

SOMALIA-SOMALILAND TALKS: TOWARDS A COMPREHENSIVE AGREEMENT

The dispute arising from the question of separation and unification of Somalia and Somaliland is a long-standing one and remains unresolved. Several attempts to resume the futile talks in recent years between the two sides ended in failure. It is therefore an overriding objective of the international community to approach the talks with highly coordinated and complementary strategies for the purposes of avoiding duplication.

For over two decades, diplomatic negotiators failed to bring the two parties to sit together. However, this was achieved during the London Conference on Somalia in February 2012. The first phase of talks (2012-2015) was designed in an environment that would facilitate initiation of direct dialogue between the two parties. At the time, it was considered a landmark event where the negotiators from both parties made breakthroughs, until major contested issues surfaced leading to a deadlock and subsequent breakup of the process. This could have been avoided had there been the intervention of third parties (mediation).

BRIEF POINTS

- The process of negotiations between Somalia and Somaliland involves critical standpoints not least the issues pertaining to the separation and unification. For the negotiations to be fruitful, the two sides must embark on a wide ranging set of steps and processes to have a clear roadmap for making concessions
- The government of Somaliland should allow political divergence and diversity of ideas. Through national dialogues and consultations, the government of Somaliland may invite its critics and those in self-imposed exile where thought provoking debates are held and a common strategy is adopted.
- The Federal Government should demonstrate its commitment to eliminating controversy by reviewing and restructuring the current Negotiation Committee, and by leaving out any unnecessary and controversial personalities who could do more harm than good to the process.

Introduction

The second edition of the policy brief on the talk's process follows the recent encounter between the two leaders of Somalia and Somaliland on 11th February 2020 in Addis Ababa Ethiopia, in the presence of the Ethiopian Prime Minister. The timing of the meeting was significant, as it was held on the margins of the African Union annual gathering. The meeting also ensued after the speculated visit of Somalia's President Farmajo and Ethiopia's Prime Minister Dr. Abiy Ahmed to Hargeisa. The much anticipated one-on-one meeting between the leaders of the two countries was unannounced, and neither party revealed to the public the full details of neither what was discussed nor the points agreed upon. It also took place exactly one year after the Institute for Strategic Initiatives and Research (ISIR) released a policy brief titled "Reviving the Somalia Somaliland Talks" and called for both leaders to restart the talks which was at the time seen as an overdue process.

The ISIR Think Tank recognizes this as a first step towards the resumption of the stalled talks, and applauds the efforts of the Ethiopian Prime Minister as well as the courage of presidents Bihi and Farmajo for finally agreeing to meet and charter ways of settling disputes peacefully. Notably though, the process of negotiations between Somalia and Somaliland involves critical standpoints not least the issues pertaining to the separation and re-unification of the two countries, which need to be approached with detailed and deeply thought out perspectives and roadmaps. It is also imperative to ascertain the precise roles of International partners who have demonstrated their willingness to mediate between the parties. Without bringing all key stakeholders - including the EU, UN, IGAD, and OIC - on board with a consistent international framework towards the negotiations, mediation efforts could end in the probable creation of competition instead of cooperation.

Whilst both the federal Government of Somalia and the government of Somaliland stated the need to involve third parties (mediators) in the negotiations, the Institute for Strategic Initiatives and Research understands the risks posed by the absence of highly coordinated, complementary, and coherent strategies from all involved actors. During the last rounds of talks in Turkey, third parties were limited to a facilitation role as opposed to a mediation role. However, both parties are now awake to the importance of mediation from neutral third parties. In the past, several countries including Turkey, Djibouti and Sweden, as well as international organizations, have each demonstrated their interest in mediating between the two sides. More recently, Ethiopia joined the growing list of countries expressing a desire to mediate between Somalia and Somaliland governments.

For the negotiations to be fruitful, the two sides must embark on a wide ranging set of steps and processes to have a clear roadmap for making concessions. One of the desired outcomes of the negotiations is separation of the country into two political entities. To achieve this, the Somali government will have to seek support from both chambers of the Somali Federal Parliament (SFP). The FGS will need the support of federal member states as well. However, should Somaliland concede to a reunion with Somalia, most opposition could be expected from the general public and clan leaders as opposed to coming from within parliament. This is because the ruling party has the largest number of affiliated MPs. Drawing from this understanding, the two negotiating parties will find it difficult to gain legitimacy should they fail to engage those respective groups.

The aim of this policy brief is to further contribute to the efforts of settling the long-standing disagreement between the Federal Government of Somalia and the Government of Somaliland peacefully, and suggest relevant approaches to be considered that would effectively aid and enable the parties to achieve lasting political agreements. In addition to this, the Institute for Strategic Initiatives and Research is cognizant of the fact that three decades of disengagement pose greater risks of armed confrontations which could lead to an uncertain future. Thus, it is long overdue for both parties to negotiate solutions through effective mediation to get past the current standoff.

A Process-Oriented Mediation Approach

The dispute arising from the question of separation and unification of Somalia and Somaliland is a long-standing one and remains unresolved. Several attempts to resume the futile talks in recent years (2012-2015) between the two sides ended in failure. It is therefore an overriding objective of the international community to approach the talks with highly coordinated and complementary strategies for the purposes of avoiding duplication.

For over two decades, diplomatic negotiators failed to bring the two parties to sit together. However, this was achieved during the London Conference on Somalia in February 2012. The first phase of talks was designed in an environment that would facilitate initiation of direct dialogue between the two parties. At the time, it was considered a landmark event where the negotiators from both parties made breakthroughs, until major contested issues surfaced leading to a deadlock and subsequent breakup of the process. This could have been avoided had there been the intervention of third parties (mediation). The first phase of the Somalia-Somaliland dialogue held between 2012 and 2015 was marred by lack of commitment to the process and insufficient preparations. Neither party came with a well-articulated framework of ways to approach the negotiations towards

lasting agreements. There was evident avoidance of major contentious issues, which led to both parties losing interest in the continuation of the dialogue. In addition, analysts contend that there was a gap created by the fact that the international community involved was only holding a facilitation role as opposed to a mediation role.

The Institute for Strategic Initiatives and Research understands that it is high time that third parties got involved in breaking the current impasse. In the meantime, ISIR observes that International organizations and countries who are involved in the process should be mindful of the fact that the process they lead determines the viability and credibility of the outcome of the negotiations.

Particular attention should be paid to applying effective mediation skills where both parties' thoughts and views are taken into consideration during the mediation process. Both parties should be given time to prepare and set normative frameworks geared towards achieving the agreements made. Quick fix strategies and short-termism constitute grounds for a failed process since they avoid details that are necessary in nonviolent settlement of disputes.

The central and fundamental principle is to work towards the achievement of quality mediation that lays concrete foundations upon which to build the negotiated agreements. As observed in recent years, the process is lacking in coherent mediation efforts between the involved actors; for instance, Turkey, Ethiopia and Djibouti all expressed interest in leading the mediation efforts without any of them developing mechanisms on which to base the negotiations. The lack of coherence between and among the stakeholders could negatively impact the whole process of resolving disputes between the two parties and risk reemergence or a return to past positions.

Nevertheless, the presence of a wide-ranging set of actors joining the process of mediation can be helpful and complementary once aligned with the tools and goals of well-coordinated mediation skills among the key involved states. Each mediating party has the potential to add value to the process, varying from skills, to financial resources, and offering mediation venues. Joint mediation initiatives that harmonize the process of decision-making, enhance mechanisms for information sharing, strengthen procedures for raising funds and promote transparency create opportunities for mediation success.

1. Policy Recommendations to the Government of Somaliland

Internal dialogues instituted: Somaliland is confronted with a number of internal issues, including stalled democratization process, shrinking space for political dissent, and disparities in political representation where the center largely accumulates power. Given these conditions, Somaliland will definitely not gain the maximum benefits from these talks.

The government of Somaliland should allow political divergence and diversity of ideas. It has been a long overdue assignment for Somaliland to facilitate and provide internal platforms for debates and constructive dialogue, failure to which further internal divisions could be created by the emergence of unnecessary opposition parties who feel ignored by mainstream government.

Similarly, unionist politicians hailing from Somaliland and operating from Mogadishu have to be engaged and encouraged to take a constructive role similar to the one taken by Kurdish Politicians based in Baghdad, who worked in collaboration with the Kurdish regional Government at the time of discussions when a new Iraqi constitution was drafted and approved in 2005 that recognized the Kurdistan region as autonomous.

The Administration of President Bihi has the opportunity to walk the path created by his predecessor Mr. Silanyo, who accommodated those with different voices. These included Professor Samatar, a longtime critic of the Somaliland cause, General Jama Mohamed Ghalib, as well as Professor Ali Khalif and Prof. Ismail Buba - former prime minister - and two-time foreign minister of Somalia respectively.

The forces who contend against the notion of separation argue that they are not given spaces to debate. Providing platforms for internal debates and reaching out to its opponents will uphold Somaliland's position in the negotiation table. Through national dialogues and consultations, the government of Somaliland may invite its critics and those in self-imposed exile where thought provoking debates are held and a common strategy is adopted in the end. The absence of those forces otherwise weakens Somaliland's demands and strengthens the federal government's leverages.

Prepare for the negotiations: Negotiating a deal of this nature requires thorough preparations and expert analysis. In February 2019, ISIR published a policy brief on ways to "Revive the Talks" and recommended for both sides to institutionalize the process by forming mandated bodies. It is noteworthy that President Farmajo nominated a committee of seven members to represent the federal government of Somalia and undertake a secretariat role during the proceedings of the negotiations.

The office of the prime minister's involvement indicates that the federal government has finally come of age and is committed to leading cordial negotiations with Somaliland. The ISIR Institute recognizes that the office of the prime minister is working on developing a strategic framework on ways to approach the talks. The office was previously praised for having the courage and experience to lead successful negotiations, having recently reached two significant milestones; the Galmudug State reconciliation, and Somalia's debt cancelation.

Somaliland needs to follow suit and form a national commission for the negotiations. Over the years, successive governments were emphatic about obtaining international recognition from foreign states. Leaders repeatedly went on official trips to countries within Africa, Europe, and the USA, and even established representative offices with a view to making those countries recognize Somaliland as a sovereign state, but to no avail.

Therefore, time has come for Somaliland to realize that its failure to engage with Mogadishu is where the problem lies, and that peaceful negotiation is the only viable option that can help Somaliland to achieve its long standing objectives.

Once an independent commission is formed, it will be delegated to assume day to day activities. The mandate, role and composition of the negotiating commission will be in sync with the current position of the talks. As a secretariat for the talks, their mandate should lean more towards the provision of expertise, advisory, technical and backstopping support from the constituent members. The committee should reflect a myriad of experiences and expertise pertaining to the art of negotiations, legal expertise, geopolitical knowledge and historical backgrounds. In addition, candidates should be well-versed and experienced in Somalia's political history, the politics of unifications, and the subsequent fallout

Public Accountability: Talks should be conducted in a transparent fashion and the public should be kept abreast of the deliberations, issues at stake, and the decisions made. The public should also be allowed to engage in civic discourse to congruently participate and have a say in their fate. Somaliland declared its unilateral independence from the rest of Somalia in 1991 following public demand. Thus, citizens expect to be updated on a regular basis and in a transparent manner. The necessary legislative processes must also be followed before proceeding with the negotiations.

A transparent process emboldens the government's position and reduces instances of public mistrust, while also allowing for the public and the government to walk together at all levels of negotiations.

2. Policy Recommendations to the Federal Government of Somalia

Audacious creative steps: Successive governments in Somalia repeatedly echoed their primary objective regarding the negotiations as being the restoration of unity in Somalia by offering power sharing schemes to Somaliland. Most academic works contend that the root causes of state collapse in Somalia go beyond power and wealth sharing grievances. The causes date back to the 1960 union where a country with a national political identity was overlooked. Furthermore, the FGS is struggling to reunite different regions that became what used to be the Somalia Republic under one federal state. These contradictory strategic objectives need to somehow be reconciled before Mogadishu enters any serious negotiations with Hargeisa.

To achieve this, the FGS needs to offer Somaliland a renegotiation of the flawed Union instead of re-unification. The FGS should aim to resolve the major issues and grievances while being guided by a new and pragmatic approach that recognizes the current political landscape in Somalia, characterized by asymmetric federal member states that won't accommodate Somaliland's hard won political dispensation.

Initiate a Credible and Appealing Process: The federal government of Somalia should approach the talks with a high degree of thoughtfulness and learn from its recent mistakes. In practical terms, this includes avoiding anything that violates previous agreements in order to be considered as a serious party to the negotiations. One of the agreements that the FGS should seek to honor is avoiding politicizing and weaponizing aid and aviation issues.

A Commitment to Uphold Past Agreements: This would help the FGS to commence constructive negotiations with Somaliland. The FGS must take quick and bold actions by mainstreaming the recognition of past atrocities committed in the name of the Somali government. This is not only a good will gesture but also builds trust that the FGS will be committed to any future agreements into which it enters.

List of past agreements between Somalia and Somaliland (2012-2015)

- Agreement on joint air traffic management of Somali airspace
- Agreement on Somaliland Special Arrangements (SSA)
- Agreement not to politicize developmental aid
- Agreement to avoid use of inflammatory language and statements

Eliminating Controversy: This could be done through a review and restructuring of the current Negotiation Committee, and by leaving out any unnecessary and controversial personalities who could do more harm than good to the process.

3. Recommendations to the International Partners

Unified International Partners standpoint: Somalia's international partners should support and get involved in any ongoing process by offering expertise in technicalities and consensus building exercises. While the contents will solely be negotiated between the parties, regional organizations like IGAD and the AU, as well as international organizations led by the United Nations Mission can further add weight to the achievement of agreements and be considered as guarantors. Meanwhile, negotiations should have a clear road-map and timeline to avoid instances where the process drags on and on resulting in fatigue, whereby some countries may abandon the negotiations before agreements are reached.

The Policy brief recommends having a lead mediator from one country or organization with the rest of the countries backing the lead mediator. Lastly, venues for the talks could be rotational and should not be the center of the attention.

Mediator Impartiality: While the ultimate decisions rest with the negotiators from both sides, mediators are particularly important in catalyzing the current standoff to reach fair agreements. It is therefore imperative to find an impartial mediator that has the confidence of the disputing parties. For a mediation process to succeed, the mediator needs to be independent and neutral, and have no vested interest in the outcomes of the negotiations. The big question is; does the current Ethiopian government meet such criteria? Somalis in general viewed past Ethiopian leadership with suspicion. However, the current Ethiopian leader has succeeded in portraying the image of a peace maker, and there are strong indications that he is genuinely interested in peaceful coexistence. Some of his peace building initiatives with Ethiopia's neighbors have even earned him a Nobel peace prize, which suggests that he could be a trustworthy peace broker between the two parties

Risks Arising from Changing Geopolitical Dynamics: ISIR Think Tank understands the potential risks posed by the shifting geopolitical balances in the horn of Africa and the Middle East. Many countries are currently engaged in proxy competitions with their adversaries, and should this be imported to the talks, it would only compound the complexity of the process; hence, all parties involved in the mediation need to seek ways to mitigate such situations at the beginning of the process. For example, Turkey has recently expressed interest in mediating between the two sides and has designated an envoy to carry out the mediation. However, Turkey and Qatar are engaged in a joint political rivalry with the UAE-Saudi alliance.

To avoid incidences where gulf countries' rivalry - which could potentially derail negotiations - is imported into the process, the best solution would be to conduct these talks under the auspices of the African Union.

Timeline of Developments in the Latest Somalia-Somaliland Talks

Feb 11, 2020: President Farmajo and President Bihi meet in Addis Ababa with the facilitation of the Ethiopian Prime minister

Feb 13, 2020: President Farmajo acknowledges past crimes committed under the military regime in the 1980s against the people of Somaliland

Feb 16, 2020: The speaker of the House of Guurti, in a televised speech, deplores the fact that Somaliland is facing pressure from Ethiopia and implied the possibility of Somalia's President Farmajo and Ethiopia's Prime Minister Dr. Abiy to visit Hargeisa

Feb 18, 2020: In his annual address of the nation speech at the joint session of parliament, president Bihi acknowledged President Farmajo's remarks in regard to admission of past atrocities but rules out any possible visit by Farmajo to Hargeisa

Feb 19, 2020: A delegation led by Ethiopian Finance Minister Dr. Ahmed Shide (Ethnic Somali) arrives in Hargeisa and meets with President Muse Bihi. Neither side issues a press release

March 18, 2020: Upon invitation by his Ethiopian counterpart, Prime Minister Khaire makes a visit to Addis Ababa though specific details of their talks were not disclosed

March 29-1st April 2020: A number of prominent traditional leaders call for Somaliland to engage in genuine dialogue with FGS

April 3, 2020: Somaliland's Deputy Minister for Foreign Affairs Mr. Liban in a TV interview overrules any role of traditional leaders in the dialogue with Somalia and calls for traditional leaders to refrain from engaging in political matters

April 3, 2020: Geeska Africa newspaper reports that the Ethiopian Prime Minister stepped up new efforts to mediate between Hargeisa and Mogadishu

April 9, 2020: In a joint press conference with the speakers of two houses of parliament and political parties, President Bihi rules out the existence of new initiatives in regard to the talks. "Neither a government nor a regional organization approached us about a new round of talks" President Bihi claims

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Institute for Strategic Initiatives and Research (ISIR) is an independent not-for-profit thinktank dedicated to contribute building of democratic, pluralistic societies and effective public institutions in the Horn of Africa through research and Policy analysis.