

Somalia and Somaliland: Ruminations on an Interim Settlement Process

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1. Introduction

This short meditation explores Somalia's post-independence experiment in nation building and governance and its path to failure. This is followed by a review of the approaches and strategies of external interventions. The piece concludes that current strategies of interventions and state building do not inspire solutions to the Somali enigma. Instead, it proposes strategy for an interim settlement process that can be a framework for mediating a pragmatic roadmap for the beginning of a viable interim settlement process.

II. The Pan-Somali Experiment in State Building

Political developments in Somalia during the first three decades of statehood fall into three distinct phases:

1. An experiment in organizing pan-Somali democratic state building, 1961–1969
2. The autocratic military junta, which deinstitutionalized the first decade's democratization, 1969–1979

3. The path to failure: autocratic clan-based factional rule and clan-based insurgencies, 1980–1991

A. The Union of Somalia and Somaliland Revisited

The union of Somalia and Somaliland, after their simultaneous independence, was part of a pan-Somali vision to reverse the colonial partition of the Somali inhabited territories in Northeast Africa. On July 1, 1960, Somalia and Somaliland united and formed the Somali Republic. Their successful political integration during the first decade of independence was part of the wider pan-Somali vision of creating Greater Somalia. This vision enabled the two territories to overcome many challenges of integrating two territories that had different, that is British and Italian, colonial traditions reflected in the languages of their administration and medium of instruction in their public schools. These distinct traditions shaped the orientation of their respective elites. Both inherited weak institutional and physical infrastructure that posed additional challenges to their political integration and economic development.

The Act of Union established a unitary state and conceived the nation as a union of Somaliland (Northern Somalia) and the six regions of Southern Somalia. Somaliland's 33-member parliament was incorporated into the much larger 90-member parliament of Southern Somalia.^{1,2} The interim president of the Southern regions was elected as the first president of Somalia in 1961. He in turn appointed one of the members of parliament from the Southern regions as his prime minister. The appointments to the key cabinet positions and senior management civil service positions reflected the respective shares of the two territories in the parliament. The administrative language remained Italian, handicapping candidates from the former British Somaliland in public sector employment.

Mogadishu, almost 2000 miles to the south of Somaliland, became the national capital. The centralization of government and public administration relegated Somaliland to the periphery and accentuated the inaccessibility of the services of the central government and financial institutions. Public sector employment was also concentrated in the capital as were opportunities for scholarship, which were vehicles for mobility.

Despite the early signs of disaffection in Somaliland with the imbalances in the Act of Union,³ the new state held democratic parliamen-

tary elections in 1964 and 1969 and presidential elections in 1961 and 1967. The 1967 presidential election led to the defeat of the incumbent president and his prime minister. The newly elected president, the first prime minister of Somalia, nominated the pre-union prime minister of Somaliland. The new team was re-elected in 1969, albeit by way of serious state-driven corruption.

The multi-party electoral system and the post-election coalition building intensified patronage and competition in public sector employment, which undermined public sector management. The shifting kinship-based electoral alliance subdued Somaliland's disaffection with the union but the electoral competitions also triggered an internal crisis within the growing urban political class. Somalia also invested heavily in expanding, equipping, and training a national army. Secondary school graduates were recruited and sent on scholarships offered by Egypt, Iraq, and the Soviet Union, and to a lesser extent by Italy and the United Kingdom. Recruitment of soldiers was also organized on a regional basis. Over the decade following independence, the army reinforced the national unity and emerged as the biggest source of employment.

B. The Military Coup of 1969

Two critical events set the parameters of the political development during the first decade of independence and put Somalia on a path to failure. In October 1969, the commander of the Somali army and a group of young army officers overthrew the civilian government. The junta established a Supreme Revolutionary Council of 21 members. The new military leaders arrested and imprisoned key officials of the civilian government, waged an anti-corruption campaign, tightened revenue collection, and increased budgetary support to the armed forces.

At the second anniversary of the coup, the military junta proclaimed the establishment of scientific socialism and aligned itself with the Soviet Union, the principle source of military supplies to the Somali army. The Soviet Union also provided military advisers and scholarships to both the military and future cadres of the revolutionary government.

The junta also selectively purged from government services the civilian allies of the former political leaders. These included a large number of Somaliland officials. State enterprises were also established to replace small private enterprises. The former members of the civil

service and a larger number of the unemployed and nomads, who were rendered destitute by the drought of 1973, migrated to the Gulf States. The combination of repressive policies and lucrative employment opportunities in the Gulf intensified the migration and created vibrant diaspora communities. Remittances from the migrant workers were channeled through private businesses, which used them to finance imports of basic staples. The remittances eased some of the economic difficulties the country faced.

By 1976, the regime had intensified consolidation of its power. It established a political party modeled after the Soviet bloc approach to political regimentation and mounted a pan-Somali campaign to support its preparations for war with Ethiopia. In the early phase of the military campaign, the regime provided military equipment and logistical support to operations of the Western Somali Liberation Front in the Ogaden. The Somali army gradually increased deployment of strategic units to destroy forward garrisons of the Ethiopian army throughout the Somali-inhabited regions of Ethiopia.

The Soviet Union, the principal supplier to the military and supporter of the regime, opposed the invasion. Cuba and the Soviet Union offered to mediate an accord on the broad Horn of Africa and Yemen. Somalia rejected the offers of mediation and terminated its treaty of friendship with the Soviet Union signed in 1974. The Soviet Union responded by organizing a large-scale airlift of armaments for Ethiopia and mobilized military contingents from Cuba and South Yemen to support the Ethiopian army. These combined forces forced the Somali military units to withdraw.

Some of the retreating units of the Somali army attempted a coup, which was suppressed. About a dozen of the coup leaders were executed, but one of its key leaders escaped to Kenya and later to Ethiopia to form, with the support of the Ethiopian government, the first armed resistance group. The defeat of the Somali army also led to a large-scale exodus of ethnic Somali and Oromo refugees. These were organized as paramilitary forces to support the regime.

C. The Path to Failure: Autocratic Rule and Clan-Based Insurgencies

The aftermath of the Ogaden war and the abortive April 1978 coup d'état by some of the retreating units of the Somali Army prompted the regime to rely on the support and loyalty of clan-based cliques. Key leaders of the military regime were purged and imprisoned. These acts

and growing repression in the 1980s increased disaffection with the regime policies and leadership.⁴ The leaders of the diaspora communities in the Gulf States mobilized clan-based opposition movements. Leaders of the opposition moved to Ethiopia, which armed and supported these groups.⁵ Dissidents against the order went into exile or defected to the opposition movements in Ethiopia.⁶

By the mid-1980s, the leadership of the opposition groups was in Ethiopia and mounted operations against the regime in border areas. The regime responded with large-scale attacks in rural areas. The escalating violence transformed rural border communities into internally displaced groups. Others sought asylum in Ethiopia and were resettled on the Ethiopian side of the border. The civil war entered a decisive phase in 1988, as the rebels in the north launched simultaneous and daring attacks in three of the principal towns. The regime responded with merciless reprisals against civilians and set in motion the depopulation of the urban areas. The affected urban civilian population joined internally displaced communities in their traditional homelands or sought asylum as refugees in Ethiopia.

The cruelty of the state response to the 1988 insurgency operations in the Northern regions magnified internal alienation and resistance to the regime. Two Southern opposition movements were established in 1989. This led to large-scale defections from the army to the militias of the insurgency movement. The new opposition movements established bases in Ethiopia. The three movements launched coordinated operations in the middle of 1990 and triggered parallel insurrections in the capital and provincial towns.

III. External Responses to the Collapse of the State

In the final stage of the civil strife, the army abandoned the regime and soldiers joined their respective clan militia. The supporters of the regime formed militias of their sub-clans. With the collapse of the regime, Somalia and Somaliland broke into the two pre-union states that formed the Somali Republic following their independence on June 26 and July 1, 1960, respectively. In Somalia, cliques of the clan-based insurgency movements formed two unstable coalitions of rival cliques of the different sub-clans. This intensified the inter-communal conflicts and political fragmentation, resulting in the outflow of refugees into Kenya.

In contrast, the leaders of Somaliland responded to the failure of the regime as an opportunity to reverse the fatal flaws of the Act of Union

and undo the legacies of the civil strife and autocratic military rule. The leaders of the principal Northern insurgency movement and the leaders of regional clan communities started preparatory consultations on convening a reconciliation conference to end the conflicts between opponents and supporters of the regime and map out strategies for building political consensus on Somaliland's future political path.

The conference was convened as parallel ad hoc assemblies of the traditional leaders and other civil society representatives and policy organs of the Northern insurgency movement, the Somali National Movement (SNM). The traditional leaders collectively recommended the restoration of the pre-union status of Somaliland as an independent state. The conference also mandated that the leaders of the SNM serve as an interim government for a two-year transition period.

A. Humanitarian and Peace Enforcement Interventions

The political upheavals in Southern Somalia led to a breakdown of basic economic activities, which coincided with the incidence of a drought, resulting in a humanitarian crisis that threatened nearly two million people in southwestern Somalia, the epicenter of the drought.

The first generation of international responses to the collapse of the regime was launched in response to factional conflicts and drought-induced humanitarian crisis. In its first action, the UN Security Council imposed a complete arms embargo. In later resolutions, the Security Council ordered a ceasefire between the warring factions in Mogadishu and mandated deployment of 50 observers to monitor it. This was later expanded to 3,500 peacekeepers, tasked to implement humanitarian drought response recommended by a UN technical team.

On December 3, 1992, in response to the deteriorating humanitarian and security situation, the UN Security Council authorized a U.S.-led multinational task force to create a secure environment for the delivery of humanitarian supplies and to protect the international relief workers. The task force is credited with saving the lives of several thousand civilians and stabilizing the humanitarian situation. The operation was transferred to the United Nations as a UN Peacekeeping Operation in Somalia, UNOSOM II. The UN relief operation faced attacks on its relief supplies and armed resistance from one of the principal factions. The confrontation expanded into a violent counterinsurgency operation and led to the erosion of international support. Following a review of the operation, the UN Security Council endorsed the recommenda-

tion of the Secretary-General to terminate the operation. Over the 10 years following the end of the operation in March 1995, the UN maintained a political office for Somalia in Nairobi, Kenya. The office was mandated to monitor political developments in Somalia.

B. Kin-Based State-Building Initiatives

The resolution terminating the UN operations also invited regional states to lead future reconciliations in Somalia. This prompted failed attempts by Egypt and Ethiopia. The failure of the Egyptian and Ethiopian initiatives set the stage for a reconciliation conference sponsored by the government of Djibouti. The conference formed a Transitional National Government (TNG), but the leaders of key factions either did not attend the conference or opposed its outcome. In 2002, member states of the Intergovernmental Authority on Development (IGAD) sponsored a second conference mandated to facilitate inclusion of the dissenting faction leaders in the government, but Kenya and Ethiopia modified the proceedings and splintered the leadership of a fragile TNG.

The conference was organized into three phases. The first phase mediated a comprehensive cessation of all hostilities. The second phase adopted a Transitional Federal Charter (TFC). The third and final phase of the conference adopted a formula of clan representation in a transitional federal parliament and the procedure for the selection of its members. The parliament was inaugurated in August 2004 and set the stage for the election of key leaders to the federal government, the President and Speaker of the parliament, and the nomination and approval of a Prime Minister and his cabinet.

The TFC stipulated that members of the cabinet should be selected from among members of the parliament. The competition for appointment to the cabinet and key ministries renewed rivalry among clan-based factions. The donor partners of IGAD, who funded the two-year-long conference, did not provide funding for the relocation, installation, or security of the Transitional Federal Government (TFG).

The TFG splintered into two rival wings and returned to separate locations. The Speaker and faction leaders in the cabinet returned to Mogadishu while the president and prime minister and their supporters established an interim administrative center in a rural provincial town 90 kilometers north of Mogadishu. Civil society groups and a network of Islamist groups that were locked out of the political process

during the conference and the formation of the government challenged both wings of the TFG.

C. Counter-Terrorism Operations

The opposition to the TFG coalesced as the Union of Islamic Courts (UIC), formed by local Islamic courts of law that operated in the capital. The UIC also gained support from leaders and militias of some sub-clans in regions adjacent to Mogadishu as well as financial support from charity groups in the Gulf States and from Somali diaspora groups in Europe and North America. The UIC and its allies challenged the faction leaders, who formed an anti-terrorist alliance with support from clandestine American intelligence operators. The Islamist militia mobilized political support against the faction leaders and the TFG leadership and evicted the faction leaders from the capital. The two wings of the TFG reunited and relocated in Baidoa, close to the Ethiopian border in southwestern Somalia.

By June 2006, the Islamists expanded to adjacent regions of the capital and were poised to attack the new headquarters of the TFG in Baidoa. Ethiopia viewed the Islamist groups as a threat to its security. In December 2006, Ethiopia intervened to stave off the collapse of the TFG and, subsequently, occupied Mogadishu. The Ethiopian intervention forced the political leaders of the Islamists into exile. These leaders and some members of the Transitional Federal Parliament formed the Alliance for the Re-liberation of Somalia (ARS), with headquarters in Asmara, Eritrea. The ARS appealed to Somali diaspora communities, which mounted political and fundraising campaigns on its behalf. The military wing of the Islamists retreated into rural areas. The two wings of the resistance movement continued their collaboration.

The United Nations Political Office for Somalia, with the support of IGAD member states, launched mediation between the leaders of the Asmara-based wing of the ARS and the TFG. The mediation led to the Djibouti Peace Accord. The Accord reconstituted the TFG under the leadership of the Islamist wing of the ARS. The UN Political Office for Somalia and IGAD member states endorsed the Djibouti Peace Accord, which extended the tenure of the TFG for one year. Two years later, the International Contact Group, consisting of the UN Political Office for Somalia, the member states of IGAD, and donor representatives, endorsed the Kampala Accord, which outlined a new roadmap for political transition and extended the tenure of the TFG to August

2012. This culminated in the election of a federal regime in September, replaced by another one, through the same procedure, in early 2017.

IV. The Somali Kinship System: Pillar of Civil Society and Driver of Factional Conflicts

The constitutional, political, and institutional arrangements of Somalia and Somaliland define and regulate the role of clans in the election process. The list below outlines the dynamics and functions of the clan system in Somali society and politics.

Clans as Pillars of Somali Civil Society and Drivers of Factional Conflicts

In traditional Somali societies, the kinship system serves as a pillar of civil society and mechanism of conflict resolution. But the political vacuum created by the collapse of the state transformed the Somali-kinship social organization into a platform for political action and governance.

- In periods of stability, clan affiliation supports national identity.
- Cross-clan political coalitions formed during periods of conflict are highly unstable and change as the scale or nature of the conflict changes.
- Loyalty to larger kinship groups (clans and sub-clans) become subsumed in competing territorial claims that lead to the fragmentation of regional and district constituencies.
- Political competition among the leadership factions activate clan mobilization and set the stage for subversion of the rule of law and faction-driven violence.
- Governing factions manipulate and fragment opposition by appointing opponents to second and third tier leadership positions.
- During conflicts, clan affiliation serves as a platform of autocratic rule and resistance.
- In periods of extreme internal conflict, external actors are incorporated in competing clan alliances.
- Kinship-based cliques of different clans act as platforms for competition in national political offices.
- Political fragmentation increases the vulnerability of the democratization process to external interventions.
- Ad hoc electoral caucuses of different clans in Somalia and clan-based electoral associations in Somaliland effectively weaken accountability of officials and increase the vulnerability of government institutions to patronage, corruption, and instability.

V. Somalia and Somaliland: Divergence and Juridical Disputes

During the last 25 years, Somalia and Somaliland have pursued separate political tracks to restore basic governmental institutions. In Somalia, the federal government and the constituent states of the federation are based on a kin-centered system of representation. At the central level, the tribalist system of representation has fostered unstable coalitions and deadly internal rivalries among the cliques. The recurrent factional disputes have weakened inclusive government and undermined the reconciliation process, which was the primary reason for its adoption.

Somaliland transitioned from clan-based representation to a multi-party electoral system but, like Somalia, its political factions evolved into kinship-based entities.⁷ Caucuses of sub-clans served as a mechanism for selecting party candidates in the multi-party electoral contests. These ad hoc kinship caucuses serve as platforms for organizing political parties. Hence, in both Somalia and Somaliland, kin-based competition effectively drives the political process and greatly impedes effective governance. In Somalia, competition for political office is decided in kinship-based caucuses within sub-clans.

Somaliland and Somalia both postponed the election scheduled for 2016. In Somaliland, presidential and parliamentary elections scheduled to be held in 2015 and then March 2016, only to push further to November 2017. The concurrent presidential and parliamentary elections of Somaliland Council of Deputies were split. A date for new elections of the members of the Council is now set for 2018. Both elections have been postponed as a result of the severe drought that led to large-scale population movement and poor logistical electoral preparations.

The tenure of Somalia's federal executive branch and federal parliament in Mogadishu ended in August 2016, but the transition to direct democratic elections has been postponed to 2020. Procedures for indirect elections of the two federal legislatures have been concluded in the midst of strong accusations of extraordinary corruption and manipulation. The regions represent the future states of the federation. The existing regional states and their interim councils of sub-kin representatives were established through long, drawn-out external mediations among the leaders of rival factions within each of the regions. But the boundaries of all states remain hotly contested.⁸

The conduct of elections in both Somalia and Somaliland under the current conditions will only entrench political disputes over the separation and reunification of Somalia and Somaliland. The explicit recognition of the unity and territorial integrity of Somalia incorporated in all of the resolutions of the UN Security Council⁹ encourages the leaders of the federal government and its states to pursue de facto incorporation of Somaliland in the federation process. This adds strategies of governance as a source of legal disputes.

The repetitive delays in democratic elections, relentless factional rivalries, and disputes over the boundaries of the constituent states are symptoms of the clan-based representation in federal state building. These are rooted in rival clan-based territorial claims of the constituent states of the federation. Somaliland's scheduled presidential and parliamentary elections similarly experienced extensive delays as a consequence of acrimonious disagreements over electoral procedures and logistical difficulties. Somaliland also entered into a dialogue with leaders of dissent groups in parts of the eastern regions. The election delays are a measure of the serious flaws and contentions in strategies of governance and stabilization, and bode ill for the resolution of political disputes on the future architecture of Somalia and Somaliland.

Somaliland's electoral experiences illustrate challenges and lessons for democratization. The tenures of the elected presidents, Council of Deputies, and local government councils have been frequently extended beyond their original mandates. The political parties have become vehicles for unstable clan-based electoral coalitions. The selection of presidential candidates and their running mates have often become a source of internal political contestation within parties, which are resolved through ad hoc mediations by the Council of Elders. The extensions and the procedures that ended in extending tenures have greatly weakened the democratization and governance of Somaliland.

Somalia remains both fragmented and unsafe after more than 10 years of an externally sponsored process of state building and the deployment of 22,000 African Union troops¹⁰ with UN political and logistical support¹¹ and U.S. drone attacks. The militia of al Shabaab retains terrorist cells that give it the capacity to plan and mount suicide operations in the capital and other towns against the African Union troops. Moreover, they are also able to disrupt efforts to establish interim local administration in areas liberated from al Shabaab. The difficulties in rebuilding local government institutions illustrate the weakness and flaws of the federation as the basis of establishing politi-

cal consensus. A significant part of the efforts of the international community and its resources is used to resolve these factional disputes. Both international and bilateral assistance have become vulnerable to leakages and severe fraud, thereby undermining the efficacy of external assistance and the legitimacy of the government institutions.

After assessing humanitarian interventions in Somalia and other countries, Michael Mandelbaum argued, "where loyalty to a particular ethnic group or religion or sect is powerful, political units that include two or more of them...will be unstable and prone to internal conflict." Somalia fits Michael Mandelbaum's characterization that "kinship ties" subvert "the institutions of a modern state, all of which rely on the rule of law."¹² External interventions also fail because of lack of fit between externally sponsored settlements and interventions.

For the past 25 years, the UN and Somalia's neighbors have undertaken a succession of interventions in Somalia following the collapse of the state. The first interventions comprised arms embargoes and facilitating a ceasefire between two rival factions in the capital. A small 50-member monitoring group was deployed to monitor the ceasefire. This was later expanded to a 500-member monitoring mission, but the threats to the delivery of humanitarian supplies worsened as militia diverted and looted the relief supplies. This led to the mandating of a humanitarian peace enforcement operation in which an American-led multinational task force was deployed to deliver relief supplies and eliminate security threats against the international relief workers. The enforcement and security measures were expanded to fill in the political and institutional vacuum. The new measures included the division of the country into zones of operation as platforms for the establishment of sub-national transitional administrative councils. This put the operation in conflict with the principal political factions, leading to the termination of the operation in the face of chronic factional disputes and the escalation of the UN operation as a counterinsurgency mission.

The second generation of intervention started as an initiative of the member states of the Intergovernmental Authority on Development to facilitate agreement on a framework for governance and the establishment of a transitional government. The IGAD initiative led to the adoption of a Transitional Federal Charter, which laid the foundation for a succession of transitional federal governments between 2004 and 2012. The Transitional Federal Charter has been elaborated as a provi-

sional constitution and the basis of the joint assistance of the UN and African Union to state building in Somalia.

The international community can best support both Somalia and Somaliland by aligning their policies to facilitate a Somalia-Somaliland settlement accord. The current and recent UN and regional interventions largely focus on the establishment of the constituent states of a federation and the elimination of the threats of al Shabaab to Somalia, its neighbors, and the international community. This has not built the foundation for a political agreement on governance among the constituent states of the federation within Somalia nor have these interventions inspired solutions to the hard juridical and political disputes between Somalia and Somaliland. Instead, the leaders of states and the federal government both use their association with international counterinsurgency to gain legitimacy and support for their political and legal status.

VI. A Roadmap to an Interim Political Settlement

Both Somalia and Somaliland plan multi-party democratic elections during the next five years. This creates a window of opportunity to develop and align United Nations' support for a settlement and democratization process. This would serve as an alternative to the divergent objectives of the parties that are locked in a political stalemate, which increases the risk to international peace support operations and could plant the seeds of future conflicts and instability.

The kin-based representation and federal state building at the national and sub-national levels replicates the flaws in the 1960 Act of Union. Somalia's officials and legislators are elected by clan caucuses and act as agents of their respective clans. Somaliland's representatives in its federal political institutions are included in order to project and maintain the appearance of inclusivity.¹³ Somaliland's self-exclusion from all international deliberations has led to de facto international support for Somalia's approach to unity and has effectively denied Somaliland's electorate the opportunity to influence international state-building deliberations.

A. Elements of a Strategy for a Mediated Interim Settlement

I suggest a three-phase settlement process is proposed. The interim settlement outlines strategies that can be the basis for external mediations.

Phase one of the settlement process will seek to create the conditions for successful mediation.

To start the mediation process:

- Somalia and Somaliland will acknowledge each other as the de facto authorities of their respective territories;
- Agree to postpone decisions on final status arrangements until the outcome of the settlement.

The objective of the second phase of the settlement process is to create opportunities for an accord on strategies for interim cooperation. The mediation process will be structured to inspire and facilitate agreement on coordinated mobilization of resources for the implementation of solutions to common threats and shared challenges. A high level UN-led international mediation team will assist the two parties in developing priority interim cooperation programs and agreements on procedures for their implementation.

The objective of the third phase is to agree on the procedures for deciding and implementing final status arrangements.

- The two sides will accept internationally supervised and monitored parallel elections consistent with internationally accepted democratic standards.
- The elected governments will propose procedures for the conduct of the referenda and request the UN Security Council and the African Union to jointly assist in the conduct and supervision of the concurrent referenda in Somalia and Somaliland.
- The referenda will be formulated as a choice between two separate states within their respective pre-union borders or agreement on a constitutional framework for unification and governance.
- The international community will support the outcome of the concurrent referenda.

As the principal donors to state building in Somalia, the United Nations and the European Union must acknowledge the lack of a broad-based political consensus in current strategies of state building. The tenures of successive presidents were marked by serious political disputes often as a result of conflicts between the presidents and prime

ministers, who relied on support from their respective clans. Since the inauguration of the Transitional Federal Government, Somalia has had five prime ministers and hundreds of cabinet ministers. The inclusion of Somaliland in the current state building paradigm will compound these political and complicated disputes. The failure of the Somali state is in part the political consequence of Somalia's territorial conflicts with its neighbors. The settlement of the Somali crisis has therefore become regionalized and incorporated into the politics and security strategies of Somalia's three immediate neighbors. The officials of Somalia and Somaliland both assign higher value to their relationships with the three neighboring countries than their relations with each other. The al Shabaab has emerged as a wedge in Somali reconciliation and a source of threat to regional security and a peaceful settlement of the Somali crisis.

The agenda for the long-term settlement of the Somalia-Somaliland political disputes must therefore be part of the policies and strategies for defeating al Shabaab. It must also lead Somali acceptance of the borders with its neighbors. Somalia's neighbors must reciprocate with inclusion of the two states or reunited Somalia as partners in regional economic and technical cooperation.

B. Final Status Arrangements: Final Reflections

Somalia and Somaliland need to choose between reunification and separation in order to end their juridical disputes and the intrusive external involvements, and to build a foundation for their security and long-term development. Both options pose serious challenges to governance and future stability. The options therefore need to be evaluated, not as victory and failure but in terms of their long-term consequences. Both options pose short-term challenges but suggest a path to a sustainable long-term settlement. The choice between Somalia's goal of reunification and Somaliland's conviction of a two-state solution must be peacefully and democratically decided by the electorates of Somaliland and Somalia. But the settlement process must be based on internationally accepted democratic standards and implemented in collaboration with the United Nations.

The federal reunification plan recreates the severe 1960 imbalances in unification. Earlier, these shortcomings in the union quickly emerged. A majority of the Somaliland electorate voted against the referendum on the unification but the constitution was ratified on the

basis of a huge support of Southern voters. In response, a group of young Somaliland officers attempted a coup in December 1961. These earlier attempts failed to reverse the union. The military junta and its later transformation into an alliance of three Darood sub-kin led to deep Northern alienation and subsequent insurgency that was to pioneer Somaliland's departure. This act has become a covenant of reconciliation and self-determination. The Somaliland kin representation in Mogadishu is structured as part of two of the major kin-groups. Their seats in the federal parliament account for 44 of 61 Dir representatives and 14 of 61 Darood representatives, thus Somaliland representatives account for 58 out of the 275 in the federal parliament. The Upper House allots 15 of 54 members. These numbers underscore the continuation of the great imbalance that destroyed the union.

Neither federalism as planned nor separation as Somaliland seeks provides the conditions for a sustainable settlement. The federation process seeks to incorporate parts of the eastern regions of Somaliland in Puntland and the rest of Somaliland as one of the clan-based constituent states of the federation. This is totally unacceptable to Somaliland. The federal constitution divides Somalia into five constituent states. The leadership of two of the five states in Somalia, that is Puntland and Jubaland, are dominated by core Darood kin subgroups. The Hawiye sub-kin similarly form the leadership of Hirshabelle and Galmudug. The fifth state of South West Somalia is home to the core sub-kin of Digil iyo Mirifle and Dir. Furthermore, all five regions are home to minority kin groups, as well. The three kin groups in the five federal states account for 183 of the 275 members of the federal parliament. The other sub-kin account for 47 of the members and are distributed among the five states. The representation of the capital and the Benaadir region has not been determined, but its residents will claim power proportional to their share of the total electorate. The members of the federal parliament include 45 representatives allocated to Somaliland. Though these positions are filled by individuals of Somaliland origin, they have no civic connection to Somaliland. Only one of Somalia's core kin groups has its homeland in Somaliland. Since Somaliland applies different classification of its communities, each of its major constituencies has a core territorial homeland in one or more of the country's six pre-independence districts, which are now regions. A small number of the Djibouti kinship group resides in the border areas of Somaliland and Djibouti.

The 1960 Act of Union integrated the two territories without regard to the disparity in their sizes. The union formally treated Somaliland as two regions that were uniting with six regions in Southern Somalia. The 1960 Constitution also established a centralized unitary state and multi-party proportional representation. The allocation of seats to districts were apportioned in favor of the constituencies of governing factions. Strategies of reunification must establish consensus-based constitutional arrangements and entrench the devolution of governance and the procedures for elections, which legitimate the respective powers of the two states' consensus at the national level and make sub-national officials accountable to their electorate and the respective administration of Somalia and Somaliland.

The two-state solution, or separate sovereignties, will require that either Somaliland or Somalia or both vote for separation in the concurrent referenda. The two states will exercise sovereignty in their respective territories. The governments elected in the parallel elections will negotiate a framework for cooperation. Though unwelcome by die-hard unionists, the political landscape has changed so dramatically that this option seems increasingly tenable. Furthermore, it is the preferred route across many citizens of Somaliland, having long given up on any serious civic renewal coming from Somalia.

Notes

1. For a review of the history and political developments leading to the establishment of the Somali state, see David D. Laitin and Said S. Samatar, *Somalia: A Nation in Search of a State* (Boulder, CO: Westview Press, 1987).
2. "The Act of Union," *Somaliland Gazette*, Vol. 3 (5 July 1960), republished online at Somalilandlaw.com.
3. The imbalances in the Act of Union led to an attempted coup in December 1960 by some younger but better trained military officers of the Somaliland Scouts. A majority of the Somaliland electorate also voted against the constitutional referendum.
4. Mohamud A. Jama, "Somalia: Crisis and Decay of an Authoritarian Régime," *Horn of Africa Journal* (1980); and Mohamud A. Jama, "From Irredentism to Insurgency," *Horn of Africa Journal* (1982).
5. For an analysis of the state failure, see Mohamud A. Jama, "The Destruction of the Somali State: Causes, Costs and Lessons," in *Mending Rips in the Sky: Options for the Somali Communities in the 21st Century*, edited by Hussein M. Adam and Richard Ford, 237–254 Lawrenceville, NJ: The Red Sea Press, Inc., 1997.
6. David D. Laitin and Said S. Samatar, *Somalia: A Nation in Search of a State* (Boulder, CO: Westview Press, 1987).

7. Somaliland's self-exclusion from externally sponsored initiatives has encouraged political cliques of Somaliland origin to seek inclusion in Somalia's federal government and its legislative organs.

8. Puntland claims parts of three of the five regions of Somaliland. Glamudug and Puntland both claim overlapping parts of the Mudug region. The third region of South West State, Lower Shabelle, is epicenter of the settlements of different kinship units from different clans. Support for al Shabaab or the federal government is part of the kinship leadership competition and not principled support for either the insurgency or the government. Jubaland State is similarly locked in competing territorial claims by local sub-clans. The two regions of Hiran and Upper Shabelle have yet to agree to unite and form a state, while the legal status of the regions that form Somaliland and the capital has not been decided.

9. See UN Security Council Resolution A/2297 (2016), adopted under Chapter 7 of the Charter. The resolution limits its sovereignty but reaffirms its unity. The scheduled democratic elections in 2008, 2012, and 2016 were postponed. The new members of the Transitional Federal parliaments were selected on the basis of ad hoc procedures facilitated by representatives of the international community. In 2008, the size of the federal parliament was doubled on the basis of an accord mediated by the international community. In 2011, a joint meeting of IGAD and the international community mandated an extension of the tenure of the TFG and a roadmap for a final period of transition and democratic elections in 2016. The 2016 democratic elections were again postponed and the UN mission endorsed a leadership forum dominated by the incumbent officials of the federal government and heads of the regional administration. The Forum adopted indirect elections of the federal parliament and an upper house of state representatives. The existing constituent states, which are members of the leadership forum, have become engaged in political disputes. Two of them, Puntland and Glamudug, are in the midst of violent conflicts.

10. Brief background/Introduction to AMISOM, online at Peaceau.org.

11. In Resolution 1744 (2007), the Security Council authorized the African Union mission. The mission has been extended periodically since then.

12. Michael Mandelbaum, *Mission Failure: America and the Post-Cold War Era* (New York: Oxford University Press, 2016), p. 372.

13. There are about 58 members of Somaliland origin in the current federal parliament in Mogadishu. Puntland's 66-member state assembly includes 26 members allotted to parts of the two eastern regions of Somaliland, which Puntland has some claims.

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