

DJIBOUTI SUMMIT ON SOMALILAND-SOMALIA RELATIONS: A SEARCH FOR A BROAD-BASED ROAD-MAP

An overview

Djibouti summit witnessed the heaviest delegations from Somaliland and Somalia, evidencing the importance that both sides attached to the summit. Unlike previous rounds of the talks, Somaliland was represented by a team led by president Muse Bihi alongside with the speaker of the upper House while president Farmajo, the speaker of the House of the People and the prime minister from Federal Government of Somalia (FGS) attended the summit. Both sides were also accompanied by a selected team including ministers and former ministers referred to as the technical team. Viewing the matter as a domestic issue, the technical team is led by the interior minister from the FGS side. On the other side, as an independent de facto state, the file of the Somalia-Somaliland talks has always remained at the hands of the Ministry of foreign affairs, thus its technical team was presented under the leadership of the foreign minister.

KEY REFLECTION POINTS

- Somaliland capitalized on the summit and took the opportunity to advance its cause by making its case on legal, moral and historical grounds—president Bihi has long sought for an international stage to articulate the case of Somaliland.
- FGS was overambitious; they fixated more on a quick fix for a deeply entrenched historical, political and juridical conundrum rather than setting the stage for a long-term, process-oriented solution.
- There were missing significant international actors and long-term partners to the effort; the UK, the sponsor of the first Somalia-Somaliland dialogue, and Turkey, the single sponsor of most of the previous talks.

Deliberations at the Djibouti Summit

This summit came at the heels of concerted efforts made by USA, EU and regional powers and after several months of back channel diplomacy that followed the impromptu meeting between Bihi and Farmajo in February in Addis Ababa. As the first-ever direct face-to-face meeting between the two leaders and was brokered by the Ethiopian Prime minister, Dr. Abiy Ahmed on the margins of 33rd African Union summit. Notwithstanding the rumors indicating that understanding has been made on major issues by the leaders, very little has been known about the facts and the details of the meeting as the media and the public were kept in the dark, until a number of unprecedented political overtures followed the talks heralded the beginning of a rapprochement and détente period.¹ First, upon his return to Mogadishu, President Farmajo made a public admission and tendered his apology over the atrocities and the crimes committed by the military government of Siyad Barre in the late eighties against people of Somaliland. While Farmajo's apology was publicly contested as incomplete expression of regret or remorse and fails to ask Somalilanders for forgiveness, the acceptance and the appreciation of the apology by President Bihi was striking.

Theoretically, public apologies² are considered as a powerful reconciliatory gesture and political instrument of normalizing relations, thus Farmajo's ambivalent recognition of historical responsibility over the crimes perpetrated by the Somali Government against Somalilanders was nonetheless a good beginning that can be ritualized and translated into concrete and progressive steps of reconciliation. Secondly, the confirmation of the impulsive proposed joint visit to Hargeisa by Farmajo and Abiy was more telling and has aired clouds of suspicion of what has transpired in Addis. Eventually Somaliland has declined the visit. However, the Addis meeting has created high hopes in resolving the grinding political stalemate between the two sides and reaching a settlement from the FGS side while it has sparked a huge public debate on the status and the fate of Somaliland. It was against this backdrop that the Djibouti summit was organized.

Unlike the previous talks that have been conducted through good offices, this round is conducted through mediation under President Ismail Omar Guelle. The United States served as the catalyst for the two sides to convene, slightly pressuring Somaliland to participate in the summit. The U.S. Ambassador to Somalia, Amb. Yamamoto and his team were reportedly to be the main engine pushing sides to meet and reach an understanding on the procedures and agenda of the talks. Yamamoto – a long serving career diplomat has a lot of experience on Horn of Africa and is highly esteemed in the US State Department. The EU, IGAD and AU were also part of the process to jointly hammer towards striking a deal.

It is worth noting that there were significant international actors and regional forces who were long term partners to the effort and whose inclusion would further promote cohesion or avoid any undermining friction. UK, the sponsor of the first Somalia-Somaliland dialogue; and Turkey, the single sponsor of the most of the previous talks who appointed a special envoy for the talks, were obviously sidelined and left behind. Dr. Torum, the former Turkish Ambassador to Somalia, expressed scornfully that the initial communique from the summit has nothing new compared to Turkish sponsored talks. This indicates that a participation in the summit by the traditional actors such as Turkey and UK as well as other international and regional stakeholders would not only have promoted synergy and continuity of previous negotiations, but it would minimize the risk of competitive efforts and conflicting geopolitical interests that may undermine the process.

1. Somaliland-Somalia Negotiation Teams

In July, 2019, the president of Somalia nominated a negotiation committee tasked with planning and preparation for future talks with Somaliland. Nevertheless the successive consultative meetings conducted by the committee, its composition came under fierce criticism by Somalis as some of its members were allegedly linked with wanton destruction and atrocities committed in Somaliland in 1980s

¹May 21, 2020: In his latest periodic brief, the SRSC, James Swan told United Nations Security Council that "dialogue is ongoing at senior levels" of both sides

²Judith Renner (2016), 'Poland Germany: balancing competing narratives through apology'. In Christopher Daase, et'al (eds.), *Apology and International relations: The Importance of being sorry*, Oxford: Routledge, pp. 51–71

Consequently, just the day before the departure date to Djibouti summit, the negotiations committee was sidelined and replaced with hastily handpicked team of ministers, a member of parliament and the attorney general. Thus, as credible sources privy to the summit disclosed the negotiation team from FGS was ill-prepared for they even lacked proper information on the previous agreements made by the two sides.

On the other hand, the Somaliland team seemed well prepared. The fact that the committee consisted of four successive foreign ministers equipped the Somaliland team with the necessary continuity and the competitive edge. Dr. Sa'ad Ali Shire, current minister of finance who served as the foreign minister during the previous rounds, and Yasin Faratoon, the incumbent minister of foreign affairs has played a leading role throughout the process. Moreover, reputed as an indefatigable advocate for Somaliland's independence, Drs. Adna Aden Ismail, former foreign minister, has remained as the special envoy for the Somalia-Somaliland talks since July 2017, an enough time to thoroughly prepare and present the case. There are key other personalities that have been involved in the background, notably Mohamed Bihi Yonis, former foreign minister, and Dr. Mohamed Fadal and Dr. Hussein Bulhan who have been instrumental in the previous talks as well.

Somaliland has always kept its preconditions of keeping Somaliland politicians based in Mogadishu off-limits to participate in any dialogue between the two sides. Hence Somalia's decision to sideline the existing committee was not a convenient move, but seemingly the FGS resigned to the preconditions set forth by Somaliland as some of the committee members were unionists hailing from Somaliland. It is worth underscoring that this matter has always been a contentious issue that eventually doomed the previous talks to collapse in 2015.

2. Agenda Setting: Conflicting Expectations

With no pre-agreed agenda for the summit, the two teams came to Djibouti with different expectations and aspirations. Perhaps motivated by Addis Ababa meeting, the FGS team was overambitious; their approach was more on a quick fix for a deeply entrenched historical, political and juridical conundrum rather than setting the stage for a long-term process-oriented solution animated by confidence building measures, an attitude furtherly spurred by the prevailing political climate in Mogadishu owing to approaching mandate expiry of the incumbent FGS leadership.³ To translate the outcome of the talks into electoral gains, FGS team was expecting nothing less than substantive discussion on the question of unity and hoped for miraculously striking a power-sharing deal or at least making critical headways to an inevitable settlement. In this regard, FGS delegate member, who chose to remain unanimous, indicated that the FGS has not wasted a single minute to take stock and review the previous talks, agreements and impediments instead their posture was to start the dialogue afresh with serious deliberations of addressing the question of unity or separation head-on with considerate incentives. Yet, they were denied any opportunity to embark such a discussion and present their package by the prevailing dynamics and the political atmosphere created by the Somaliland team.

Meanwhile, Somaliland capitalized the summit as an opportunity to advance its cause by making its case on legal, moral and historical grounds—president Bihi has long sought for an international stage to articulate the case of Somaliland. For Somaliland, the implementation of previous agreements was a necessary prerequisite for the furtherance of the talks. As a result, the meeting has reportedly reached its nadir from the outset, prompting the international actors to intervene. Finally, the prominent issues of which understanding has been reached in the Istanbul rounds, but not implemented by Somalia such as management of air traffic, humanitarian and international aid formed the basis of the deliberated agenda in Djibouti

³ Some of the international partners, presumably Swedish, British and UN were less enthusiastic with the quick fix approach due to lack of strategic, coherent and systemic approach.

A. Depoliticizing Aid and Development:

In previous conferences, rather than focusing on and investing time in issues relating to the destiny of Somaliland's independence, parties equally entertained talking about subtle issues such as international aid and the latest talks in Djibouti were not exception. Somaliland, exercising an element of independence, asserts that both sides have to equally access aid, but the FGS believes that it is the constitutional prerogatives of the Mogadishu to administer foreign relations including aid. Historically, aid and development arrangements between Somaliland/Somalia and international partners has changed over time, keeping pace with the ongoing state building of federal institutions. When Somalia was under the transitional period, the Dual Track Policy was the modus operandi for international engagement. Recognizing the then divergent realities and developmental priorities prevalent in Somalia and Somaliland, the U.S Assistant Secretary of State, Johnnie Carson, announced this Dual Track Policy. The track one is aimed at engaging and supporting the Transitional Federal Government (TFG), its security forces and peace keeping operations.

Track two was meant to support other entities, notably Somaliland and Puntland, which required greater engagement as a peace dividend. However, as Somalia's transitional period ended and its newly formed government attained formal recognition, its engagement rules with the international system has drastically changed. Somalia signed the Somali Compact right after the formation of the FGS in September 2013. Drawing upon the Busan New Deal for Engagement in Fragile States, the Somali Compact served as the blueprint of state-building and peace-building in Somalia. Under this arrangement, Somaliland was provided special arrangement, outside the Somali compact architecture, and its National Development Plan (NDP) provided the basis for its development assistance. Yet, once Somalia developed its NDP, Somaliland's special arrangement was abandoned. At the behest of Puntland, Somalia's Council of Interstate Cooperation (CIC) rejected Somaliland's special arrangement. While Puntland is often known for its mimicry of Somaliland, this time, the move is believed to have been orchestrated by the FGS's Ministry of Planning, Investment and Economic Development.

Consequently, aid and development assistance has become such a thorny issue that Somaliland has frequently accused Somalia of politicizing and weaponizing it. Now, as the result of debt relief programme, Somalia has begun a full re-engagement with international financial institutions mainly the International Monetary Fund (IMF) and the World Bank and its International Development Association (IDA). This process presents ample opportunities of IDA investments and development and concessional financing for Somalia. It also entails a shift in aid governance of Somalia, a member state of Bretton Woods (IMF and the World Bank). Thus, all international development assistance should come under the rubric and the facility of federal institutions of Somalia including the central bank.

Enraged by the Somalia's unilateral decision of abandoning the agreed special arrangement for Somaliland and cognizant of the potential implication of debt relief programme, Somaliland has raised concerns over 'what they call international community's exclusionary engagement with Somalia at the expenses of Somaliland's distinctive de facto character. For Somaliland, aid and development assistance is more than who gets what but how is also critical. In other words, as how much aid and assistance Somaliland gets for its developmental needs is as important as how aid is managed for its political independence. In this regard, aid architecture and governance has become a sticking point in the Djibouti summit. While aid de-politicization has been agreed in principle, similar to what was agreed in Istanbul talks, this time Somaliland was prepared to seek more than a mere political declaration, but rather a more elaborate framework for aid management that grants them the requisite independence of accessing international assistance. The two sides have been at loggerheads over this issue and failed to reach a conclusion. Hence a technical subcommittee was assigned to delve more into the matter and present their recommendations to the joint ministerial committee slated to take place in 45 days from June 18th, 2020. The humanitarian and development aid technical subcommittee, along with two other technical subcommittees on security and aviation/airspace management should convene within two weeks as well. Thus far, they have yet to convene after almost a month.

⁴Renewal of the Somaliland Special Arrangement, WQM&HDQ/OM/063/2018 dated on 09 June 2018

B. Airspace Management:

During the Istanbul rounds, the two sides have reached an agreement on the air traffic management.⁵ As the air traffic services were then provided by United Nations, the two sides agreed to 'repossess the air traffic management from the United Nations and decided to establish a joint [air traffic] control body based in Hargeisa, Somaliland'.⁶ This has never materialized and Somaliland has put the blame of this failure on Somalia. However, during the stalemate period (2015-2019), Somalia took over the air traffic management from the UN. In Djibouti consultative summit, Somaliland demanded the implementation of the Istanbul agreement on this matter. Apparently, Somaliland approaches this matter from technical and revenue generation perspective while the incumbent FGS government locates it at the heart of its exclusive sovereignty over the airspace above its territory.

The wordings of the Djibouti may render the matter more complicated as it used the "airspace management" which is more political and juridical as opposed to "air traffic management", as per the Istanbul agreement, which entails more on technical and service provision. As per the Convention of International Civil Aviation (the Chicago Convention), the responsibility of the provision of air traffic services can be delegated to another state whereas the national sovereignty remains non-delegable. Worse yet, the other statement in the Djibouti communique that reads "co-management of Somaliland airspace" is also legally very evasive and hard to conceive. The question of 'whose airspace' has long been one of contested, but if the question of ownership is now resolved in Djibouti as the statement implies a recognition of "Somaliland airspace", then it is not clear why should it be co-managed ?.

As far as the air traffic and aviation management is concerned, the article of 41, of a recently passed civil aviation act stipulates that Federal Republic of Somalia will have a single gateway for international flights, meaning that Aden Adde International Airport in Mogadishu, recognized as the only international airport in the country by FGS, will serve as the only port of both entry and departure for all international flights. Enforcing such provisions in the legislation will have severe implication on Somaliland's direct linkage with other countries at the mercy of Somalia's civil aviation authority.

In fact, the FGS had previously politicized international and local flights in relation to its dispute with Jubbaland administration by obligating that all flights to and from Kismayo should pass through Aden Adde Airport for further flight clearance.

C. Freedom of Movement and Expression:

The movement between Hargeisa and Mogadishu by politicians has always been such a contentious point that became a stumbling block to the success of the summit. As the FGS made concessions on a number of issues, they vigorously pushed for striking an agreement on 'freedom of movement and expression' for it will enhance integration between the two sides. However, sensing that such integration may lead to a cross-fertilization of politics that could tip the balance of public opinion in favour of Somalia, the negotiating team from Somaliland finally acquiesced to only commercial and cultural exchange between Hargeisa and Mogadishu. Although a bill of rights guaranteeing freedom of movement and right to expression is enshrined in the constitution of Somaliland, a resolution passed by Somaliland restricted such freedoms and rights in an attempt to curb any dissenting voices within its territories. Therefore, for Somalia, freedom of movement implies decriminalizing of movement between Mogadishu and Hargeisa by politicians particularly Mogadishu based politicians hailing from Somaliland.

Diplomatic Gaffe:

With respect to the United Nations guidance for effective mediation, the integrity of the mediation process is a vital element in cultivating the consent of the parties throughout the process. However, after the initial meeting attended by leaders of the states, the foreign ministry of Djibouti issued a communique referring to Somaliland and Somalia as two countries, necessitating a later rectification by Djibouti. In the same vein, in his closing remarks, the foreign minister of Djibouti underscored that his country would respect the sovereignty of Somaliland and Somalia which sparked divergent responses in Somalia and Somaliland.

Notwithstanding the fact that President Guelle is well versed with Somalia's political dynamics, the incident tells more about Djibouti's shortcomings either to foresee or ignore the level of competition between the

⁵ *The Somaliland-Somalia Talks in 2012-2015: A Critical Appraisal*

⁶ *Ibid*

⁷ *United Nations (2012), Guidance for Effective Mediation, www.peacemaker.un.org*

delegates to accrue political capital in the face of their people. For Somaliland government, the initial communique boosted its status to appear as a sovereign country. In other words, the host country, Djibouti, emerged as a favorable venue for Somaliland. Interested in maintaining the status quo, if not siding with Somaliland, perhaps because of its anger at Farmajo's moves in the region, particularly his newly found bromance with Afewerki of Eritrea, Djibouti has proved to be Somaliland delegation's necessary firewall from diplomatic arm-twisting by international and the regional hegemonies. With the ambivalent leadership of Ismail Omar Guelle at helm of the negotiation, Somaliland has particularly escaped from what could have been Abiy's assertive and ambitious stances to drive the talks to a new height, had the negotiations taken place in Addis Ababa.

Conclusion

The Djibouti consultative summit ended with little substantive outcome, but it provided yet another opportunity to embark on a process of finding an amicable and permanent settlement for the thirty-year old dispute between Somaliland and Somalia. Attempts to solve this matter have been ongoing, albeit intermittently, for almost a decade. One distinctive lesson that can be learned from the previous endeavors is that the Somaliland-Somalia talks have been conducted haphazardly and devoid of structured process. This last consultative summit was not an exception; thus, it was not surprising that it produced such an underwhelming outcome. The only exception was that the process went from good office to mediation. In light of this, ISIR recommends that following policy considerations if the talks are to yield results in future.

Policy Considerations: Towards an Institutionalized and Structured Approach

1. The talks on Somaliland and Somalia is largely hampered due to a lack of mutually agreed broad-based roadmap. It is thus vital for the two sides to devise an agreed elaborate roadmap that outlines a multi-stage program leading to a final and comprehensive settlement of the Somaliland-Somalia conflict on a specified agreed date. The roadmap should set out the principles and values that the two sides should observe during the process. Other lessons concern the way in which the talks are structured, in particular the risk of trying to resolve the conflict in one go that could be counterproductive. The process should be anchored on an incremental and structured approach.

2. To avoid unnecessary fragmentations and to foster continuity and sustainability, institutionalization of the negotiation process is vital. Both sides should establish a permanent commission for the talks and should assemble a permanent, inclusive and credible team of negotiators. Particularly, Somalia should address this matter.

3. Thirty years of sustained mutual antipathy between the two sides exacerbated by lack of implementation of the previous agreements demands great efforts of confidence building. Thus, confidence building measures should form a critical part of the roadmap; to instill a great leap of faith among the parties, external guarantors are key to the implementation of negotiated outcomes.

4. An examination of past attempts also clearly shows that the involvement of the international actors is a necessary condition to propel a success in any peace process. The involvement of international actors in the talks is indispensable, in particular, actors that can exert an influence on the negotiating parties. Key regional actors include Djibouti, Ethiopia and IGAD and AU. There is also a plethora of international actors that have vested geopolitical interest in the region and could influence the success or the failure of the talks if not properly engaged. Among key international actors are U.S, UK, Turkey and EU. However, the roles and responsibilities of the involved actors, both regional and international, should be clearly delineated in the proposed roadmap. Divided international attention can seriously hamper the process while concerted and sustained international pressure could lead the process of negotiation toward a final and comprehensive settlement.

About ISIR

The Institute for Strategic Insights and Research (ISIR) is an independent not-for-profit think tank dedicated to contributing to the building of democratic, pluralistic societies and effective public institutions in the Horn of Africa through research and policy analysis. It is based in Hargeisa and has presence in the respective countries.