denying the country access to international institutions like the International Monetary Fund and the World Bank. Consequently, no attention has been paid by the international community to Somaliland's quiet, systematic preparedness, with little help from outside, to take its part in the community of nations, nor to Somaliland's repeated requests for international recognition. Somaliland, of course, is under no legal obligation to discuss its future with Somalia but would be prepared to do so if the conditions outlined above were met.

Nor can Somaliland be faulted by the United Nations for claiming Somaliland's right, under international law, to self-determination. Somaliland declared its independence from the Somali Democratic Republic, having suffered unimaginably from violations of human rights on a genocidal scale; violations that the United Nations, at the time of these unatoneable acts, culpably ignored.

Somaliland's tenth anniversary in isolation from the rest of the world, induced by the United Nations on specious grounds, is close at hand. The United Nations has no authority to recognise the sovereignty of a nation. Similarly it has no authority to campaign for the denial of recognition to any people seeking the recognition of the international community. The United Nations has a duty to be even-handed in its policy and practice. This has not been evident in Somaliland as the preceding pages testify. No little wonder the international

community is generally unaware of Somaliland's right to join the community of nations on an equal footing.

As the legal opinion, which is attached as an Appendix to this Policy Document, makes crystal clear, it is incumbent on the international community to recognise Somaliland.

Appendix

Somaliland: Demand for International Recognition

The Act of Union, which established Somalia as a separate state in 1960, is the seminal document. Several factors, however, undermined its chances for success. Civilian rule, re-established in the North [Somaliland Protectorate] in 1948, did not exist in Southern Somalia, which had been under a ten-year Italian [UN] Trusteeship since 1950. The two territories were separated institutionally, linguistically and historically. As a consequence, the two territories qualified as two individual countries. With little binding them together, there was no driving force to create a single country.

Two events are indirectly credited for inspiring the 1960 unification. First, in 1946, the Bevin proposals [the then British Foreign Minister] suggested that British Somaliland and Italian Southern Somalia [former Italian Somaliland] as well as part of Ethiopia [the Ogaden region] should be grouped together to ensure that the nomads' way of life continue in an unobstructed manner.

The Bevin proposal arose initially out of the favourable reaction of the Somali people to the temporary British Military Administration of former Italian Somaliland, British Somaliland and the Ogaden province of Ethiopia after the Italian defeat in 1942 during World War II. The unprecedented prosperity in the entire region that resulted from substantial military expenditure, and the concomitant harmonisation of currency and tariffs, combined to give birth to the idea of a viable and culturally satisfying Greater Somalia. These factors directly influenced Somali political parties on a campaign for a "Greater Somalia".

The second factor was the 1954 Anglo-Ethiopian Agreement, which permitted the British to cede parts of Somalia to Ethiopia. The ensuing outcry stimulated political activity in an otherwise separated North, and led to a campaign for unification and independence.

As part of the process of decolonisation, the British government announced that the Protectorate would become independent on June 26th, 1960. The Italian government later announced that the Italian trust territory would gain independence five days later, on July 1st, 1960. These dates reflected the United Nations' desire for more speedy independence. The advancement of the independence dates put undue pressure on the internal administrations of both territories. Furthermore, with no one responsible for laying the legal foundations for the union and few consultations between the North and South, the result was a precipitate, haphazard union without solid foundations.

Delegates from Northern Somaliland and Southern Somalia were to sign an international treaty between the two states to form a union, after which the Southern Legislative Assembly was to approve the document. Subsequently, the National Assembly should have elected a Provisional President. On June 27th, 1960, the day after its independence, Somaliland's Legislative Assembly passed the Union of Somaliland and Somalia Law. Since the authorised representative of Southern Somalia never signed this treaty, however, it remained without force in the south. Instead, on June 30th, 1960, the Legislative Assembly of Somalia approved the *Atto di Unione* (Act of Union) in principle, which was significantly different from the Union of Somaliland and Somalia Law. On January 1st, 1961, the National Assembly proclaimed a new Act of Union, repealing the Union of Somaliland and Somalia Law and made the Act of Union retroactive as from July 1st, 1960. The act repealing, however,

was not effective in all of Somalia [then the Somali Republic]. Furthermore, since the South, in negotiation with Italian officials, drafted the constitution, northern politicians could make only marginal changes. The referendum on the Constitution in June 1961 reflected Northern resentment of Southern power. The SNL [Somali National League] successfully campaigned against ratification, contributing to the low turnout in the North; only 100,000 voted, and they overwhelmingly rejected the Constitution. In contrast, almost 1,852,660 voted in the South, mainly by ballot rigging in order to nullify the expected rejection of the North.

The State of Somaliland and its people existed as a sovereign international nation until the Act of Union, at which time Somaliland sought unification with Southern Somalia. The unification effort, however, fell short of the legal requirements mandated by domestic and international law. With nothing more than the recognition of other states to testify to the existence of the Somali Republic as a unified state, it is necessary to consider the legal grounds on which Somaliland can reassert itself on the international plane.

An accepted, enduring maxim in legal and political theory is that the deprivation of basic human rights justifies rebellion. Although international law justifies rebellion, domestic law does not, and indeed cannot, entertain such possibilities. Domestic law, however, is not dispositive of the existence of such a right under international law. International law lacked a theoretical and normative basis for the articulation and expression of the right to secede until the development of the human rights jurisprudence in general, and more specifically self-determination. Self-determination is the only norm which can simultaneously destroy and build.

The preamble to the Universal Declaration of Human Rights recognises the right to rebel against a government guilty of

egregious violations of human rights such as freedom from torture, detention without charges or trial and rights to life, liberty and security of persons; these rights are not to be violated under any circumstances because they constitute rules of *jus cogens*. Accordingly, if the political establishment engages in violating these rights on a genocidal scale, the people may claim a right to self-determination through secession. In addition, this right to secede acquires greater legitimacy if the pattern of human rights violations indicates an attempt by the state to decimate a distinctly identifiable group.

Barre [the former President Siyad Barre of the Somali Democratic Republic] unleashed the full fury of his regime's thuggery against the people of the North. The human rights violations included summary executions, rape, torture, imprisonment, or detainment without charges or trial, and the looting of private property. The genocidal attack on the people of the North intensified with the military bombing and shelling of the Northern cities, Hargeisa and Burao. During the course of the 1988 civil war, 50,000 people were killed and another 500,000 were forced to flee to Ethiopia. Government forces also laid over a million unmarked land mines in the North. These acts flagrantly violated not only human rights norms but also humanitarian norms relating to the protection of victims of non-international armed conflicts. The attempt to annihilate the people also had economic dimensions. The government diverted development investment and livestock trade from the North.

In light of these massive and egregious violations of human rights and the genocidal repression of the North, the people of the former state of Somaliland declared independence in 1991. By declaring independence, the people of Somaliland exercised their inherent right to self-determination.

Given Somaliland's strong claim for recognition under international law, one must briefly consider the possible

objections to such recognition. For example, dismemberment of an existing state violates the Organisation of African Unity's (OAU) policy of adherence to colonial boundaries for recognition may trigger a Balkanisation that would completely upset the existing boundary arrangements. Such a fear, however, is unfounded for many reasons.

First, the OAU doctrine seeks to preserve colonial boundaries; the 1960 Somaliland colonial boundaries do coincide with the boundaries of Somaliland as it exists today.

Second, the OAU doctrine concerns itself with the preservation of boundaries and not with units of self-determination. In other words, as long as there is no threat to interstate peace, OAU policy remains irrelevant to the discussion.

Third, even if the colonial boundary policy is relevant, Somalia had rejected this OAU doctrine by its irredentist policies regarding 'Grater Somalia'.

Somaliland's emergence conforms to the OAU policy and could contribute to much needed regional stability, cooperation and economic development.

Some experts argue that the recognition of Somaliland may violate the territorial integrity of Somalia, an act that international law prohibits. When claims of territorial integrity clash with those of self-determination, United Nations practice allows the latter to trump the former. This means that in self-determination situations, the wishes of the people concerned are the only relevant factor.

Therefore, it is incumbent on the international community to recognise Somaliland. Any effort to deny or delay would put the international community at the risk of ignoring the most stable region in the Horn; it would impose untold hardship upon the people of Somaliland by the persistent pressure on them from the International Community to bend the knee in supplication to their tormentors.

Picture on front page. A cord with looped, blood-encrusted nooses from one of the mass graves. The nooses tightened on the wrist of each of the innocent 11 or 12 victims to a mass grave as they struggled before machine guns toppled them into a pre-dug pit where bulldozers buried them without Islamic funeral rights. See p.28-29