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RESUME

AU Fact-Finding Mission to Somaliland (30 April to 4 May 2005)

I. Introduction

An AU Fact-Finding Mission visited and stayed in Somaliland from 30 April to 4 May 2005, to see the prevailing situation (political, socio-economic, security, humanitarian and other related issues) in the country and listen to the concerns of the leadership and people of Somaliland, and duly report back the findings of the Mission to the Chairperson of the African Union Commission, with recommendations for further action. The Deputy Chairperson of the Commission, H. E. Patrick Mazimhaka, led the Mission, accompanied by Dr A. M. Kambudzi, Analyst in the Peace and Security Department; Col. Jaotody Jean de Matha, Senior Military Expert, in the same Department; Mr Patrick Tigere, Head of the Humanitarian, Refugees and Displaced Persons Division in the Department of Political Affairs and Mr Dieudonne Kombo Yaya, Senior Political Officer, in the same Department.

2. Contextually, it should be recalled that the Organization of African Unity (OAU/African Union {AU) had a longstanding invitation from Somaliland to undertake a visit to the country and view the situation on the ground. The authorities of Somaliland have also paid successive visits to the Commission in 2003, 2004, and early 2005, seeking an Observer status for Somaliland within the AU, not only to be able to follow developments on the continent, but also to gain a platform from which the country could state its case for reclaiming its 26 June 1960 independence and the recognition of the

Republic of Somaliland as a sovereign state. Given the call from Somaliland, and based on his indication to the AU Executive Council in mid-2004, to dispatch a Fact-finding Mission to Somaliland, the Chairperson of the Commission, H. E. Alpha Oumar Konare, finally dispatched the Mission as indicated above.

II. Consultations and Visits of the Mission

3. The Mission held wide ranging consultations with the main political actors other segments of the society in Hargeisa (capital): the President of the Republic of Somaliland, members of the Cabinet members of the Somaliland Parliament, the Presidential Envoy for the Campaign for Recognition; intellectuals businesspersons and representatives of civic organizations and women associations. The Mission, accompanied by members of the welcoming Committee of Ministers, undertook visits to Berbera seaport at the Red Sea; town of Sheikh, in the interior; town of Burao, far in the interior south and the town of Borama, in the western part of the country. The visits, well received by huge crowds of town residents and rural folk, were the scene of intense consultations between the Mission and the respective mayors and other senior government officials, local political leaders; chiefs, elders and the representatives of civic organizations and women leaders. The Mission also visited some educational and vocational training centers. The message was the same at every place: "***the Irreversible independence of Somaliland; the irreversible sovereignty of Somaliland; no return to the Union with Somalia; the quest for recognition from the AU and the international community***". Those visits also gave an opportunity to the Mission to witness-the legacy of the campaign of destruction by the Siyad Barre army; the destruction wrought by the civil war and its consequences on the civilian population (camps housing IDPs and Returnees, landmine fields, mass graves, disrupted physical and social infrastructures); inversely; the same visits were a window for the Mission the tremendous efforts deployed in the reconstruction of the country and the rehabilitation of the social fabric.

4. In response, the Mission undertook to convey the message and sentiments of the authorities and people of Somaliland and to report on the situation that it had witnessed in the country to the Chairperson of the Commission.

III. Overall assessment of the situation in Somaliland

5. There was an evident conviction and emotion among the Somalilanders that their "country" has all the attributes of an independent sovereign State, which they say the international community should objectively consider. At the same time, there was a rejection in toto of the idea of re-uniting with Somalia. The famous words "No more Mogadishu; no more Somalia; Somaliland is an independent country; we want recognition; it is our right", addressed to the Fact-Finding Mission throughout its stay, visits and consultations bear testimony.

6. Since the disintegration of Somalia provoked by the collapse of the Siyad Barre administration in early 1991, leading to the breakaway of Somaliland into a self-declared independent Republic, there has been an accelerated process of state building. That process was anchored, and remains so, on the recognition by the Somalilanders of the inherited colonial borders at the time of independence from Britain in June 1960:

a. Somaliland has a Constitution that emanated from grassroots consultations and was sealed in the referendum held in 2003; the Constitution serves as the basic Law in Somaliland and does enjoy respect in the political practice in Somaliland. The Constitution provides for the relevant arms of government and the effective separation of powers that go along it.

b. Somaliland has territory as defined by the colonial borders inherited from the British colonial rule on accession to independence in 1960. In the north, the country is bordered by the Red Sea and the Gulf of Aden adjoining into the Indian Ocean; Puntland State borders it on the east, the while Ethiopia neighbors it on the west. To the north-west, Somaliland is bordered by Djibouti.

c. Somaliland has a population that is estimated by local sources at 3.5 million resident in the country and one million living in the Diaspora, the majority of which fled the civil

war. The Somali language is spoken throughout the country, whilst English and Arabic are also used in official and business transactions. It is not unusual to encounter those Somalis who can speak Swahili and Italian.

e. Somaliland has only declared its own independence, after "reclaiming it from the collapsed union". But the international community has not recognized that independence thus far. However, there is a standing army with a "mandate to defend the independence and territorial integrity of Somaliland".

f. Somaliland has achieved peace and stability, through a home-grown disarmament, demobilization and re-Integration process and internally driven democratization;

g. Somaliland has a real economic potential, based on its surface and sub-surface resources and maritime resources.

IV. Findings of the Mission

7, The AU Fact-Finding Mission found out the following aspects during its three working days in Somaliland and in the different sectors:

a. Since its declaration of independence in 1991, Somaliland has been steadfastly laying the foundations of a democratic State, clothed with the relevant attributes of a "modern State". Those foundations include the Constitution of Somaliland which entrenches, among other aspects, the separation of power between the three arms of government; balance of political forces built upon the functional co-habitation of traditional governance institutions, as embodied in the political role of the clan elders and elected representatives; the existence of active opposition political parties with some capacity to influence public policy and a budding independent press;

b. The plethora of problems confronting Somaliland in the political, socio-economic, military, humanitarian and other sectors stem from two main factors, namely, the legacy of a political union with Somalia, which malfunctioned, brought destruction and ruin, thereby overburdening the population; the lack of recognition of Somaliland as an "independent sovereign State" by the international community to enable it undertake

international, political, social, economic and other relevant functions and transactions and the significant, and yet untapped economic potential.

c. Somaliland and Somalia entered into a "Union" in July 1960, based on a shared ambition among the Somalis to build a "Greater Somalia", which was to incorporate all the Somali communities in the Horn of Africa. In the course of time, the Union malfunctioned. The legacy of the abortive union and the resulting civil war left behind a trail of physical destruction and social dislocation, all of which require more resources in order for the population to recover and enjoy better conditions of life.

e. Though credit has to be given to Somaliland for promoting a democratic order, and within a shorter span of time, there are gaps that need attention from both the policy makers and the individual citizens. One critical gap lies in gender relations in terms of the predominance of men in the various structures, institutions and processes. In the words of the President of the Republic of Somaliland, these are being taken to foster conditions for women's participation across all sectors of political and socio-economic life, including a deliberate policy, already in place, in favor of an incremental enrolment of female students in schools and all tertiary institutions.

f. There is a visibly emotional attachment to the reclaimed independence and a firm determination among the people of Somaliland not to return to the failed union with Somalia, whether or not recognition is granted. In the words of the President, "*should Africa and the international community insist on Somaliland re-establishing the union with Somalia, the leaders and people of Somaliland would opt to fight again to preserve their independence. In fact, the Horn of Africa would be engulfed again in the old notions of a Greater Somalia and the pursuit of narrow-gauged national interests by countries in the region, with all the consequences befall the region.*"

V. Observations and Recommendations

8. Going by the clear presentation and articulate demands of the authorities and people of Somaliland concerning their political, social and economic history, Somaliland has been made a "pariah region" by default. The Union established in 1960 brought

enormous injustice and suffering to the people of the region. The fact that the "union between Somaliland and Somalia was never ratified" and also malfunctioned when it went into action from 1960 to 1990, makes Somaliland's search for recognition historically unique and self-justified in African political history. Objectively viewed, the case should not be linked to the notion of "opening a Pandora's box". As such, the AU should find a special method of dealing with this outstanding case.

9. The lack of recognition ties the hands of the authorities and people of Somaliland as they cannot effectively and sustainably transact with the outside to pursue the reconstruction and development goals.

10. Whilst it remains a primary responsibility of the authorities and people of Somaliland to deploy efforts to acquire political recognition from the international community, the AU should be disposed to judge the case of Somaliland from an objective historical viewpoint and a moral angle vis-a-vis the aspirations of the people. Furthermore, given the acute humanitarian situation prevailing in Somaliland, the AU should mobilize financial resources to help alleviate the plight of the affected communities, especially those catering for the IDPs and Returnees.

11. Finally, given, also, the high potential for conflict between Mogadishu and Hargeisa, the AU should take steps to discuss critical issues in the relations between the two towns. That initiative should be taken the earliest possible.