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PARLIAMENT
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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT- FOURTH SESSION

**REPORT OF A PARLIAMENTARY DELEGATION TO STUDY
THE ECONOMIC, POLITICAL AND HUMANITARIAN
SITUATION OF SOMALILAND. 22 – 29 DECEMBER 2009**

CLERKS CHAMBERS
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NAIROBI

March, 2010



Forward

Mr. Speaker,

A Parliamentary delegation comprising of four Members visited Somaliland from 22nd to 29th December 2009 to hold discussions and exchange views with the Somaliland leadership on potential security threats following the delayed presidential elections and possibility of subsequent outflow of refugees to the region and to also study the political and economic reconstruction of Somaliland as a masterpiece in the region considering the persistent conflict in Somalia since 1991.

Mr. Speaker,

The Members of the delegation comprised of the following:

- i. Hon. Farah Maalim, MP- Deputy Speaker and leader of the delegation
- ii. Hon. Ekwee Ethuro, MP
- iii. Hon. Fred Kapondi, MP
- iv. Hon. Chachu Ganya, MP
- v. Mr. M. A. Mohamed – Secretary to the delegation

Mr. Speaker,

The delegation met the President of Somaliland, Mr. Riyale Kahin, cabinet Ministers, leadership of various political parties as well as members of both the lower and upper House of Somaliland to exchange views on humanitarian, security and other regional issues.

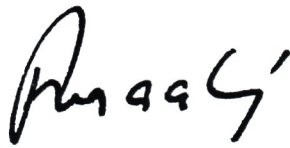
The delegation has visited various institutions that support economic development of the country such as the University of Amoud in Borama town, the Berebera sea port, technical and secondary schools, and a veterinary institute.

Mr. Speaker,

The delegation was further able to visit various parts of Somaliland to acquaint itself with the level of economic re-construction and maintenance of peace and Stability after the civil war in Somalia.

Mr. Speaker,

For the last seven years, there have been several parliamentary delegations to Somaliland to study the unique situation in that part of the region. It is my sincere hope therefore that the House will debate and adopt this report.



Hon. Farah Maalim, MP, EGH

Deputy Speaker and the Leader of the Delegation

INTRODUCTION

Somaliland is situated on the Northern part of Somalia. It shares borders with Republic of Djibouti to the west, Federal Republic of Ethiopia to the south and Somalia to the East. It occupies the same land area controlled by the British colonial rulers before 1960. The country became independent on 26th June 1960. Somaliland was colonized by the British and got its independence in 1960 before joining the South of Somalia, an Italian colony to form a union government.

The city of government was then moved from Hargeisa to Mogadishu on July 1960 after the union with Southern part of Somalia was announced, however Somaliland immediately dissented citing inequality in sharing the Union resources and leadership. Somaliland therefore withdrew from that failed union on 18 May 1991 and the nation's capital was moved back to Hargeisa.

The reassertion of Somaliland's independent status has been achieved through complex but all inclusive representative community/clan conferences which approved the decision to withdraw from the union, to re-establish Somaliland's independence status and in addition revert to the traditional conflict resolution mechanisms.

The country is within the borders of the Somaliland British Protectorate that was drawn before their independence in 1960.

The size of Somaliland is about 137600km² and it has a population, estimated at around 3.5 million. The average population growth rate is 3.1%. Fifty five percent of the population is either nomadic or semi-nomadic, while 45 percent live in urban centers' or rural town.

Below is a description of the situation of various aspects of Somaliland such as political, humanitarian, economic reconstruction and security situation.

POLITICAL SITUATION

Somaliland has practiced hybrid system of governance that combines a Somali *Beel* community (clan based) system of political representation with modern form of government. The main characteristic of the *Beel* is to ensure that all communities/clans are represented with the purpose of maintaining peace and security and equitable development.

The government Somaliland is headed by a president with a vice president and a cabinet appointed from the legislature.

The constitution of Somaliland which lays down the foundation of the new system was approved in a nationwide referendum on 31st May 2001. Thereafter, Parliament passed legislation allowing the formation of political parties in August 2001. This led to holding of first local elections that took place in December 2002 from which three political parties made representation to the Assembly.

The country has three main political parties namely; UDUP party, Kulmiye party and UCID party. The parties are privately funded and have structures with grass root representations in all over the Somaliland. Currently the Kulmiye party which is the ruling party has 33 members of parliament in the House of representatives while UCID party has 21 members of parliament and UDUP party has 18 members of parliament in the lower house as well.

The second general election was held in April 2003 where the political parties again contested presidential elections and the incumbent, Mr. Dahir Riyale Kahin was elected the president. Subsequent parliamentary elections were held in September 2005.

The legislative assembly is composed of two chambers-an elected elder's chamber with membership of 82 members and a house of representatives with membership of 82 members too. The house of representatives is elected directly by the people and the upper chamber or Guurti, consists of traditional elders representing different clans and sub clans. The parliament nominates the cabinet which is approved by the legislature.

The delegation met the President and various Ministers who informed the delegation of the following;

- i. That there is an independent electoral system put in place and that there has been delay in holding the elections for a year due to the lack of voter registers and competent electoral Commissioners.
- ii. That the Government has recently appointed a new Electoral Commission comprising three persons nominated by the ruling party, two persons nominated by the opposition and two other persons nominated by the Upper House (Gurti).
- iii. That the Government is appealing to the regional and international community to assist Somaliland in putting in place reliable voter registers to conduct free and fair presidential elections.
- iv. That Somaliland has independent judiciary in place with both lower and appeal courts giving the people the necessary redress mechanism. This has helped the authorities to fast track cases of criminal and civil suits. The authorities have further put in place detention and correctional facilities in major towns.

- v. That the Regional countries could recognize Somaliland considering the failed union government with Somalia and appreciating how the authorities have maintained peace and security for the last 18 years.
- vi. That the Kenya Parliament and the Parliaments of the regional countries could send election observer mission to Somaliland during the upcoming elections.

In response, the delegation applauded the establishment of the various institutions that have been established by the Somaliland authorities and advised that;

- i. The authorities should ensure that the existing peace and stability is maintained in Somaliland.
- ii. The Parliamentary delegation is not mandated to discuss the issue of the recognition of Somaliland and that such appeal should be made through the Ministry of Foreign Affairs.
- iii. The delegation will do all its best to urge the International community and the United Nations to give adequate technical and financial assistance to Somaliland for maintenance of peace.
- iv. The delegation will consider the possibility of sending Parliamentary election observers to Somaliland during the forthcoming presidential elections.

The delegation also met the leadership of the three main political parties in Somaliland. During the meeting the opposition parties indicated that the delayed

presidential elections could compromise the existing peace in Somaliland and that the governments of the regional countries could prevail on the authorities to conduct elections soon after the registers of voters are compiled and verified and that there should be no further delay in holding the presidential elections.

The leaders of the political parties further requested the delegation to send Kenya parliamentary observer mission to the forthcoming presidential elections.

The delegation advised the leaders of the Political parties to cordially discuss the political differences to avoid recurrence of the civil war in the larger Somalia since such conflict will obviously hurt Somaliland and the countries in the region such as Kenya.

The delegation further met the members of the lower House and the Upper house in a joint session. The Speakers of the both Houses and the members welcomed the delegation while appreciating the visit citing that another parliamentary delegation from Kenya was there before. The leaders informed the delegation that the two Houses will always ensure that issues are democratically addressed.

The delegation reiterated that the delegation was not mandated to discuss issues touching on recognition of Somaliland and urged the Parliamentarians to ensure democratic governance and to further have an oversight over the executive in ensuring service delivery to the people.

The delegation while meeting the Members of Parliament further urged them to settle their political differences in a democratic manner and by using the existing institutions.

ECONOMIC RECONSTRUCTION

The economy of Somaliland was devastated after the civil war in Somalia in 1991. Major facilities and infrastructures were completely ruined. The reconstruction process began after 1993 when the faction groups in Somaliland agreed on a ceasefire and subsequently resolved to revive the sovereignty of Somaliland that existed before the Union government with Southern Somalia in 1960.

Somaliland has trade ties with the larger Somalia, Ethiopia, Djibouti and countries of the Gulf States.

Private investors, particularly of Somaliland origin have generated a multiplicity of activities since 1991.

Construction activity is evident as entire towns which were razed during the 1991 Somalia war got rebuilt. The private sector is playing a critical role as focal point for economic reconstruction.

The authorities were able to revive a port in Berbera town that is currently able to handle many ships. They have further started export of animals to the Gulf regions, for instance in 2009, they shipped over 900,000 heads of goats sheep and over 10,000 heads of camels- earning the region millions in foreign exchange.

The Authorities have established sustainable framework for revenue collection and taxation systems in place.

The telecommunication, air transport as well as financial services have been well established in all major towns. There are over three mobile telephone providers, numerous television stations, radio stations as well as e-banking services available all over the Somaliland.

Small medium enterprises such as light industries have been well developed including bottling plants, packaging of beverages, slaughter houses and detergents production have been reactivated.

About 10% of the total area of Somaliland is classified as suitable for agricultural production of which 3% of the total area is actually under production. However, failed rain season led to a drought situation in the inland pastoral zones of Somaliland, affecting those who do not receive remittances from abroad and are dependent solely for their livelihood either on livestock or rain fed agriculture. In this regard, Somaliland government receives food aid from WFP. The Somaliland government in turn distributes the food in urban and rural areas.

The delegation was able to tour the port facility in Berbera and various educational institutions in major parts of Somaliland.

The delegation also visited various major towns such as Lasanood to meet the elders and the regional leaders. During these meetings the regional leaders and the elders requested the delegation to assist in urging the international community to help the communities in provision of water, health services, education and reconstruction of the road infrastructure.

The authorities also informed the delegation that many students are unable to study in Kenya due to the lack acceptance of travel documents of Somaliland by Kenya. Instead, the students join institutions in the countries of the region including the EAC members.

The delegation assured the elders and community leaders that the team will urge the international community and the international organizations to assist the communities in provision of basic infrastructure.

The delegation further assured the authorities that they will take up the use of the travel documents in Kenya with the relevant authorities in Kenya to ensure that the young population seeks education with out any hindrance.

SECURITY SITUATION

Somaliland stands out as a relative island of peace and stability. Since announcing its secession from Somalia in 1991, the region has been governed by an independent set of governing institutions and has successfully undertaken democratic presidential, municipal and parliamentary elections.

Although not recognized internationally, the Somaliland government has maintained peace and security within the territory for the past 18 years. Somaliland has made notable progress in building peace, security and constitutional democracy within its de facto borders. A multiparty political system and successive competitive elections have established Somaliland as a rarity in the Horn of Africa.

Somaliland has 22,000 security forces comprising of military, police , custodial and intelligence officers.

Somaliland shares intelligence information with Ethiopia, Djibouti and other Western countries. In the past one year, the authorities were able to apprehend over 40 radical islamists who were intending to cause terror in Hargeisa and further arrested many pirates in the Gulf of Eden.

The authorities in Somaliland have put in place automated biometric systems in major ports and immigration entry points to monitor movement of foreigners and visitors to Somaliland.

There have been cases of terrorist attacks in Hargeisa in recent years. In 2008, the office of the President was attacked by terrorists where 19 persons lost their lives.

Somaliland does not receive much security aid from the international community posing a challenge to the long term achievements and sustainability of peace. The situation is aggravated by the lack of recognition by the international community.

During the meetings with the President, the delegation was told that Somaliland wishes to share intelligence information with Kenya for mutual interest of the two countries.

HUMANITARIAN SITUATION

Thousands of refugees fled Somaliland after the 1991 civil war in Somalia to Ethiopia, Djibouti and Kenya. Currently, Kenya has over 350,000 Somali refugees in Dadaab and over 100,000 in Kakuma refugee camps.

Moreover, hundreds of thousands of refugees and internally displaced persons are in Somaliland. The Authorities have indicated that there are over 250,000 internally displaced persons in Somaliland who do not receive any aid from International organizations or the United Nations.

The Aid agencies and other international organizations in Somaliland do not assist the internally displaced persons in Somaliland. This has forced many families to seek humanitarian assistance in the countries of the region such as Kenya as refugees.

Further, the prevailing political situation as result of delayed elections and the threat of instability from terrorist's attacks, many refugees have fled to the region causing over flow to the neighboring countries.

The delegation met the Minister for Interior and other officials charged with the management of humanitarian issues. The officials informed the delegation that Somaliland is able to ease the flow of refugees to the region if the United Nation opens IDP camps in Somaliland and assists them appropriately.

The delegation assured the officials that the Kenya government will urge the United Nation to open IDP camps in Somaliland so as to avert flow of Somali refugees into Kenya and the region.

OBSERVATIONS

The delegation made various observations arising from the various meetings with leaders in Somaliland and by visiting key institutions and major facilities in the area.

The current boundaries of Somaliland are exactly the same as those of the original British Somaliland Protectorate of 1960 before joining the Somalia union government.

Somaliland has been running its affairs with minimal external support and no international recognition for the last 18 years. The authorities are able to support a huge wage bill and able to also undertake some infrastructural development.

The Government in Somaliland is currently engaged in putting in place electoral voter registers with the help of donor agencies and is determined to call for presidential elections as soon as the exercise is completed.

Somaliland has good intelligence network that can assist in averting risk of piracy in Indian Ocean and terrorists attacks in the regions. This was evident from number of interventions and arrests made by their security agencies.

The Somaliland authorities have done remarkable economic reconstruction and maintenance of peace and security in the region. However, the international Community would have done better in helping the reconstruction effort.

There are many displaced refugees in Somaliland who pose humanitarian catastrophe in the region unless an intervention measure from the United Nations and other multi-lateral organizations is put in place. This may lead to an overflow of the refugees to Kenya and the countries in the region.

The presence of thousands of refugees in Somaliland from the larger Somalia calls for establishment of refugee camps in Somaliland. This would have reduced the number of refugees in Kenya.

There is high presence of Kenyan professionals working with aid agencies and learning institutions in Somaliland creating employment opportunities for Kenyans. Further, Somaliland, in its current state of being a consumer nation, the Kenyan manufactures stands to immensely benefit from enhanced trading relations.

The Government of Kenya does not recognize the travel documents of Somaliland considering the high number of students wishing to join Kenyan learning and training institutions. Instead, many of them have opted to join institutions in Uganda, Rwanda, Ethiopia and Djibouti where their travel documents are accepted.

RECOMMENDATIONS

- i. The Kenyan Government should urge the United Nation to open IDP camps in Somaliland and in the larger Somalia to avert any over flow to the country.

- ii. The Kenyan security agencies should have information sharing framework with the agencies in Somaliland with regard to averting piracy and terrorist activities in Somalia and Kenya.
- iii. The Kenya government should develop framework for limited bilateral engagement with Somaliland considering the number of Kenyan professionals working there and to further encourage Kenyan manufacturers to export to Somaliland so as to create more opportunities for the business fraternity.
- iv. The government should allow use of the travel documents of Somaliland to enable students access learning institutions in Kenya and to also facilitate trading activities between Somaliland and Kenya.
- v. The Kenya Parliament and the Kenyan Civil Society should consider sending election observers to the forthcoming presidential election of Somaliland.
- vi. The African Union and IGAD should apply the strategies used by Somaliland in maintaining peace and security as an approach to bring peace in larger Somalia instead of engaging in never ending peace conferences.

NAIROBI CONSTITUENCIES

