



Somaliland International Patriotic Action

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## SIPA's Open Forum Discussion Summary:

### Policy Briefing Paper No. 5/2023

#### Political risks associating with the dialogue between Somaliland and Somalia

##### 1. Introduction:

SIPA's Open Forum held online discussion on 11/05/2023, the discussion focused the question of the 'Political risks associating with the dialogue between Somaliland and Somalia'. The discussion took a total time of 145 minutes from 10:00pm to 00:25am local time.

The total participants participated online discussion was 61 participants from different backgrounds including lawyers, legal researchers, public international law, individuals with extensive professional work experiences with the international organizations, security and policy analysts, human rights activist and other experts in the fields of public policy.

The online discussion was held under rule of SIPA's Open Forum, the discussion examined the Political risks associating with the dialogue between Somaliland and Somalia with neutral setting. Every effort has been made to ensure correctness of information contributed by the participants.

##### 2. Background

The source of the dialogue proposed between Somaliland and Somalia was brokered by Chatham House. In July 2011, there was small roundtable meeting held at the Chatham House, this meeting was participated by unnamed Somaliland politicians on behalf of the Government of Somaliland.

Those Somaliland politicians that participated this small roundtable meeting held at Chatham House in July 2011 have kept undisclosed the details of the small roundtable meeting. The details of the small roundtable meeting held at Chatham House in July 2011 was not made available to the citizens of Somaliland, especially legal personnel available in country, Somaliland.

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Details of the small roundtable meeting was discovered after couple of years from the date of this publication by Chatham House paper titled "*Somaliland's Place in the World*", Africa Programme Conference Summary, December 2011. Somaliland politicians that participated this meeting already accepted the process proposed to Somaliland from the small roundtable meeting held at Chatham House in July 2011 and engaging the process of this dialogue that the meeting highlighted that process has importance to Somaliland.

The main headings of Chatham House publication titled "*Somaliland's Place in the World*", Africa Programme Conference Summary, December 2011 are: (1) Introduction; (2) What is Somaliland's status? (3) Existing links across Somalia and Somaliland; (4) Can Somaliland help the South? (5) The Importance of a Process; and (6) Conclusion.

This small roundtable meeting held at the Chatham House in July 2011 directly attacked the status of Somaliland and published paper titled; "*Somaliland's Place in the World*", Africa Programme Conference Summary, December 2011. The main objective of this publication was to convey messages to the international community and international public domain.

Chatham House publication titled "*Somaliland's Place in the World*", Africa Programme Conference Summary, December 2011 was official publication containing foolish information against Somaliland. The small roundtable meeting held at the Chatham House in July 2011 brokered on how to take Somaliland to Somalia's conference to be held in London and hosted by UK Government in February 2012.

Publication of the Chatham House published in December 2011 was conveying specific messages on the status of Somaliland to the international community. In particular, these messages were addressing delegations that were participating the upcoming London conference, among others, these messages were include: -

- 1) "*Somaliland claims recognition but has no internationally recognized route to achieve it*";  
*False*
- 2) "*New initiatives seek to find practical ways for Somaliland to function in the international sphere despite its lack of recognition*". pp.4-2. *False*
- 3) "*Ideas include enabling international donors to contribute to a fund which could be administered jointly by donors and the Somaliland government – which as an unrecognized entity is not eligible for direct budgetary support*". pp.4-2. *False*
- 4) "*Unrecognized entities. such an entity may have the objective characteristics of a state, but is unable to actualize this statehood. Somaliland falls into this category*". pp.2-3. *False*
- 5) "*Somaliland's primary foreign policy aim is to seek international recognition as a sovereign state*". pp.5-2. True but need correction.
- 6) "*Its partners are happy to encourage stability but are concerned about the potential negative impact formal recognition might have on the wider Somalia issue*". pp.5-2. *False*
- 7) "*African partners in particular are sensitive to the creation of new countries on the continent, as respect for borders inherited from colonial rule is a key principle underpinning the African Union (AU)*". pp.5-2. *False*

- 8) *Somaliland argues for its right to recognition on the basis that it voluntarily entered a federation with Somalia in 1960, and so independence would be the result of Somaliland's secession, and would not equate to the creation of a new state. This argument has strength but without political support from other nations it is not sufficient". pp.3-3 False*
- 9) *"Somaliland could benefit from being part of a formal process that would offer a path to regularizing its position in the eyes of Somalia", False*
- 10) *"Somaliland has a choice in picking the focus of its lobbying. It could aim to obtain recognition from an influential external state, such as the US or Ethiopia, which may help it achieve a status similar to Kosovo's. pp.4-3 False*
- 11) *"Alternatively, it could try to get consent from Mogadishu for its independence, which would lead to wide international acceptance. Neither route is simple or, at present, likely". pp.4-3*
- 12) *"At present Somaliland is able to operate independently with relatively little obstruction as there is little in the way of effective government at a national level in Somalia".<sup>1</sup> False*
- 13) *"However, if Somaliland fails to resolve its relations with the Conference Summary: Somaliland's Place in the rest of Somalia problems are likely to be stored up for the future". pp.4-3, False*

The above statements constitute foolish information and attack against the factual political independence of Somaliland established by British Treaty Series No.44 (1960). In the discussion of the meeting, it is not clear how they achieved their conclusion that says "*Somaliland is lacking recognition*" they did not say any about the political independence that Somaliland achieved on 26 June 1960. The transfer of sovereignty occurred within the United Nations without consent of the independent State of Somaliland, which Somalia was exercising the rights and obligations of Somaliland containing British Treaty Series No.44 (1960).

### **3. Political Risks**

The Chatham House publication titled "*Somaliland's Place in the World*", Africa Programme Conference Summary, December 2011 constitute the risks associating with the dialogue between Somaliland and Somalia. In accordance of the points discussed during the small roundtable meeting held at Chatham House, the acceptance of the dialogue by Somaliland was reflecting that Somaliland has abandoned its position as independent State by accepting Somalia's failed State as legitimate State.

On the other hand, when Somaliland accepts that the ending Somalia's Transitional Government, the platform that Somaliland failed to take was returning back to Somalia. This means there was no two sovereigns but one, the sovereignty of the State of Somaliland which Somalia was using before 1991. Immediately by ending Somalia's Transitional Government, the dialogue was becoming local dialogue between Somalia and Somaliland with the status of secessionist

because the process that Somaliland was proposed at the Chatham House in July 2011 was to take the same steps of South Sudan, the reason that Somaliland was taking this process was on the basis of wrong advice given at the Chatham House.

Keating was the Executive Director of the Chatham House that brokered to take Somaliland in Somalia's London conference, he was appointed as the Special Representative of the Secretary-General for Somalia, the reason was to continue what he has told Somaliland politicians at the Chatham House in July 2011.

Somaliland was the victim State while Somalia was the offender State that committed war crimes in Somaliland, there was no direct dialogue between the victim and offender States. The conduct of Somaliland was waiving those rights of reparation of the damages committed by Somalia.

#### **4. Types of Political Risks experienced from the dialogue**

The participation of Somaliland for Somalia's London conference has legal implication to Somaliland. The political risk was that Somaliland was told that it can achieve independence to get consent from Somalia's wrongful act and secessionist from the Somali Republic, which ridiculous and situation of lawlessness and Statelessness by telling Somaliland so.

The acceptance of Somaliland for Somalia's London conference communique on 23 February 2012 has legal implication to Somaliland.

The conduct that Somaliland signed communique with Somalia has also legal implication to Somaliland which Somalia blacked Somaliland economic independence in Article 4 of Ankara Communique 13 April 2013, which Somalia has become the entry point of all international aid assistance coming to Somaliland in April 2013.

The State authorizing economic has sovereignty over the territory it is authorizing economic. However, in the context of so-called "Federal Government of Somalia", the rule of customary international law will not come into existence to the extent that formation of so-called "the Federal Government of Somalia was conflicting with existing peremptory norm of general international law (*jus cogens*).

Despite this, Somaliland was included so-called "Federal Government of Somalia", the dialogue that Somaliland was engaging was the means that Somalia was overtaking and absorbing Somaliland. The process that Somalia was trying to recover the territory of Somaliland by means of economic investment begun in 2005/2006 Joint Needs Assessments (JNSA), which produced RDP 2008-2012.

However, those States, international organizations, regional and international financial institutions that are knowingly commissioning Somalia's wrongful act and entertaining customary international law will pay the price. Their practice will create source of evidence that they are partially accountable those war crimes that Somalia has committed in the territory of Somaliland over the period before 1991.

## 5. Conclusions

Prior 2012 Somalia could not dare to claim the territory of Somaliland which Somalia has lost by means of inter-State war between Somaliland and Somalia. The dialogue has neutralized those war Crimes that Somalia has committed in the territory of Somaliland.

The status of Somaliland is very delicate and fragile because of the dialogue that led Somaliland to fall into risks which Somaliland has no plan to recover these political risks. Yet, there are individuals that are blindly talking about dialogue to be engaged with Somalia at later stage. But it is more likely that there are individuals paid by Somalia to popularize notion of dialogue, without taking action what happened in the past.

Dialogue is impossible unless Somalia declares the following;

- 1) Somalia accepts to reform of its Provisional Constitution 2012 to limit only its territory;
- 2) Somalia declares its acceptance of war crimes committed in the territory of Somaliland;
- 3) Somalia declares that Somaliland has no representation in Mogadishu administration in any structure from executive, legislative and judiciary.
- 4) Somalia declares its acceptance to return the airspace of Somaliland to its status quo before 2012 and refund any air navigation revenue collected from the airspace of Somaliland.
- 5) Somalia declares that it does represent in any of UN, AU, the IGAD and Arab League.
- 6) Somalia declares its acceptance of returning status quo of the situation that Somaliland and Somalia were before 2012.

In conclusions, Somaliland should reverse those political risks it has contracted from the dialogue.

## 6. Recommendations

### 6.1. The Government of Somaliland:

- The Government of Somaliland should terminate all communiqués signed with Somalia with immediate effect.
- The Government of Somaliland should prevent any relations or dialogue with Somalia.
- The Government of Somaliland should engage proactive countermeasures against Somalia.
- The Government of Somaliland should accomplish the legal framework of succession of State.

### International Community:

- International community should drop negotiation between Somaliland and Somalia.
- International community should stop from Somalia false State representation and situation of aggression against Somaliland.
- International community should return the airspace of Somaliland from Somalia.

**About SIPA**

The Somaliland International Patriotic Action (SIPA) is an independent, nonpartisan, nonprofit policy, democracy, human rights and development organizations established to strengthen the capacity of the people of Somaliland by injecting knowledge, technical and administrative support to enable to manage issues affecting their status and position in the world. SIPA Action is focusing popularization of the existence of Somaliland and the fundamental rights of the people of Somaliland. Copyright ©SIPA 2024

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