

## Somaliweyn and the Silanyo Administration

On Thursday 27<sup>th</sup> January an article appeared in the Somaliland media which proclaimed that securing the country's international recognition can only be obtained if it enters into talks with Somalia and obtains its acquiescence to Somaliland's independence. The author of this piece, who is the Finance & Administration Director of the Somaliland National Aids Commission (SOLNAC), went on to assert that the TFG of Sheikh Sharif Ahmed is particularly appropriate as a negotiating counterpart because it is weak, whereas a future government in Mogadishu may well be stronger and so less amenable to separation.

Before outlining the vacuity of this argument, which is dealt with in some detail in a previous piece entitled "**Somaliland's Recognition: Myths, Truth and Law**" ([http://www.jamhuuriya.info/index.php?art\\_id=15594&categ=2&expand=2&file=view\\_article.tp](http://www.jamhuuriya.info/index.php?art_id=15594&categ=2&expand=2&file=view_article.tp)), it is helpful to examine its publication in the context of the Silanyo Administration's outlook regarding Somaliland's independence and relationship with Somalia. The starting point in such an evaluation has to be the President's professed previous preference for a unitary Somalia (federal or otherwise) as opposed to an independent Somaliland. Mr. Silanyo's has made no secret of his adherence to *Somaliweyn* during his leadership of the SNM and at the time of Somaliland's liberation in 1991, and I have commended his political courage in admitting same in previous missives (see "**Somaliweyn-2.0-From Nationalism to Subterfuge & Conspiracy**" <http://somalilandpress.com/oped/somaliweyn-2-0%E2%80%93from-nationalism-to-subterfuge-conspiracy-19282>).

In addition to the President's previous adherence to *Somaliweyn*, there is the matter of the unexplained, and inexplicable, leniency shown to pro-*Somaliweyn* political activists such as Osman Kalluun which have been allowed to enter and leave the country at will, despite outstanding charges of treason against them after they had breached the terms of the pardons extended to them by the previous, Riyalle administration. In this context, it must be pointed out that the pardon of Mahamud Abdillahi Jama (Sifir) allowing him to return to Somaliland is improper since the President can only pardon someone that has been convicted, not merely charged. As I argued at the time that then President Riyalle pardoned Kalluun, the accused must first be brought before a court of law, tried and convicted before the President can pardon him or her. This practise of pardoning accused people before they have even been tried is wrong and legally invalid since one cannot be pardoned if one has not been convicted. This is such an obvious and basic legal fact that one can only be amazed that it has managed to escape the attention of the nation's law enforcement officials.

More disturbingly, there has been the deliberate de-sensitising of the public regarding contacts with governmental officials of Somalia with the Minister of Interior casually stating that he authorised Puntland government officials to enter Somaliland to take part in the Kalshaale mediation talks. One can only wonder if his opposite number in Garowe would be as amenable to Somaliland officials entering Puntland to mediate in a dispute between Puntland citizens. There are also reports of Puntland military forces, supported by Saracen mercenaries, entering Somaliland while escorting foreign oil exploration company personnel, with no action taken or public comment by the Silanyo administration. If true, this is not only remarkable, it constitutes a gross dereliction of duty by those sworn to defend the country, its people and its constitution. There have also been reports of Silanyo administration Ministers

attending international conferences under the flag and aegis of the Mogadishu regime. Again, if true, this amounts to a gross dereliction of duty by the said Ministers and the entire government.

Finally, there is the article mentioned above. It is a time honoured tradition for politicians to test public reaction to policies or initiatives under consideration by having a junior member of their team or government advance it as a personal opinion or perspective. Thus, if the public reaction is severe or it is roundly rejected, it can be easily disowned as the personal musings of a misguided junior official or aide. What is clear, however, is that the aim of the piece is to introduce into the political discourse of Somaliland the idea that negotiating with Somalia, and specifically the TFG, over the independence of Somaliland is not only a legitimate option, but actually one worthy of consideration. There are several, fundamental reasons why this is not the case and that taking such step will in fact de-legitimise and so sabotage Somaliland's case for recognition.

Firstly, the author of the piece does not seem to understand that Somaliland was never a part of Somalia legally and politically until it voluntarily united with Somalia on 1<sup>st</sup> July 1960 to form the Republic of Somalia. What happened at this time was the union of two independent and sovereign nations through an Act of Union signed by the governments of the said two nations. Since governments on their own cannot abrogate the existence of the very nations they were formed to govern, this Act of Union had to be ratified by the peoples of the two countries through a free and voluntary vote. This ratification was to be granted through the adoption of the union constitution by plebiscite in July 1961, however this new constitution (which evidenced the union of Somaliland and Somalia and the new Parliament of 123 seats for the united country) was roundly rejected by some two thirds of the voters in Somaliland, while it was adopted by a similar but positive margin in Somalia. The simple fact, therefore, is that the people of Somaliland never legally consented to the union, even though a mere twelve months earlier, propelled by nationalist fervour, they had demanded that their government deliver them to Mogadishu.

There are several important and absolutely fundamental consequences that causally flow from these facts: a) Somaliland has been a politico-legal entity since 1881 when the local clan elders signed Treaties of Protection with Britain, thus Somaliland's claim to recognition as an independent nation is based upon a solid legal foundation going back more than a century; b) Somaliland's recovery of its independence in 1991, ratified by the overwhelming adoption of the new constitution in 1997, is valid under international law because the union constitution of 1961 was never ratified by the people of Somaliland, thus rendering the Act of Union of 1960 null and void since the will of the people is sovereign; and c) Somaliland's claim to recognition does not contravene the AU's principle of the sanctity of colonial borders, indeed it re-establishes this principle with respect to Somalia and Somaliland. The focus of the piece, not to mention that of the Silanyo administration's foreign policy as evidenced in numerous declarations and interviews, is upon the secession of one part of an established country as in the cases of southern Sudan, Eritrea and East Timor. The comparison of Somaliland to these cases is not only misleading since these new nations were carved out of existing countries, while Somaliland was an existing legally recognised nation prior to voluntarily uniting with Somalia, but it sabotages our case by tying our recognition to the approval or veto of a hostile third party.

In fact, the examples that most closely approximate Somaliland's case, and which the

Silanyo Administration should be using to advance and justify our position is the eastern European countries that recovered their sovereignty after the collapse of the Soviet Union, e.g. Poland, Hungary, Latvia, Estonia etc. Instead of using every resource available to it to promote Somaliland's case and secure support for our cause throughout Africa, Asia, Europe and the Americas, our government is now suggesting that we go cap-in-hand and supplicate before a so-called government that even its foreign sponsors accept is a joke. Further, as the expiry of the mandate of this phantom government grows ever nearer and the magnitude of its failure gets ever larger, the world is increasingly unable to avoid Somaliland's compelling and remarkable success in conflict resolution, representative governance and self reliant development. This is truly the moment to let our political maturity shine and let our achievements speak for themselves, even as we advance our legitimate claim for recognition through tireless education and lobbying, reasoned debate and determined confidence. Yet, some within the Silanyo administration are pursuing a clear policy designed legitimise the deliberate sabotage of our independence and self reliance. We must, therefore, ask the inevitable question: why?, and more to the point, why now?

It is an open secret that there is a concerted, well funded campaign by pro-*Somaliweyn* activists to engineer an end-run around Somaliland's independence and secure a rapprochement with Somalia on the basis of various concessions which I have outlined in the above mentioned piece entitled "***Somaliweyn-2.0-From Nationalism to Subterfuge & Conspiracy***". The principal advocates of this secretive and nefarious campaign are well known and comprise the failed Somaliland politicians that have sought greener pastures for their ambitions in Mogadishu, e.g. Kalluun, the current Foreign Minister of the TFG et al, as well as various pro-*Somaliweyn* diaspora intellectuals of Somaliland and Somalia origin. This group perceives in Mr. Silanyo a leader that is sympathetic to their cause to reunite Somaliland and Somalia, while, on the other hand, the impending termination of the TFG's mandate in August this year presents both an opportunity as well as a deadline. If they can "deliver" Somaliland before the termination of the TFG's mandate, they believe that they can secure senior positions for themselves in the permanent government for Somalia that is planned to succeed the TFG. To this end, a flurry of meetings have been held in Djibouti (with or without the support of the Gueleh government) in the grand old political tradition of 'smoke filled back rooms' to plan how the end-run around Somaliland's independence and the fervent commitment of its public to their sovereignty may be achieved.

The de-sensitising of the public to official contacts with TFG and Puntland officials mentioned above is an initial and essential element of this strategy, and it has been successful in that there has been no public outcry, even in the face of incursions by Puntland military forces into Somaliland territory. The easy, tacit accommodation of pro-*Somaliweyn* activists to come and go at will is another element, but fortunately this has attracted much negative comment in the media and on the streets. However, the article of the SOLNAC official is the most brazen attempt to date to open the door to a clear strategy of legitimising the sabotage of Somaliland's independence. Just look at the facts. What is being proposed is that the government of Somaliland, which was elected by its citizens in a free and fair election, go cap-in-hand to a bogus 'government' that controls no territory, governs no one and survives at the pleasure and discretion of some 6,000 AMISOM troops, in order to beg for our freedom. Can they really be serious?

Of course not, what they seek is to legitimise the lie that the road to our freedom

goes through Mogadishu, so that they can negotiate Cabinet positions for themselves while proclaiming that independence is no longer necessary, since our brothers in the south are now willing to grant us all these wonderful concessions. Its the classic 'bait and switch' tactic of the conman, and the people of Somaliland will not buy it. As the saying that George W. Bush got so memorably wrong goes 'fool me once, shame on you; fool me twice, shame on me'! The road to our freedom goes through the same route it has always done – through our determination, our unity and our political maturity. Let the acolytes of Xamar go to Xamar; the people of Somaliland know where their future lies – in Somaliland.

The Silanyo Administration must put all the uncertainty and doubts surrounding this issue to rest once and for all. During the question and answer session after his speech at Chatham House during his recent visit to London, President Silanyo gave a clear and forthright answer to a question posed to him by a British MP regarding relations between his administration and the TFG. He must be equally clear and forthright in assuring his own people that not only is his administration committed to the pursuit of Somaliland's recognition independently, but that he will not under any circumstances countenance any negotiations or talks with the TFG or any other government of Somalia unless and until such government accepts Somaliland's independence. We are waiting, Mr. President.

***Ahmed M.I. Egal***