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ISIR OBJECTIVES

Institute for strategic initiatives and Research (ISIR) is an independent not-for-profit think tank dedicated to contribute building of democratic, pluralistic societies and effective public institutions in the Somali Horn of Africa region through research and Policy analysis.

Evidence-based research, Informed Public Debates & Independent Policy Analysis
1.0 Overview

The Somalia-Somaliland talks have been in stalemate for more than four years since the last round of talks held in Djibouti, December 2014, between former presidents Hassan Sh. Mohmoud and Ahmed Silanyo. Now both parties have relatively new governments with neither of them taking bold steps to return to the negotiating table. Several attempts were initiated to pressure both sides by the international community to resume the talks and have even gone further to facilitate direct communication channels between the two presidents through back door diplomacy, however none of these is yet to be materialized as it has faced series of setbacks most notably in 2018, when the federal government refuted both the military base and DP World’s concession agreement between Somaliland and the United Arab Emirates resulting in Somaliland to suspend any prospect of renewing the dialogue and throwing tirades of populist like rants thus delaying another window of opportunity to reconcile differences.

The challenges facing the talks are not confined to the latest policy differences between the two administrations, since the start of the talks both sides lacked consistency and purpose, preparations were equally poor with different faces participating the process. Both parties were interested in dragging on the process and preferred on discussions of less meaningful factors having firmly ignored the main issues of difference, the union versus cessation tunes were raised in both Mogadishu and Hargeisa with none of them suggesting to compromise their positions. The process also did not attract the attention of regional and international organizations like IGAD, African Union, Arab league and the United Nations in contrast to the roles they have taken in the past similar cases, like the North and South Sudan peace talks.

The Institute for Strategic Initiatives and Research (ISIR) calls for all concerned parties to renew their commitment to the process of negotiations in good faith by adopting a new and coherent approach with the view to reach a permanent comprehensive deal. The aim of this Policy Brief is to propose to the parties a different approach from the previous round of talks and sheds light on the important role that the International community can play by appointing a chief mediator for a host country and a core body consisting of countries at the forefront__ known as Somali friends and concludes with several recommendations essential for reviving the diplomatic negotiation between the Federal Government of Somalia and Somaliland Government.

2.0 Background

Republic of Somaliland declared its independence from Somalia in 1991, though it remains unrecognized by the international community, Somaliland claims its legitimacy date back to the 1960 unitary government known as the Somali Republic that consisted of the unification of the two territories of Italian Somaliland and British Somaliland. While the Federal Government of Somalia considers the unilateral secession of Somaliland unbinding, Somaliland has a functioning government, national army, currency, elected president and parliament and has presence in most of its territories, thus fulfilling the legal requirements for statehood though we understand recognition is mostly dependent on a political settlement with the mother state.
Since its unilateral declaration of independence from the rest of Somalia, the government of Somaliland adopted a policy of disengagement with Somalia, in a move to embolden its international image as a separate entity from the rest of Somalia. Several attempts were made to involve Somaliland into the Somalia peace conferences of which all but one convinced Somaliland government to attend. At the time Somaliland cited power vacuum in Mogadishu and the absence of legitimate government to negotiate with. The emergence of the late Abdullahi Yusuf Ahmed, a former president of the state of Puntland, to head the transitional federal government of Somalia, also stalled any prospect of dialogue between the two governments following the role Mr. Yusuf had in instigating the Puntland-Somaliland border disputes.

Somalia-Somaliland talks officially begun after the London Conference on Somalia, held at Lancaster House on February 23, 2012 which marked the first high level conference organized for Somalis since 1991. The communique called for the International community to support any dialogue between the parties was welcomed by both Somaliland government and the Transitional federal government of Somalia at the time and begun talks in goodwill. Most of Somali affairs’ analysts hailed the initiative as a step toward the right direction to achieve lasting peaceful settlement of the Somalia-Somaliland stalemate. Seven rounds of talks followed the period between 2012-2015 in London, Dubai, Ankara and Djibouti with Turkey hosting the better part having assumed the role of facilitator and official host of the dialogue.

Talks begun rather easy but at a swift pace, both sides created a political atmosphere conducive to sustain the talks initially with both parties agreeing to ease travel restrictions between the two people, both parties agreed to facilitate and encourage international Aid and Development to Somaliland as well as cooperation on a number of security sectors related to intelligence and trainings i.e. terrorism, piracy and co-manage the control of Somali Air space. the first round of talks would be considered as only a dialogue to break decades long deadlock of disengagement though both sides rushed to more concrete discussions albeit little preparations. This inspired a sense of optimism, Somalis from both sides of the isle welcomed with a sense of Euphoria; in this regard, Somalia-Somaliland dialogue initiated by the international community should be assessed as the first phase of the talks i.e. Engage Somalis within themselves and should be commended.

Things soon got worse on two apparent issues; Somali air traffic control relocation from Kenya to Somalia on whether it should be in Hargeisa or Mogadishu and engaging unionists hailing from Somaliland by Mogadishu as part of its negotiators with the Somaliland delegation raising conditions before the talks start and demanding their ejection before any sort of negotiations begin. The Federal Government team rejected outright those preconditions and eventually prompted the Somaliland delegations leave the talks and return to Hargeisa. The question of who represents parties to the negotiation become major stumbling block that has not yet being resolved, there were also other issues i.e. lack of agreement on implementations claimed by Somaliland in regard to the management of Somali Airspace, with many analysts citing this as the primary reason why Somaliland government walked away from the negotiation table, on the other side, president Hassan Sheikh Mahmoud of Somalia was facing a mounting pressure from some of the parliamentarians questioning the soft stance his administration is handling the process and the sympathy he has extended to the Somaliland delegation which in turn forced him to appeal to his electorate, this led to the federal government not prioritizing the dialogue by then it was evident the talks were failing and the public support soon waned.
3.0 Summary of the stages of the process:

Somalia and Somaliland delegations first met in London, United Kingdom at the Chevening House in June 2012 to set out framework for the dialogue, the process kicked off with the first face to face meeting between the two presidents Mr. Ahmed Silanyo and Sharif Sheikh Ahmed in Dubai June 28, 2012, followed by three rounds of negotiations in Istanbul and Ankara, Turkey between 2013 and 2014 before the process stalled. Follow up efforts led to the Djibouti meeting in December 21, 2014 between president Silanyo of Somaliland and Hassan Sheikh Mohamoud of Federal Government of Somalia; where, though both sides reiterated their commitment to re-start the talks, no talks have ever been succeeded to fruition.

With Presidents Farmajo and Bihi coming to power in February and December 2017 respectively, both have shown little signs of commitment to restart the process. More than four years have passed without face to face meeting between the two sides, means less cooperation on all the issues agreed but also the risk of renewed hostilities becomes in evitable, a scenario we all want to avoid. The claim of Somaliland that the Federal Government of Somalia does not have presence on the land and Mogadishu’s assertion that it enjoys United Nations’ legitimacy only makes the matters worse and needs both sides to reconsider their approach.

A Mediator’s role: lessons learned from previous talks

During the last seven rounds of negotiations, the role of the international community in supporting the dialogue was only limited to the facilitation and expected the Somalis to come up with agreed action points. As the negotiations were getting close to the more advanced discussions both parties started to look hesitant on the implementations and continuation of the process with no one exerting pressure and direction, the process gradually slowed down and eventually led to the current impasse.

The cases of the two Sudanese, Angola, Indonesia, and Colombia in particular, present the importance of a third party. After many years of armed conflict and disagreements, the international community stepped up with mediation effort which led to the successful resolution of their disagreements peacefully; hence, the Somalia-Somaliland case is no different. The Institute for Strategic Initiatives and Research proposes a holistic mediation approach which brings on board all countries dubbed as Friends of Somali political and peace affairs i.e. United Kingdom, United states, Turkey, Norway, regional organizations like the IGAD, African Union, Arab League, Organization of Islamic Union, the EU and the United nations to pool resources, establish a secretariat and nominate a chief negotiator with credible experience who oversees the process and assures both parties. Inclusion of the relevant actors will also enhance the probability that the negotiated outcomes will be implemented thus undermining the prospect of a spoiler emerging.

The Institute also understands the potential risk which the shifting geopolitical balances unfolding in the horn of Africa and Middle East poses to the negotiations with many countries and their adversaries possibly engaged in proxy competitions, and if this is imported to the talks will only increase complexity of the process; hence, all parties involved in the mediation need to seek ways to mitigate such scenarios from the beginning of the process. Mediation efforts will concentrate on the technicalities i.e. Processing, structuring and supporting the talks while the contents will solely be negotiated.
between the parties. Coordination between the various third parties is essential to elude a waste of resources or even doing harm. “Groups of friends" involved in a process, as well as other ways of keeping each other informed, is therefore essential.

The Case of South Sudan

The case of the two Sudanese is relevant to the Somalia-Somaliland than many other International led talks in the sense that both countries are IGAD member states, the Somali National Movement which paved the way for the present day Somaliland has gone through armed struggle just the same way as the SPLA/M and one party to the negotiation is seeking self-determination. For decades the sides used to enter into negotiations but implementations failed constantly. The first formal talks were held in Ethiopia (the Addis Ababa Talks, 1972) followed by the Koka Dam talks in the same country, 1986), the Sudan Peace Agreement in 1988, (the Jimmy Carter Nairobi Talks), Abuja I in 1992 and Abuja II in 1993, as well as Barcelona I and Barcelona II. However, none has resulted in peaceful resolution of their conflicts. It was alleged that many countries involved were in a competition as Sudan is located in geostrategic location, the Oil resources, the Nile etc. therefore those parallel talks were obvious from the beginning they will fail.

At some stage, both parties lost desire and purpose for any further negotiations, the late John Garang, was once quoted as saying "regime in North Sudan" could not be reformed, that they were too deformed to be reformed and must therefore be removed not improved. When we put into perspective the current trend where both sides are not backing down, we may well brace for even far worse scenario with the emergence of new political players in the region particularly the gulf crisis and recent political developments in the Horn of Africa. The rapprochement between Ethiopia and Eritrea, the coming to power of Prime Minister Abbey Ahmed and his aspirations for new political order in the region which are not yet clear may present challenges or opportunities.

Thanks to IGAD mediation efforts led by Kenya, a new approach was adopted, president Moi assigned General Sumeiywo to become the special Envoy who in turn asked all the stakeholder countries to stand behind him, formed a secretariat and list of experts. The Special envoy provided a framework for the Sudan peace process (1997-2005) that commanded the peaceful settlement of conflict between the two Sudanese. The significant thing is the shift of John Garan from a strategy of war and despair to a strategy of negotiation and hope is mainly due to successful mediation effort that provided guidance, vision and follow up of agreement implementations because the mediator serves as a link of communication between the parties and therefore helps parties to explore meaningful options available for them before a deal is reached.

Time frame for Sudan peace process (1997-2005)
- Machakos Protocol (July 2002)
- Framework Agreement on Security Arrangements (September 2003)
- Agreement on Wealth-Sharing (January 2004)
- Protocol on Power-Sharing (May 2004)
- Three Areas Protocols (May 2004)
- Comprehensive Peace Agreement (January 2005)
4.0 Institutionalizing the process:

- The process of reaching lasting settlement between the two nations on self-determination exerted by the government of Somaliland and protection of Somali Unity by the Federal Government of Somalia will not be accomplished in an overnight; however, the negotiations of this nature require a long-term process that will see current governments and incumbent leaders go and others come and perhaps generations, as it may evolve this way. Both sides need to take into account the need for in depth and thorough preparations which is well documented.

- Another lesson learned will be to address the manner in which both parties entered into the negotiations i.e. Wait and See mantra delegation members consisted of ministers, members of parliament and party leaders who were selected on the bases of clan representations; many had even no clue on items in the agenda. Faisal Ali Waraabe of UCID, was once quoted as saying when he was asked about the delegation led by him, if there was any time spared for the Somaliland team to brainstorm on the upcoming negotiations, he was told due to the short time of notice given, they may discuss while on board on a plane to Turkey. Likewise, the Federal Government delegation had even the similar scenario, though their negotiators would come from different parts of the world before they join up their teams.

- It is noteworthy at later stages when the talks were stalled, Somaliland nominated an Envoy for the talks, Somaliland needs to build on this and expand the Envoy’s role. Dr. Edna Aden is credible and highly regarded figure in Somaliland, the Federal Government should also follow suit and put in places persons with high caliber as negotiations require recognizable leaders.

- Another challenge that faced the parties to the Somalia-Somaliland talks was the in ability of both sides to enter into skilful negotiations

- Against this backdrop the Institute for Strategic Initiatives and Research calls for the formation of National Commissions with the mandate to negotiate on behalf of Somaliland and Somalia. The commissions will undertake the role of negotiations secretariat for their respective governments and will aid the leading government ministries with the necessary documentations. The process of negotiations will involve learning negotiation techniques through a series of Seminar style capacity building initiatives while the universities emphasize on longer term academic development in the fields of peace building and conflict resolutions. ISIR suggests the National Negotiation Commissions (NNC) to conduct regular workshops across the country, as this in turn will enable the negotiators to learn modern diplomatic negotiations skills, context-analysis, as well as negotiation strategies. For the commissions to be effective constituent representation has to be addressed as this is critical to their mandate though the final say rests with the political leadership of both sides.

5.0 The Multi Track Approach:

Another scenario to resuscitate the Somalia-Somaliland talks sustainably and achieve a lasting solution to this saga is to involve local actors from the Civil Society, Intellectuals, University Peace Institutes, Religion and Cultural figures as well as Business Leaders. This will help generate grass root debate, discussions and understanding between the two people and would let Somalis to own the talks. The process of involving a number of different actors is called multi-track approach, this model advocates for the participation of local third parties in all levels of society in addition to diplomats. The question relating to cessation or unification requires peaceful resolve regardless of the challenges
and determination of the two parties in this way both sides will provide various nonviolent and mutually agreeable scenarios to settle the disagreements.

The inclusion of non-state actors in the process will provide reassurance to the main negotiating parties as they’d give back-channel-communications to break any potential deadlocks and to exert pressure on their respective government if one side fails to implement the agreements. The other positive contribution of non-state actors could be the importance to bring different groups’ concerns into the negotiation table so that the final deal involves all stakeholders because the more an agreement reflects and is based on local knowledge and perspectives the more any future agreement will be held permanently.

**6.0 Recommendations:**

1. Both the Federal Government of Somalia and Somaliland must come out of the shadows and return to the negotiations table (Direct negotiations) without buying more time and neither side making preconditions. The two sides must vehemently understand the shifting geopolitical balances in the region and come up with well versed, critically analyzed and thoroughly studied agendas.

2. To achieve a measurably full-fledged talks between the two parties, countries participating in this process should adopt a harmonized and coherent approach in order to prevent the risk of parallel talks.

3. ISIR suggests both Somalia and Somaliland governments to institutionalize the process, assign specific budgets aside and agree on a framework that will constitute the basis for the negotiations.

4. Countries that are at the forefront of Somali political sphere must work on a common strategic goal for Somalia-Somaliland relations and get behind one chief mediator while the rest pool their resources in terms of funds and expertise. The mediation on the other side could be an obstacle to the process in the presence of spoilers i.e. countries with competing interests.

5. The role of non-state actors is crucial; both governments are accountable to their populations; holding open forums to discuss ideas, scenarios and best practices in the view point of constructive dialogue and deepening the understanding of political leaders.