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About this Journal

Somali Studies: A peer-reviewed academic journal for Somali studies is a broad scope multidisciplinary academic journal devotes to Somali studies; published annually by the Institute for Somali Studies in print and online forms. ***Somali Studies*** aims to promote a scholarly understanding of Somalia, the Horn of Africa and the Somali diaspora communities around the globe.

Somali Studies provides a forum for publication of academic articles in broad scope of areas and disciplines in Somali studies, particularly focused on the humanities and social science. ***Somali Studies*** appreciates papers exploring the historical background or navigating the contemporary issues; special consideration will be given to issues which are critical to the recovery and rebuilding of Somalia, a country emerging from a devastating civil war.

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Editorial Note

Dear Colleagues and Readers,

We are delighted to welcome you all to our issue of 2019, volume four of *Somali Studies: A Peer-Reviewed Academic Journal for Somali Studies*. This issue contains several articles which are relevant to a recovering nation from a devastating civil war and striving for a better future.

This volume begins with an attempt to explore the ‘*Somaliland-Somalia*’ issue where the state-building project in both sides is limping because of the, with other factors, outstanding issue, the Somaliland and Somalia future relations, which not yet resolved amicably. It is the article of “*the Somaliland-Somalia talks in 2012-2015: a critical appraisal*” which examines the dialogue process that started in 2012 and collapsed in 2015. It probes the factors that led to the collapse and tries to crystallize several proposals “to revive the talks and reach tangible results”. In this context, it puts forward a new initiative of “*a referendum after a transitional period*” which can be considered an appropriate procedure on how to decide the future relations. and a reasonable exit of the unnegotiable positions of both sides whilst their constitutions support these standpoints.

In line with the new federal system of the Third Somali Republic, in 2016, the Somali parliament developed into bicameral consisting of two chambers, an upper house and a house of the people. As soon as it was established, a question raised about the tasks assigned to this new chamber, also, conflicts and differences of views erupted in this regard. The second article glances the rationale behind the creation of the upper house; it examines its roles and functions in accordance with the current provisional constitution. Furthermore, it proposes some recommendations should be taken into account in the constitutional review process.

The third article is about the growing Turkish-Somali relations in the security dimension. This article outlines the security interests of Turkey in its engagement with Somalia.

The fourth study explores the international judicial cooperation of Somalia in criminal matters where its situation emphasizes this cooperation. This study describes some deficiencies and shortcomings in Somali legal framework for this cooperation, and, hence, it raises proposals for improvement of the Criminal Procedure Code. This study is an insightful contribution to Somali legal studies.

Over the past years, attempts have been made in recovering of public institutions which collapsed in the civil war. The fifth article is a note on conceptual framework in re-structuring of Somali public institutions using the renowned organizational change theories.

The sixth article is an essay about the poetry of Abdirahman Mirreh focusing on Mirreh's philosophy about nature, animals, progress, and the nomad. It discloses the symbiotic link that connects the poet with the nature seeking to reunite with his nomadic roots.

the last article discusses some differences, in varying degrees, in writing of Somali vocabulary and personal names. It recommends ideas for developing standardized written form. This is a necessary perspective for many ways, particularly in the digital age.

I took this opportunity to give my sincere thanks and gratitude to our respected authors, our reviewers & the Editorial and Advisory Boards for their dedicated work to accomplish this volume successfully.

Mustafa Feiruz
Editor-in-Chief

The Somaliland-Somalia Talks in 2012-2015: A Critical Appraisal



Muhumed M. Muhumed

Abstract

In the 2012 London Conference on Somalia, the international community proposed a plan for Somaliland and Somalia to hold talks in order to clarify their future relations and thus promised to provide a negotiation platform. Since then, the Government of Somaliland and the Federal Government of Somalia held six round talks in London, Dubai, Ankara, Istanbul (twice) and Djibouti. However, the seventh round (Istanbul III) failed in January 2015 and then, the collapse of the entire dialogue process followed. This article examines the dialogue process and probes the factors that led to the collapse of the process, as well as proposals for future successful talks and how to decide the future relations between the two sides.

Keywords: Somaliland, Somalia, negotiations, secession talks, peace talks.

1. Introduction

The former Somaliland British Protectorate and the former Italian Somaliland united on 1 July 1960, after gaining their independence from Britain and Italy on 26 June and 1 July 1960, respectively, and thus forming the Somali Republic. After a 30-year long union, the central government of Somalia collapsed in 1991 when armed rebel groups ousted the late military regime. On 18 May 1991, the people of the former British Somaliland declared that they broke away from the rest of the country and restored their independence and hence, become a country known as “The Republic of Somaliland”. In 2001, Somaliland held a referendum on a draft constitution that affirmed Somaliland's sovereignty and independence from Somalia as a separate state and 97.1% of the voters voted in favor of the constitution.¹ Ever since, Somaliland took her different pathway and became *de facto* separated state.

However, Somalia opposed all these decisions and considered it unilateral and then illegal steps and repeatedly adhered to its territorial integrity.

Above all, Somaliland did not get international recognition from a single nation as well as the regional and international organizations such as the African Union, the Arab League, the Organization of Islamic Cooperation (OIC) and the United Nations which reiterated in their resolutions the unity and territorial integrity of Somalia.

From then on, there were no direct negotiations between the two parties and they both emphasized that their positions are unnegotiable and their constitutions support this notion.²

In the 2012 London Conference on Somalia, the international community proposed a plan for Somaliland and Somalia to hold talks in order to clarify their future relations and thus promised to provide a negotiation platform.

Following the London Conference Communiqué, Somaliland and Somalia held their first dialogue in Chevening House, London on 20-21 June 2012. This was followed by talks held in Dubai, Ankara, Istanbul (twice) and Djibouti. The dialogue process collapsed in early 2015 in Istanbul and the process came to stalemate.

This study examines the dialogue process that started in London in 2012 and collapsed in Istanbul in 2015. It explores each round and probes the factors that led to the collapse of the process. In addition, it proposes several recommendations for future successful talks and how to decide the future relations between the two sides. This study, being an in-depth research on this issue, elucidates the talks in a broad way.³ Most of the narratives are extracted and developed from the master thesis by the author titled ‘Somaliland-Somalia Talks: Historical Background, Process and Prospects’ in Istanbul Aydin University in 2017.⁴

2. Six Rounds with Little Achievements: From London to Djibouti

Since 1991, Somaliland government did not attend any conference on Somalia until the London Conference in 2012. The London Conference on Somalia took place on 23 February 2012 at Lancaster House, London.⁵

Given the presence of Somaliland, paragraph six of the London Conference Communiqué stated that “*The Conference recognized the need for the international community to support any dialogue that Somaliland and the TFG [Transitional Federal Government of Somalia] or its replacement may agree to establish in order to clarify their future relations*”.⁶

In order to move the process, Somaliland government removed the legal obstacles from their side by passing a resolution allowing the Somaliland Government to engage in talks with Somalia in February 2012.⁷

The talks started and undergone six rounds, as follows: Chevening House, London (20-21 June 2012), Dubai (28 June 2012), Ankara (13 April 2013), Istanbul I (7-9 July 2013), Istanbul II (16-19 January 2014), and Djibouti (21 December 2014).

2.1 Chevening House Round, London

Following the London Conference, two technical committees from the two sides – Somaliland and Somalia – met on 20-21 June 2012 at Chevening House, London. Hosted by the UK and co-hosted by Norway and the EU as per request of the two sides, this preparatory dialogue aimed to pave the way, and establish an outline and agenda for the future talks.

The two sides highlighted the necessity of adopting a common method to avoid anything that could undermine the talks; expressed their commitment to the continuation of the talks; called the two presidents an urgent meeting to review the progress and, also, called the international community to keep supporting and facilitating the talks and providing legal, economic and security experts.⁸ The two parties agreed to cooperate in the fight against terrorism, piracy (both at sea and on land), maritime crime, illegal fishing and toxic dumping.⁹

2.2 Dubai Round

In accordance with the Chevening House meeting, the President of the Transitional Federal Government (TFG) of Somalia, Sheikh Sharif Sheikh Ahmed, and the President of Somaliland Ahmed Mohamed Mohamoud “Silanyo” met on 28 June 2012 in Dubai and hosted by the United Arab Emirates. The two presidents officially endorsed the process and directed the two committees from the two sides continue the dialogue.¹⁰

2.3 Ankara Round

The Turkish Government hosted a presidential-level meeting between Somalia and Somaliland held on 13 April 2013 in Ankara. Among the purposes of this meeting included resuming the dialogue process after a regime change in Somalia; President Hassan Sheikh Mohamoud came to power and replaced the previous president, Sheikh Sharif Sheikh Ahmed. Moreover, the transitional period in Somalia came to an end and the Transitional Federal Government of Somalia was replaced by the Federal Government of Somalia which gained an international recognition the preceded transitional governments did not have; this recognition might have affected the talks. With the presence of the Turkish Prime Minister and Foreign Minister, the two sides agreed upon and jointly produced a communiqué with seven articles.¹¹

(1) The two sides committed to the continuation of the dialogue; (2) agreed to accept and act in accordance with the London and Dubai agreements; (3) stated that the Dialogue is between the Federal Government of Somalia and the Government of Somaliland, and the international community that is supporting this process will only provide facilitation when needed; (4) agreed to share the aid received from the international community, and to encourage and facilitate aid provided to Somaliland; (5) agreed to cooperate in security sector and share related intelligence, training and scholarships for security sector professionals in order to become more effective in the fight against terrorism, extremism, piracy, illegal fishing, toxic dumping, maritime crime and serious crimes; (6) the two parties agreed to meet in Turkey within 90 days; and finally, (7) the two sides agreed to avoid any inflammatory words and actions that would undermine, or put at risk, the continuation of talks.

2.4 Istanbul I Round

Shortly after the Ankara dialogue, the two sides met between 7 and 9 July 2013 in Istanbul. In this meeting, the two parties discussed a crucial issue – air traffic management. Since the collapse of the central government of Somalia, the Somali aviation and air traffic management was ran by the United Nations and established their base in Nairobi, Kenya. In this meeting, the two sides agreed to repossess the air traffic management from the United Nations and decided to establish a joint control body based in Hargeisa, Somaliland. The base was supposed to manage the whole air traffic control and to propose a mechanism for equitable revenue-sharing. Additionally, the two parties expressed their commitment to the process of talks and its continuation, and, also, agreed to meet again in Turkey within 120 days.¹²

2.5 Istanbul II Round

Delegations from the Federal Government of Somalia and the Government of Somaliland met in Istanbul between 16 and 19 January 2014 with the assistance of the Turkish Government. After making further clarifications on the dialogue process design, the two parties signed a communiqué with the following main agreements: the Turkish Government to regularly brief the international community; “to nominate Air Traffic Control Board to establish within 45 days”; “to appoint an ad-hoc technical committee composed of 4 members, (two from each party) to prepare the terms of reference of the Air Traffic Control Board” and the respective ministries to supervise the committee; and finally the two parties expressed that they “share the pain inflicted upon the Somali people by the military regime in Somalia ... [and] condemn all the atrocities committed by that regime throughout all Somali people [sic] particularly the people of Somaliland”.¹³ It is important to mention that, in this meeting, a government of Somalia officially acknowledged the state-

sponsored crimes against humanity conducted in northern Somalia (later Somaliland) in the late 1980s for the first time.¹⁴

2.6 Djibouti Round

A presidential-level meeting between Somalia and Somaliland took place on 21 December 2014 in Djibouti. In this meeting, the two sides agreed: to implement the previous agreements and “take bold steps on future political relations”; to “avoid the politicization of humanitarian and development programs”; to “engage the Government of Djibouti in the dialogue whenever needed”; to hold the next round in Istanbul on 26 and 27 February 2015.¹⁵

According to the agreements of the above six rounds, the two sides did not touch on the ‘*major issue*’ of their future political relations although the Djibouti round called for them to do so. It seems that both sides have no appetite to discuss this intractable point.

3. The Collapse of Round Seven (Istanbul III)

The seventh round of the process was planned to take place in January 2015 in Istanbul. The two delegations came to Istanbul in January 2015 but could not directly commence discussing the issues on the agenda due to certain barriers. They, however, blamed one another for the responsibility of the failure of the meeting. Somaliland delegation argued that a number of people who are originally from Somaliland were deliberately added to the representatives of Somalia in this meeting which, as they argued, was against the previous agreements, and rejected to talk to them. They also accused Somalia of violating the aviation agreements and the regular schedule (Yonis, 2015).

On the contrary, the delegation of Somalia argued that any side cannot influence the list of the representatives of the other side and stressed that

the conditions put forward by Somaliland were inappropriate and unacceptable. They accused Somaliland of the failure of the meeting (Hayir, 2015). Unfortunately, the two sides could not figure out a way to resume the process.

Given the arguments of the two sides, what were the underlying factors behind the failure of Istanbul III? In 2012, two members of Somalia delegation was rejected by Somaliland and argued that those members were originally from Somaliland and therefore rejected to attend the talks unless the two members were removed from the list (VOA, 2012). Somalia, back then, accepted the request of Somaliland and removed those members from its delegation. This incident reveals that there was an understanding between the two sides (politicians who are originally from Somaliland cannot be part of the delegation of Somalia in the process) which may support Somaliland's claim that Somalia is responsible for the process collapse.

Nevertheless, evidence exposes that Somaliland was not serious about this understanding as it originally claimed. In the Dubai round, the former Defense Minister of Somalia Hussein Arab Isse, who is originally from Somaliland, attended the meeting. Likewise, the former Foreign Minister of Somalia Abdirahman Duale Beyle, who is also originally from Somaliland, attended the Djibouti round, not to mention some politicians from Somaliland argued that the Djibouti round does not count as it was not an official round (Horn Cable TV, 2015a).¹⁶ Nonetheless, since Somaliland did not express any concern on the presence of these two ministers in Dubai and Djibouti rounds, Somaliland should not have made the issue a big deal in Istanbul III.¹⁷ Be that as it may, there is the argument that even if this understanding had existed, the government of Somalia should not have considered it to avoid barring certain citizens from engaging in the national decisions (Sed, 2015).

Prior to Istanbul III, there was another failed sideline meeting. Two technical committees from the two sides met in April 2014 in Istanbul to further discuss the Istanbul I and Istanbul II agreements on the aviation and air traffic management. The purpose of this meeting was to prepare the terms of reference for the work of the joint committee. However, it became futile as the two sides could not agree on the terms of reference. The aviation minister of Somaliland Mohamoud Hashi Abdi blamed the technical committee of Somalia for coming up with a different understanding of Istanbul I aviation agreements (Abdi, 2017).

Given its later attempts to solely regain the air traffic management of the former Somali Republic, Somalia was not apparently willing to move the air traffic management base to Hargeisa, the capital of Somaliland. Paradoxically, they signed this agreement of establishing air traffic management joint committee based in Hargeisa and, at the same time, began reclaiming the air traffic management from the United Nations and had talks with the respective institutions solely. The Minister of Aviation of Somalia, Mohamed Abdilahi Salad confirmed to the VOA Somali that the Air Traffic Management of Somalia will be moved from Nairobi to Mogadishu in late October 2017 (Salad, 2017). Eventually, Somalia declared that it officially reclaimed the Air Traffic Management from the United Nations on 28 December 2017 (BBC, 2017).

4. Big Challenges in the Process

Notwithstanding that six rounds took place since the beginning of the talks, it is discouraging that the process achieved very little until it came to deadlock; moreover, non-implementing of that '*little*' is another setback, inflammatory words were not avoided, and air traffic management board was not established. Somaliland often blames Somalia for undermining the talks (Yonis, 2015). The Federal Government of

Somalia, on the contrary, constantly expressed their willingness to continue the process.

The talks were unsuccessful due to cumulative innate challenges as well as technical factors that emerged during the process, and expect to accompany during the process until adopting new options and strategies to deal with it.

Furthermore, lack of commitment from both sides contributed to the breakdown of negotiations. In addition, misarrangements and weak preparations, because of lack of joint technical committee, were apparent in the process.¹⁸

4.1 Divergent and Non-Negotiable Political Positions

Somaliland's breakaway was in May 1991, it failed to achieve recognition from a single country. As a result, Somaliland eventually accepted to talk to Somalia about its secession. Although Somaliland accepted to hold talks with Somalia, it nevertheless underscored that its independence and sovereignty are unnegotiable. On the contrary, Somalia considered the proposed talks as an opportunity to convince Somaliland to remain in the union. It always stressed that the unity and territorial integrity of Somalia are unnegotiable. Constitutions of both Somaliland and Somalia underline that the territorial integrity of each of them is unnegotiable.¹⁹ As a result, it was expected that the talks will become very hard and face big challenges as soon as they start discussing the '*major issue*' of the future relations. In the Djibouti round, the two sides agreed to take bold steps on the future political relations. Even though both sides did not demonstrate the courage of discussing the principal issues, Djibouti round unveiled that the time to decide on the principal issues has arrived. Divergent and non-negotiable political positions, therefore, jeopardized and hindered the process. These political positions determine what each side wants to

achieve in the process. The then government of Somaliland, for instance, engaged in the talks as a means of achieving recognition. On the other hand, Somalia sees the process as a chance to bring Somaliland back to the union. Apparently, the two sides were poles apart, and therefore, little achievements could be expected from the talks. Nevertheless, it is worthwhile mentioning that the pressure from the international community, in the London Conference, in particular, played a major role for the two sides to engage in the process as the international community is a major and influential player in Somali affairs.

How the dialogue process is viewed by the two sides also matters. Somaliland considered the talks as an external issue; mandated the talks to the Ministry of Foreign Affairs, and its delegations were always led by the Foreign Affairs Minister of Somaliland. On the contrary, Somalia considered it as an internal issue; the Ministry of Interior Affairs represented the government of Somalia and the Minister of Interior Affairs always led its delegations. Changing political situations and different internal pressures in both Somaliland and Somalia challenged the talks as well (Muxumed, 2018).²⁰

4.2 Unaddressed Grievances

During the colonial era, the two sides were under two different colonial powers and received their independence on two different dates. Somaliland received its independence on 26 June 1960 from the British Empire, while Somalia received its independence on 1 July 1960 from Italy (being under UN Mandated Italian Trusteeship). Four days after its independence, Somaliland voluntarily united with Somalia and gave up its sovereignty in the hope of realizing the dream of Greater Somalia.²¹ Unfortunately, the people of Somaliland were marginalized after the union which led to the skepticism and disappointment of Somalilanders

towards the union. In Bulhan's words, "*unity without condition turned out to be unity on unequal terms*" (Bulhan, 2008: 59).

Moreover, what added insult to injury were the crimes against humanity and atrocities committed in the late 1980s in northern Somalia (later Somaliland), in which, the "*Isaaq Clan*" was targeted by the military regime of Somalia. In 1980s, the Isaaq civilians were particularly targeted because of their clan affiliations or political positions. Thus, cruel counter-insurgency led to the indiscriminate massacre of innocent civilians, total destruction of cities and towns, killing livestock, destroying water pools, wells and dams, and numerous harsh and cruel activities (Africa Watch Committee 1990). As a result, around 100,000 people are believed to have been killed, while over 500,000 were forced to flee from their homes (Ingiriis 2016). This also included the mass destruction of Hargeisa and Burao cities; Hargeisa was about 90 percent destroyed and Burao about 70 percent was destroyed (International Crisis Group 2006: 5). These destructions, ICG report (2006: 6) describes as:

Although the Barre government also targeted other rebel groups and their supporters at different times between 1978 and 1991, no other Somali community faced such sustained and intense state-sponsored violence.

Jasiira beach massacre in Mogadishu in July 1989 is another indicator of atrocities against the Isaaq clan, the only incident of its kind occurred in the capital in the dictatorship era. Kapteijns (2013:105) captures this incident as:

The government's violence was directed at all civilians suspected of support for the opposition. However, the most well-known gruesome incident, which became public because one man accidentally survived, involved forty-six middle-class men, professionals, businessmen, and teachers, whom their captors believed to be

Isaaq. These men were taken from their homes in the middle of the night, transported to Jasiira, a beach outside Mogadishu, and summarily executed.

In Istanbul II, the two sides affirmed that they “...share the pain inflicted upon the Somali people by the military regime in Somalia before the year 1991...[and] condemn all the atrocities committed by that regime throughout all Somali people [sic] particularly the people of Somaliland”. This issue resulted in an outrage in some public spheres in Somaliland and the representatives of Somaliland in this round were criticized.²²

Due to the above mentioned mass atrocities and grievances, it is unlikely for the two sides to reach a sustainable decision on their future relations unless these grievances are addressed. Mistrust yielding from these grievances will always, as expected, jeopardize the outcome of the talks. Whatsoever, the Somaliland-Somalia talks cannot be fruitful unless these mass atrocities are dealt with acquiescently and openly. Addressing these grievances is necessary in the case of possible reunion, though unlikely in the near future.

4.3 External Role

This dialogue process was imposed on the two sides by the international community in the 2012 London Conference on Somalia.²³ Since both sides were in need of the international community’s assistance, they had no choice but to accept the proposed talks. To emphasize more, the international community financed and still finances all efforts – maintaining peace, peace building and state building, among others – of restoring peace and stability in Somalia.²⁴ Initially, the responsibility of the process was assumed by the United Kingdom, which hosted that same

conference; the United Arab Emirates, Turkey, and Djibouti hosted it later. Nonetheless, the process ended up as a mere Turkish project.

The UK's involvement in the Somali affairs endured since the colonial era. They are among the supreme foreign players in the Somali affairs. Their policies are not limited to the Federal Government, but they have a decent relation with Somaliland as well and directly deal with Somaliland, though they do not recognize it officially as an independent state. Thus, although they are more deeply involved in Somalia as part of the efforts of the international community to restore peace and stability.

Turkey, the principal host and organizer of the talks became deeply involved in the Somali affairs lately. Turkey's involvement dates back to 2011 when the former Prime Minister and the current President Recep Tayyip Erdoğan visited Mogadishu. Turkey's presence in Somalia has been growing ever since.

The United Nation's role in the talks is not apparent. Nicholas Kay, the former Special Representative of the UN Secretary-General for Somalia, whom was asked to give updates on the talks while speaking at the International Peace Institute (IPI) in June 2015 said “[A]t the moment, it is not going anywhere. The last round of talks broke up in Turkey, without the two sides meeting, and I have not seen a date set for any further resumption of that. Obviously, we are keen to encourage a process, but this is a process that the government of Turkey has been hosting and organizing” (Kay, 2015).

In short, as could be expected according to the realist theory in international relations, conflicting, interest-based roles of foreign states challenge the process. Therefore, the mediation efforts must be more inclusive and add relevant countries and organizations, a step which may minimize the potential conflict. Actually, Somaliland requested more

inclusive mediation and Turkey accepted this notion and working to expand its coordination with others in its recent attempts to resume the talks in 2019 (Abdi, 2019).

5. Towards a Successful Dialogue

To revive the talks and reach tangible results, I propose the following recommendations:

a- Inclusive Mediation Efforts

The mediation efforts must be more inclusive and add relevant partners (countries and organizations). These mediators better to take effective role and exercise pressure on the two parties to revive the talks, deal with the big issues, accomplish their obligations towards the process and ensure the implementation of what has been, and will be, agreed upon.

b- Strong Commitment

Commitment is an essential element in any negotiations. Unless both sides are characterized by political will and strong commitment, the talks cannot be fruitful. As the old saying goes, 'if there is a will, there is a way'. If there is no will to solve this issue, negotiation teams will show up in the hosting countries pretending to talk, time and other resources will be wasted, and at the end of the day, there will be no result at all. Both sides need to learn lessons from the previous failed round talks.

c- Addressing the Past Atrocities

It is necessary to consider the past mass atrocities and grievances. Addressing these atrocities is a suitable way for both '*dealing with the past and preparing for future stability*'. There are a range of responses to these mass atrocities, including, among others, judicial mechanisms, truth

commissions and compensation (Khayre 2016: 10-26). However, acknowledging these atrocities and other relevant grievances and addressing them openly will pave the way for productive talks.

d- A Joint Technical Committee

It is necessary, also, the two sides to establish a joint technical committee which arranges agendas and schedules, and regularly reviews the previous agreements and their implementation.

e- A Referendum after a Transitional Period

The two parties, Somalia and Somaliland, still hold their '*constitutionalized*' unnegotiable positions. This constitutes the biggest challenge in the process. To continue the process necessitates addressing the '*major issue*' which needs a new initiative to break this deadlock and overcome it. A possible agreeable option is to agree on a transitional period under one state and then, after agreed period, hold a free and fair referendum from the people of Somaliland on whether they will remain part of Somalia or secede;²⁵ and the result will be accepted amicably. In the transitional period, Somaliland will remain autonomous as its now. For this option, it will be necessary to provide a suitable environment and necessary arrangements for the referendum; as well as post-referendum arrangements (whatever the outcome of the referendum is) and any other relevant issues.

This is one of the possible solutions in which the seceding state (Somaliland) and the parent state (Somalia) are expected to decide their future relations and move towards a sustainable solution. Instead of politicians or governments, this procedure gives the final self-determination decision to the people of Somaliland. It is common that such decisions are made on the bases of a plebiscite. Although conditions

are not the same, this option is similar to the cases of Sudan-South Sudan²⁶ and Ethiopia-Eritrea.²⁷

6. Attempts to Resume the Talks

Since the collapse of the talks, politicians from both Somaliland and Somalia reiterated their willingness to resume the talks as soon as the elections are held on both sides (in the years of 2016 and 2017).²⁸ However, there are no apparent efforts by the two parties; Turkey, nonetheless, seemed the most concerned party. Following the failure of the talk rounds between the politicians of the respective sides, the government of Turkey reshaped its role and attempted to create a role for non-state actors, particularly intellectuals.

In 2015 an issue of targeted the traditional elders came to light when certain elders told the press that they were approached to be part of the Somaliland-Somalia talks process by the Turkish Consulate in Hargeisa. Then the opposition politicians rejected this approach (Horn Cable TV, 2015b); and later the Turkish Consul General in Hargeisa denied the existence of such a plan in the first place (Horn Cable TV, 2015c).

In April 2016, a meeting of six intellectuals – three from each side – was held in Ankara, hosted by the Center for Foreign Policy and Peace Research, İhsan Doğramacı Peace Foundation. Turkish intellectuals were present as well in the meeting including the Ambassador Ahmet Riza Derer, the Special Representative of Turkey for Somaliland-Somalia Talks. The intellectuals discussed the history of the political differences between Somaliland and Somalia and the current situation. Moreover, they exchanged views on how intellectuals can cooperate and the role they can play in the current political stalemate of the two sides (Omer, 2016). Nevertheless, the exact role of the intellectuals has never been elaborated.

That Turkey's role in the process was just offering a platform, but seemingly, after the deadlock it reshaped its role and upgraded to mediate and generate possible solutions and strategies for the major issues. The former Turkish Ambassador to Somalia, Dr. Olgan Bekar, was appointed Turkey's special envoy in the Somalia-Somaliland talks in December 2018 and begun contacts and tours to revive the talks (Hiiraan Online, 2018).

As affirmed by President Muse Bihi Abdi, Somaliland was too reluctant to engage in talks solely organized by Turkey and, thus, requested more inclusive mediation. Turkey considered the demand of Somaliland and invited several partners including the UK, USA, EU, and Sweden, who all accepted to be part of the process (Abdi, 2019). Despite all these efforts, President Bihi Abdi of Somaliland expressed his concern about the commitment of Somalia (Abdi, 2019).

7. Conclusion

Since the beginning of the Somaliland- Somalia Talks in 2012, six rounds took place in the UK, the UAE, Turkey, and Djibouti. All these meetings have had little achievements before the whole process collapsed in 2015.

The study projects that this dialogue process may resume sometime in the future (near or distant). This is because of two reasons. First, politicians of both sides have promises to keep the talks. Politicians of Somaliland need to show their people that they are working through all means to achieve recognition including talking to Somalia. They may argue, as they already did, that there are no other opportunities and other doors closed except to talk with the parent country, Somalia, to obtain their consent to independence. On the other side, there are increasing voices in Mogadishu and beyond pressing the Federal Government to end the current stalemate and restart the Somaliland-Somalia talks and achieve a complete political reconciliation in order to conclude the federal structure

of Somalia (Ahmed, 2019). Second, a foreign pressure is likely and both parties can be influenced and pushed to resume the talks.

The author proposed five recommendations, thought it necessary to establish a way forward for the dialogue and achieve a meaningful result, which are:

- a) More Inclusive mediation efforts by engaging relevant countries and organizations.
- b) Political will and strong commitment from both sides
- c) Addressing the past atrocities and grievances with a range of possible options including, among others, judicial mechanisms, truth commissions and compensation.
- d) Establishing a joint technical committee which arranges agendas and schedules, and regularly reviews the previous agreements and their implementation.
- e) A referendum by the people of Somaliland after transitional period of time and the result must be accepted agreeably.

Nonetheless, these talks, given their nature and the attitude of the negotiating parties, faces great challenges since there are neither ‘strong political will’ nor proposals on the table. Therefore, it is likely that the current political standstill between Somaliland and Somalia may continue in the near future. However, state-building project in both sides will be limping unless final conclusion is reached on the Somaliland and Somalia future relations.

Notes

¹ On 31 May 2001, Somaliland held constitutional referendum at which 97.10% of the voters approved the constitution and 2.90% rejected it. The election result is available at <http://africanelections.tripod.com/somaliland.html> [African Elections Database] accessed on 16 April 2019.

² The Provisional Constitution of the Federal Republic of Somalia, article (1), clause (3) says ‘The sovereignty and unity of the Federal Republic of Somalia is inviolable.’ whereas the constitution of the Republic of Somaliland, article (1) say: (clause 1) The country which gained its independence from the United Kingdom of Great Britain and Northern Ireland on 26th June 1960 and was known as the Somaliland Protectorate and which joined Somalia on 1st July 1960 so as to form the Somali Republic and then regained its independence by the Declaration of the Conference of the Somaliland Communities held in Burao between 27th April 1991 and 15th May 1991 shall hereby and in accordance with this Constitution become a sovereign and independent country known as “The Republic of Somaliland”. (clause 3) The territory of the nation is inviolable, and shall not be trespassed upon.

³ In general, the Somalia-Somaliland issue, with its apparent significance, did not get adequate attention in Somali studies academia.

⁴ The author is grateful to Prof. Deniz Yüksek of Istanbul Aydin University for comments and the Scientific and Technological Research Council of Turkey (TUBITAK) for funding his MA program in Turkey.

⁵ London Conference on Somalia: Communiqué (2012) from Foreign and Commonwealth of UK. Accessed June 8, 2017: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede200312londonconference_/sede200312londonconference_en.pdf

⁶ London Conference on Somalia: Communiqué (2012) from Foreign and Commonwealth of UK. Accessed June 8, 2017: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede200312londonconference_/sede200312londonconference_en.pdf

⁷ In October 2003, Somaliland passed a law prohibiting, from any person and entity (state and non-state actors) of Somaliland, any participation in meetings or any other matters concerning discussions of settling disputes between

various Somalian factions or between all of them. In a joint resolution passed on 5 February 2012, the two houses of the Somaliland Parliament amended, on the recommendation of the President Ahmed Mohamed 'Silanyo', their previous resolution and have added the following two clauses: (1) The Somaliland Government may attend any meetings which are considered as being of interest (benefit) to Somaliland and which do not conflict with the existing sovereignty and constitution of Somaliland. (2) The two house support the participation of the Government in the London Conference (to be held on 23 February 2012). Available at http://www.somalilandlaw.com/Law_Prohibiting_Participation_in_Somalia_Meetings_2003_as_amended_in_2012.pdf?fbclid=IwAR2eTayubvAH-rsJwb9XA-GaKBI70z5TwwMWsXRS3JQyIV2fgqDEfY5vT8s, accessed on 20 April 2019.

- ⁸ Furthermore, the two sides emphasized their commitment and agreed to share experience on working with the international community on the use of development and humanitarian assistance for the benefit of people in both Somaliland and Somalia, and at the same time, requested the international community to increase that aid.
- ⁹ Chevening House Declaration (20-21 June 2012). Received a copy of the declaration from Somaliland Ministry of Foreign Affairs & International Cooperation.
- ¹⁰ Dubai Statement (28 June, 2012). Received a copy of the statement with the signatures of the two presidents of Somaliland and Somalia from Somaliland Ministry of Foreign Affairs and International Cooperation.
- ¹¹ A copy of the Ankara Communiqué from the Turkey Ministry of Foreign Affairs was received from United Nations Assistance Mission in Somalia (UNSOM), Hargeisa Office.
- ¹² A copy of the Istanbul I Communiqué (7-9 July 2013) was received from United Nations Assistance Mission in Somalia (UNSOM), Hargeisa Office.
- ¹³ A copy of the Istanbul II Communiqué (18 January, 2014) was received from United Nations Assistance Mission in Somalia (UNSOM), Hargeisa Office. This communiqué was an extended one with a number of sub-headings including dialogue process design, code of conduct and declaration of principles.

- ¹⁴ There was a strong argument between the two sides in this round on which term to use for these crimes. However, the Somali government side rejected to consider those crimes as genocide. Even, there were debates in the media outlets in Hargeisa on the term selected. For more details about these crimes, refer to section 4.2 “Unaddressed Grievances”.
- ¹⁵ Djibouti Agreement (21 December, 2014). A copy of Somaliland-Somalia Agreement signed by the two presidents in Djibouti was received from the United Nations Assistance Mission in Somalia (UNSOM), Hargeisa Office.
- ¹⁶ In a debate hosted by Horn Cable TV, the former advisor of the President of Somaliland on the elections and the current minister of the Somaliland Ministry of National Planning and Development, Mohamed Ibrahim Adan, argued that the Djibouti round was unofficial.
- ¹⁷ From a focus group discussion with several journalists and intellectuals held in Hargeisa in April 2017 by the Author. Others, like Dahir M. Dahir, political officer at UNSOM also argue the same.
- ¹⁸ For more details, refer to Muxumed, 2018 (Kala-Maan) pp. 138-140.
- ¹⁹ For more details, refer to note #2
- ²⁰ For more details, refer to (Muxumed, 2018). Kala-Maan: Bilowgii iyo Burburkii Wadahadallada Soomaalilaand iyo Soomaaliya, pp. 102-140.
- ²¹ Greater Somalia ‘*Soomaali Weyn*’ refers to the vision of forming united country for all five Somali territories (namely British Somaliland, Italian Somaliland, Northern Frontier District- present North Eastern Kenya, French Somaliland – present-day Djibouti, and Western Somalia – present Somali State region in Ethiopia). In 1960, the British Somaliland and the Italian Somaliland were united and formed the Somali Republic.
- ²² They argue that the article generalizes the crimes committed by the military regime against all Somalis but what happened in Northern Somalia (Later Somaliland) was different and incomparable. Hence, the public sphere in Hargeisa was engaged in heated debates of this topic.
- ²³ Somaliland accepted the invitation of the UK and attended the 2012 London Conference alongside Somalia, but both sides did not expect the article on the talks. That is why many argue that the process was imposed on the two sides.

- ²⁴ The United Nations Assistance Mission in Somalia (UNSOM) was established for the mentioned purpose in June 2013 and subsequently was renewed its mandate yearly by Security Council, and the current mandate is valid until 31 March 2020. In Somaliland issue, UNSOM is engaged in contacts with relevant sides to foster dialogue and a spirit of continued engagement and reconciliation. For more details, refer to the official website of UNSOM [<https://unsom.unmissions.org/>].
- ²⁵ The referendum in May 2001 in Somaliland was a unilateral, accordingly did not coordinated with the parent state (Somalia) which led to its rejection of the result; but this proposed one will be with the consent of both sides, the seceding state (Somaliland) and the parent state (Somalia).
- ²⁶ In March 1972, through the Addis Ababa Peace Agreement, South Sudan was granted regional autonomy. Unfortunately, the Ja'far Numayri regime revoked the peace agreement in 1983, which resulted in the beginning of a 21-year-long civil war between the two sides. Finally, South Sudan managed to claim self-determination and convince the North to accept their right to self-determination under the Comprehensive Peace Agreement (CPA) signed in January 2005 in Kenya. This peace negotiation was facilitated and organized by the Intergovernmental Authority on Development (IGAD). In this agreement, South Sudan was awarded a six-year transitional period (from July 2005 to January 2011) before a referendum was held. South Sudan eventually achieved independence through a self-determination referendum on 1 January 2011, in which the Southern Sudanese voted in an overwhelming majority of 98 percent for independence (Malwal, 2015).
- ²⁷ After a 30-year long armed struggle with Ethiopia, Eritrea seceded in 1991. Following an UN-supervised referendum, Eritreans voted for independence in April 1993 then declared its independence. The Government of Ethiopia supported the process and accepted the result of the referendum, and a separation was effected amicably.
- ²⁸ In late 2016 and early 2017, parliamentary and presidential elections were held in Somalia respectively. On the other hand, the presidential election of Somaliland planned to take place in 2015 was postponed at least twice, and finally took place in November 2017.

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The Roles and Functions of Somalia's Upper House: Shared Duties and Exclusive Responsibilities



Dahir Mohamed Ali

Abstract

Somalia adopted a new federal constitution in 2012 which established a bicameral type of parliament, upper house (senate) and the lower house (the house of the people). This type of legislature is different from the traditional system of Somalia's parliaments since independence 1960, because Somalia used to have a unicameral legislature.

This article describes the rationale for the adoption of this system and creating of the second chamber. It also highlights both the principal functions of the upper house, which is the exclusive powers of the upper house, and shared functions with the house of the people in the light of the Provisional Constitution of the Federal Republic of Somalia. In addition, it proposes some recommendations that must be taken into consideration during the constitutional review process.

Keywords: Somalia, bicameral legislature, upper house, federal system.

1. Introduction

The Federal Parliament of Somalia is a bicameral, consisting of an Upper House (Senate) and a Lower House (House of the People) as stipulated in article 55 of the provisional constitution. The Upper House was established for the first time in 2016. The House of the People comprises 275 MPs, while the newly established Upper House contains 54 senators.¹ There are some shared duties between both chambers of the Somali parliament such as law-making process i.e. considering, debating and approving bills. In addition to that, each house has its own exclusive particular functions.

This article strives to enlighten the roles and the functions of the Somalia's Upper House. The article discusses several questions regarding the functions and duties of the Upper House. These include why does Somalia need to have an Upper House in its parliamentary system? What are the shared functions of both Houses? In addition, what are the exclusive functions of the Upper House?

This paper examines the reasons for the adopting of a two-chamber system. After that, the shared functions of both Houses and exclusive functions of the Upper House will be identified. Furthermore, this study proposes some recommendations should be taken into consideration during the constitutional review process.

2. Background of Somalia's Legislative Branch

2.1 Unicameral Legislature

The first constitution of Somalia of 1960, established Somalia's first parliament in the post-colonial era (the National Assembly) as a unicameral legislature. This National Assembly lasted only for nine years, and it was unconstitutionally dissolved by a military coup which, in 1969,

swept aside the constitution of the Republic and marked the end of parliamentary democracy. The period between 1969 and 1979, Somali was without constitution, and the structure of the governance was based on the first and second charters of the revolution and governed by presidential decrees.²

The constitution of 1979, also established unicameral system as stipulated in article sixty of such constitution, which was replaced in 1990, by new democratic constitution that was published in the official bulletin on 14 October 1990 without referendum.³

One of the notable issues that should be mentioned is that during the military era, the legislative branch has become dependent on the executive branch until the collapse of the central governmental in 1991. Since then, Somali tried to rebuild its crumpled state from 2000, and all stages the legislative branch consisted of single house, until the adoption of the provisional constitution in 2012 which establishes Somalia's first bicameral type of legislative branch and guarantees the power sharing between federal government and its member states.⁴

2.2 Adoption of Bicameral Type of Legislature

Somalia traditionally was a unitary state which had a single house of legislative since the independence until the adoption of the new federal constitution in August 2012. The new constitution changed the system of the government from unitary state to federal one. The main reason was to distribute the power of governance between the federal government and member states as outlined in chapter five of the constitution.⁵

Normally, in the federal system each level of government is willing and eager for power and participating power sharing with other level. For that

reason the Somali Federal Member States desire to participate in exercise of powers by their participation in federal bodies. On such basis, the federal parliament is organized in a bicameral type, where one of the chambers (upper house) is elected by the member states and at the same time represents them.⁶

Upper Houses across the different countries of the world are organized differently by their electoral system.⁷ Although the Provisional Constitution of Somalia anticipates for the direct election of members of the Upper House as per Article 72, the current Upper House members were elected by the parliaments of Member States. The members will serve for a renewable term of four years, which is the same as members of the lower house (Article 60).

According to the provisional constitution, the number of members of the Upper House may not exceed 54 senators and should be based on the eighteen pre-1991 administrative regions. All Member States should have an equal number of representatives. However, considering the possibility that some of the states may be composed of more administrative regions than others, the requirement that the members should be elected based on the eighteen regions may not be compatible with the requirement to ensure the equal representation of member states (Article, 72).

3. Duties & Responsibilities of Upper House

3.1 Shared Responsibilities between the two houses

In Somalia, the parliament consists of the upper house (Senate) and the lower House (House of the People). Both Houses have a number of powers that allow them to perform their duties effectively. For instance, Legislation can come into force only after both the Senate and the House

of People have passed it. This implies that some functions are shared among the members of both Houses.

The shared duties and responsibilities between the Upper House and the House of the People which are listed in article 71 of the Provisional Constitution include law making, amendment of constitution, and participation in the election of the President of the Federal Republic. In addition to these, both Houses also participate in the process of declaring an emergence state and appointing some members of government institutions, as provided for by the Constitution and among others.

The details of the shared responsibilities between the upper house and lower house as mentioned in articles (61, 71, 92 and 131) of the provisional constitutional are as listed below:

3.1.1 Participating for Constitutional Review and Amendment

Since the federal member states want to have their say in the process of constitutional amendment, their channel is the second chamber the (Upper House), which represents them. In Somalia, the Upper House participate both constitutional review and amendment to ensure that the ideas and interests of the Federal Member States have been upheld.

3.1.2 Legislative Competence of the Upper House

In assessing the legislative powers of the upper houses in federal countries, there are two prominent trends. In the first category, Upper Houses share the power of law making equally with the Lower House. In this regard, for a bill to obtain legal application, it must achieve the consent of both Houses.

In the second category, Upper Houses play a subsidiary role in the parliament. In this regard, each piece of legislation does not necessarily need the approval of both Houses but the Upper House should only make sure that the interests of the states are taken into account. The United States and Switzerland upper houses fall under the first category while German and Indian follow the second approach.

In Somalia, the Upper House participates in making of all laws as per articles (79, 82, and 83) of the Provisional Constitution, in that regards the Somali Upper House falls under first category.

3.1.3 Participation in Presidential Election and Impeachment

Presidential elections and impeachments are both among the functions that shared by the both Houses as provided by the articles (69, 71, and 92) of the provisional constitution.

3.1.4 Participation in the Process of Declaring State of Emergences

Both houses have the legal rights to participate in the process of declaring state of emergencies as mentioned in the article 131.⁸

3.1.5 Participation in the Process of Appointing of Some Government Officials

Both Houses exercise some other additional functions including the involvement of the appointment of flowing government officials:⁹

- Members of the Judicial Service Council;
- Chairman and Judges of the Constitutional Court;
- Members of the National Independent Electoral Commission;
- Members of the Boundaries and Federation Commission;
- Members of the Arbitration Committee

3.2 Other Possible Shared Functions

In addition, two other important functions appear in the Provisional Constitution exclusively to the House of the People, namely, budget approval and ratification of international treaties. However, this article argues that these functions should be shared between the two houses.

3.2.1 The Upper House and the Approval of National Budget

The Federal Budget represents an expression of the priorities and values of the Federal Government, the extent to which the regional states are involved in the approval process can determine their impact on the policy choices of the federal government.

In most federal states, the regions are involved in the budgeting process through the Upper House. In some federal states, the House of People has the primary responsibility in the approval of budget while in others the senate is involved on the equal basis with the first house in drafting and approving the budget.

For example in Nigeria and USA, the both Houses must approve the same version of budget before its execution. In contrast, in the countries South Africa, Pakistan, Indonesia, Australia and Germany, the main responsibility of approving the budget is belongs to the House of the People. Then, the Upper House can give commentary and recommendations about the budget to House of the People. However, the latter is not bound by comments and recommendations of the former. In Ethiopia and Mexico, the power to approve the Federal Budget is belongs to the Lower House only.¹⁰

In Somalia, under the Provisional Constitution, only the council of ministers can initiate the drafting and preparation of annual Federal Budget as provided in article (99, d), and the Federal Parliament cannot

draft the Federal Budget as stated in article (69, 1) and article (80, 1:b) of the provisional constitution. Even though, the Provisional Constitution gives the Federal Parliament the power to approve the Federal Budget, it is not clear whether the budget needs the approval of the House of the People alone or need also the approval of the upper house but kept silent.

3.2.2 The Upper House and Ratification of International Treaties

Under the Provisional Constitution, specifically in article (90, q), International Treaties are normally proposed by the council of ministries and approved by the House of the People and finally consented by the President of Somali Federal Republic.

In many federal countries such as the United States and Germany, the Upper House is involved in the approval of international treaties. In fact, in the United States, only senate is involved, the Lower House does not have a formal role in the ratification of such treaties.¹¹ Therefore, this article proposes that the Somali Upper House should be involved in the process of approving international treaties, and that should be considered in the constitutional review process.

3.3 Exclusive Powers of the Upper House in Somalia

In addition to the shared powers with the House of the People, the Upper House has two major exclusive powers, which the Lower House cannot participate. These powers are:¹²

- 1- Representation of the interest of member states at federal level
- 2- Protection and safeguarding the whole system of federalism of the republic

3.3.1 Representing the Interests of Member States

The two central features of the Federal arrangement are self-rule at the regional level and shared rule at the Federal level. One of the main curial mechanisms through which the principle of shared-rule is given is the establishment of Upper House.

In Somalia, the Second Chamber or the Upper House represents the interest of the Federal Member States as provided in article 61 of the provisional constitution, which states that every member of the Upper House of the Federal Parliament has especial responsibility to represent the interest of the Federal Member State that he or she represents.

However, the establishment of bicameral legislator, with Second Chamber representing the interest of the member states is normally seen as an essential feature of Federal State. It is also considered as the most common and formal way through which member states participate in the decision making process at the federal level.¹³

3.3.2 Protecting and Safeguarding the Whole System of Federalism

Another important exclusive task for the Upper House is the protection of the federal system and ensuring that the principles of federalism as guaranteed in the constitution being protected and not violated. In the federal states, the Upper House is deemed as guardian of the federal system.

In Somalia, the protection, and safeguarding of the federal system is one of the most important responsibilities of the Upper House as mentioned in article 61. The Clause 3 of article 61 states that every member of the Upper House should safeguard the Federal system, whilst acting in the spirit of inter-governmental cooperation.

The principle of federalism in Somali's Federal Constitution is one of the guiding principles that all levels of the government should observe. Clause three of article three of the constitution states that the Federal Republic of Somalia is founded upon the fundamental principles of power sharing in a federal system. It is also notable that the principle of federalism is one of the basic constitutional principles that cannot be amended by either Houses of the Parliament, as cleared in article 132 of the provisional constitution. Therefore, protecting and safeguarding of this principle is one of the key exclusive tasks of the Upper House.

3.4 Additional Possible Exclusive Power

Although it is not prescribed in the Provisional Constitution, it is very important that the Upper House should be included in the approval of appointment of higher diplomatic officers. The Upper Houses of some federal counties like The US Senate are involved in the appointment of higher diplomatic officers. In this way member, states can participate in the formation of country's foreign policy.¹⁴

4. Conclusion

There is no doubt that Upper House in the federal countries is very crucial because it's the channel that member states use in the participation of decision making at federal level. This article discussed the shared duties and responsibilities of the two Houses (Upper House and Lower House). It also underlined the key, exclusive duties of the Somali Upper House.

In comparing with other Upper Houses of federal states it seems that, under the Provisional Constitution, the Upper House of Somalia has some shortcomings about some important duties. For that reason, this study proposes that during the constitutional review process the below recommendations should be taken into consideration:

- 1- The involvement of the Upper House in the process of budget approval must be clear in the constitution and review commissions should consider this as an important matter since the Upper House is representing the member states.
- 2- Both Houses must ratify the international treaties together. Currently, under article (90, q) of the Provisional Constitution international treaties are proposed by the council of ministers, approved by the House of the People and consented by the President of the Republic. Therefore, the Upper House has no role in its approval and this is not in harmony in the interest of the almost all federal states. For that reason, the constitutional review should reflect on this crucial issue.
- 3- In most Federal States, the Upper House is involved in the appointment of high-ranking diplomatic personnel. The curial power that should also be granted to the Somali's Upper House while constitutional is being reviewed.

Notes

¹ Refer to Articles 64 & 72 of The Provisional Constitution (2012) of Federal Republic of Somalia.

² Following the 1969 military coup, the Supreme Revolutionary Council SRC [Golaha Sare ee Kacaanka], consisted of 25 military officials, took over all the duties of the President, the National Assembly and the Council of Ministers; and they repealed the constitution in 1970. They issued their first and second charters. The Somali Revolutionary Socialist Party (SRSP) [Xisbiga Hantiwadaagga Kacaanka Soomaaliyeed, XHKS] was established in July 1976, and became the only ruling party from 1976 to 1991. A new constitution for Somalia was promulgated in 1979. Major General Mohamed Siad Barre (c.1919-1995) was the president of the country from October 1969

until January 1991 when armed oppositions ousted him out of the capital. For more details, refer to *Somalia: Past and Present* by Mohamed Osman Omar.

³ See article 60 of Somali constitution of 1979 and article 65 of constitution of 1990.

⁴ For more details about the backgrounds of Somalia's unicameral legislative branch, refer to the Somalia's constitutions of 1960 and 1979.

⁵ Chapter five of the Provisional Constitution is about the devolution of the powers. In this regard, article 48 affirms that "In the Federal Republic of Somalia, the state is composed of two levels of government: (a) The Federal Government Level (b) The Federal Member States Level, which is comprised of the Federal Member State government, and the local governments."

⁶ The term {levels of the government} refers to the part of the hierarchy through which state power is employed at certain place in the vertical order of the country. Levels can be federal or regional level.

⁷ For more details refer to Dr. Erato Kozakou-Marcoullis: *Understanding Federalism: Different models-Different Challenges Advantages-Disadvantages*, (21 December 2015)

⁸ Clause 3 of article 131 of the Provisional Constitution states, "The President acting on the request of the Council of Ministers may declare a necessary State of Emergency, which shall then be debated, and may be approved, by both Houses of the Federal Parliament within 21 days after that declaration.

⁹ For more details refer to articles 69 & 111 of Somalia Provisional Constitution

¹⁰ For more information about the role of Upper House in approving national budget in the federal countries refer to: Max Planck foundation for international peace and the rule of law: *comparative manual on federalism in Somalia*, (Heidelberg, 2016)

¹¹ See US Senate: powers and procedures available at <https://www.senate.gov/senatsdumonde/etats-unis.html>

¹² For more details, refer to articles 61 & 71 of Somalia Provisional Constitution.

- ¹³ For more about the significance of Member States' participation in the decision making process at the Federal Level through the Second Chamber, refer to: Assefa Fisha; Ethiopian federalism (Justice and legal research institute 2009) and Böckenförde, M. et al., Max Planck Manual on Different Forms of Decentralization, 3rd edn (Heidelberg 2018)
- ¹⁴ See John Law: How Can We Define Federalism, Perspectives on Federalism, (Vol. 5, issue 3, 2013)

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Turkey's Engagement in Somalia: A Security Perspective



Abdulkarim Y. Abdulle & Bulut Gurpinar

Abstract

Somalia-Turkey relation has been resumed when then Prime Minister Recep Tayyip Erdogan visited Mogadishu in August 2011. Turkey has recently opened a military training facility in Mogadishu. Since then, Turkey's security engagement in Somalia created some sort of concern for the former actors in Mogadishu's political arena. Almost all studies about this relation explore Turkey's economic and humanitarian contributions to Somalia. Contrarily, this paper focuses on the security dimension of this relation and tries to define the security interests of Turkey in its engagement in Somalia. More on, the paper investigates the current security situation of Somalia, examines the nature of the Turkish military facility and discusses the challenges facing Turkey in Somalia.

Keywords: Somalia, Security, Turkish foreign policy, Turkey in Somalia.

Introduction

The relationship between Somalia and Turkey dates to the 16th century when the Ottoman Empire used to support and cooperate with Muslim states against the Portuguese and Abyssinian Empires. The aim of that relation seemed defending Ottoman Empire's security and economic interests in both Horn of Africa and the Arabian Peninsula. During these times, Ottomans incorporated the country's most important port cities, Zeila and Berbera (Akalın, 2014; Lewis, 1988). In the height of the Adal Sultanate (1415-1577), during the reign of Sultan Ahmed Ibn Ibrahim Al-Ghazi '*Ahmed Gurey*' (1506-1543), was the time when the relationship between Turks and Somalis had firstly begun. The empire controlled and/or coordinated with East African countries, though it later faced challenges from the European colonial powers. Akalın (2014) states that Ottomans were challenged by Portuguese and later by British. At the end, Ottomans withdrew from the region in 1884 when the Horn of African countries went under the British, Italian and the French colonization.

The relation changed following the establishment of the Republic of Turkey in 1923. The newly established Republic of Turkey's pursue of western-oriented foreign policy (Tepecikoğlu, 2012) and the partition of Somalia by the colonial powers were some of the reasons that changed the relation. At the time, there was probably nothing that both states could have offered each other. The establishment of two embassies for the two countries in Ankara and Mogadishu in 1976 and 1979 respectively and Turkey's 10 million dollars contribution to the Organization of Islamic Conference (OIC)'s aid to the East Africa region in 1984 famine (Erol & Altın, 2012) marked the resume of the bilateral relations between the two states. This relation did not last for long as Somalia's state collapsed in 1991.

During the Somali civil war, Turkey has joined the international intervention operations to restore peace and secure the humanitarian aid. It was a part of the UN peacekeeping missions in Somalia. Turkish humanitarian aid agencies contributed to the international humanitarian efforts in the country to alleviate the crisis. From 1990s, Turkey's foreign policy was undertaking a transformation process in which almost all its aspects were changing (Dine & Yetim, 2012). In result of this transformation, the 1998 'Africa Action Plan' was announced under the leadership of the former foreign minister Ismail Cem (Sezal, 2016) and later on 2005 was marked as the 'Year of Africa' (Yukleyen & Zulkarnain, 2015). Additionally, Recep Tayyip Erdogan's visit to Mogadishu in 2011 and reopening of Turkish embassy in Somalia two decades later have speeded up the Turkey's opening policy in Somalia.¹

The current literature about the relation between Somalia and Turkey almost focus on Turkey's political, economic and humanitarian contributions to Somalia. Some studies show Turkey as Somalia's indispensable savior. This paper follows a different path where it discusses the security perspective of Turkish-Somali relations. For this purpose, an overview of the security situation of Somalia will be detailed to gain a common understanding of the security sector in the country. After this section, Somalia-Turkey inter-security interests and the engagement of Turkey in Somalia's security sector such as opening of a Turkish training camp in Mogadishu for training of the Somali National Army (SNA) and contributing to the anti-piracy international efforts in Somalia coasts will be explored. The course of Turkey's engagement in Somalia's security sector created challenges for Turkey's Somalia policy, some of these challenges will also be discussed in the paper.

1. Overview of the Security Situation in Somalia

Before the collapse of the Somali government in 1990, security threats in Somalia were mainly caused by internal factors and state fragility. There were also persistent external factors contributed to the insecurity of Somalia, including the 'history of state building process, the colonial legacy and Cold War policies' (Addow, 2016).

Since the uprisings against the military regime in mid-1980s, the security situation in Somalia was getting in a mess. The collapse of the central government in 1991 followed by the rise of factional armed conflicts directed the country to be marked as a failed state. The rise of the Union of Islamic Courts in 2006 changed the phase of the security situation in Somalia. However, Ethiopian military intervention in 2007 contributed to the publicity of *Al-Shabaab* organization (Ingiriis, 2018; Wise, 2011). Thus, the current security situation has emerged. In one hand, *Al-Shabaab* and *Islamic State (IS)*-affiliated groups operate against the government, where African Union Mission in Somalia (AMISOM),² Ethiopian forces and SNA, on the other hand, are striving to eradicate these groups and 'secure the country'.

According to European Asylum Seekers Office (EASO) 2017 Report, the conflict between the SNA, supported by AMISOM, and *Al-Shabaab*, an *Al-Qaeda* affiliated group, is the main determinant of the current security state in Somalia. Roads insecurity, and land disputes are also common determinant factors. The repetitive inter-state conflict between Puntland and Somaliland also poses another security threat.

Once a main security challenge, piracy in Somali coasts nowadays weakened, thanks to the international anti-piracy troops around the Somali coasts though there are still attempts of vessel hijackings off the coast of Somalia. Now, *Al-Shabaab* is the principal challenge in

Somalia's security sector (UN Security Council, 2018). The group has carried out 22 raids, 51 assassinations, 59 bombing campaign in Mogadishu for the third quarter of 2018 (Hiraal Institute, 2019). Currently, the strongest actor against Al-Shabaab is United States Africa Command (AFRICOM), which has decreased the group's effectiveness in carrying out attacks (Hiraal Institute, 2018).

2. Turkish Training Center in Mogadishu

Turkey's modern engagement in Somalia has started since 1979, the bilateral relation between the two countries has not been deepened to a good level. Turkish domestic policy and the traditional western-oriented foreign policy have been key factors in Turkey's Africa policy. Since the rise of the ruling Justice and Development Party '*Adalet ve Kalkınma Partisi*' (AKP) in Turkish politics, the focus of the Turkish foreign policy has been transforming from a traditionally passive to seeking leadership in the regional powers conjuncture (Dine & Yetim, 2012; Sezal, 2016; Yukleyen & Zulkarnain, 2015). East Africa has become one of the most focused regions in AKP's foreign policy (Özkan, 2012), thus, putting forward major areas of cooperation in terms of trade, diplomacy and humanitarian development.

Consequently, the most concrete step towards Somalia relations was materialized by the visit of then Turkish Prime Minister Erdogan in 2011. The main objective for that visit was considered to contribute in alleviating humanitarian crisis existed in Somalia at the time. Probably, the prime minister wanted to draw world attention to Somalia, which was hit by a severe drought. This visit marks the turning point in Turkey's engagement in Somalia. Since then, Turkey was deepening its relationship with Somalia. Reopening Turkey's Mogadishu embassy in November 2011, hosting Istanbul Somalia Conference in May 2012 and spearheading the OIC's aid projects to

Somalia were among the initiatives Turkey has taken towards strengthening its presence in Somalia.

However, security was never absent in any Turkish initiative in Somalia because the Somalia's strategic location and the threat of the piracy were always among the determinant factors of the bilateral relations. Soon after Turkey positioned itself as a key humanitarian actor in Somalia, other security, diplomatic and economic interests come into play (Wasuge, 2016). However, according to (Baird, 2016) the focus of Turkish engagement in Somalia was 'humanitarian aid, business and trade, and security sector reform'. Attaining a geostrategic advantage is considered also one of Turkey's interests in Somalia (Yalçın, 2017). It can be argued that Turkey's security interests in Somalia developed even before the 2011 Erdogan visit. This can be drawn from the 2010 Military Training Cooperation Agreement between the two countries which came into effect in 2012 (Turkish Official Gazette, 2011). Participating in the meetings of the Joint Security Committee, where Somali government and its international partners used to coordinate the security sector reform, was also another evidence that Turkey was committed to involve itself in the security sector (Crisis Group, 2012).

Regarding the agreements between Turkey and Somalia, Wasuge (2016) states that as of February 2016, the two countries have signed or were in the process of signing at least 15 bilateral agreements. Turkey seems to have intention of investing in the long-term of its economic and security relations with Somalia (Abdulle, 2019). It comes very clear that such engagement necessitates a strong military presence on the ground, particularly in a country where foreign actors are striving to take advantage of its poor governmental institutions and state fracture. Within the light of these circumstances, Turkey has been contributing forces to the anti-piracy missions off the Somali

coast since 2009, continued with a pledge to contribute in Somalia's military reestablishment and the training of its personnel, and finally signed different military training and security cooperation agreements with Somalia since 2009. Table 1 shows the military and security related agreements signed between Turkey and Somalia since 2009. The signing of these agreements clearly defines how Turkey was in the intention of military/security engagement in Somalia.

Table 1: Turkey-Somalia Military/Security Agreements 2009-2019

Signature Date	Where	Agreement
17 April 2009	Ankara	Technical Cooperation Agreement
22 May 2010	Istanbul	Training, Technical and Scientific Cooperation in the Military Field (Framework)
13 April 2012	Ankara	Military Training Cooperation Agreement
25 January 2015	Mogadishu	Defense Industry Cooperation Agreement

Source: Collection from the Official Gazette of Turkey

The public's acceptance of Turkey as Somalia's strategic ally; the recently strengthening economic/trade ties; the shared Islamic identity; the historical relations; the successful humanitarian assistance model; the common consensus of the international community to reestablish Somalia's security forces; and the rivalry between the regional powers in Somalia are considered determinant factors in speeding up Turkey's intention to establish a military "base" in Somalia. Within the legal framework of the bilateral agreements between the two states, Turkey inaugurated a military training facility '*Turksom Military Training Center*' in Mogadishu on September 2017. Regional and international media defined the facility as part of Turkey's Neo-Ottoman foreign policy, though (Rossiter & Cannon, 2018) argue that such claims are ill defined and nonsense.

The construction activities of the Turkish Military training facility or “base”, whatever, started in 2015. It is estimated that the construction of the facility costed around 50 million dollars. Speaking at the inauguration ceremony, then Turkish Chief of Staff and the current Defence Minister Hulusi Akar stated that the facility’s main objective is training the Somali armed forces, ‘this facility will increase Turkish efforts in ensuring regional and international peace and security’ he added. Moreover, Somalia Prime Minister also highlighted at the inauguration that this “base” is a part of Somalia’s wider plan to reestablish its army.’ The “base” is expected to train approximately 10,000 Somali forces, with a capacity of training 1,000 soldiers at a time. The training will be carried out by 200-300 Turkish soldiers (Rossiter & Cannon, 2018).

Some studies suggest that Turkey’s military training facility in Somalia should be considered as a military facility, rather than a “base”, regarding the nature of the facility and its declared objectives. Rossiter & Cannon (2018) argue that the facility does not correspond the characteristics of a conventional military base; they state that ‘in functional terms, the Turkish military presence is not an overseas base, [...] it is a natural extension of Turkey’s deepening involvement in Somalia’s development’. On the hand, Turkish officials always emphasize to define the facility as a training camp, not a “base”.

Currently, the Somali people and government show a wide support and strong satisfaction with the Turkey’s security policy in Somalia. Yet, a potential misunderstanding may arise at any time as Somali government is not strongly institutionalized, with most of the current bureaucrats having citizenships of foreign countries³ of which interests might go against the interests of Turkey. At the beginning, Ankara’s intervention has gained a widespread public support, but

that should not be ‘misinterpreted as a sign that everything is proceeding well’ (Yukleyen & Zulkarnain, 2015).

Turkey’s less-coordination with the international community, and the less engagement with regional states may pose a potential challenge in the long run (Yalçın, 2017; Yukleyen & Zulkarnain, 2015). Currently, Turkey engages with different regional states such as Puntland and Somaliland, but the level of this engagement seems not enough. Later, Turkey noticed this and tried to strengthen its engagement with regional states effectively; however, the expectations of the regional states are yet to be met. On the other hand, Rossiter & Cannon (2018) emphasized the fear that Turkey trained army be as “*Turkey’s proxy force*” and could find itself in conflict with other proxy actors, like the troops trained by other foreign countries. This may critically harm the currently semi-agreed upon national interests of both Turkey and Somalia.

Regarding the “*base*”, some regional countries like UAE and Saudi Arabia are concerned about the Turkey’s military presence in Somalia.⁴ They are probably worried about losing their influence on Somalia politics. For instance, UAE describes Turkey’s base as a threat to its interests in the region. The rivalry between the two states, Turkey and UAE, can be deduced from their intentions to maintain military presence though the UAE lost public support for its presence.

Apart from the training activities, Turkey is not militarily operational on the ground. However, Al-Shabaab group in Somalia currently pose a challenge to Turkey’s military engagement in Somalia. The groups certainly assure ‘they don’t accept foreign presence in Somalia (Yalçın, 2017), and any facility, base and/or training center is a potential target for them. Al-Shabaab’s attack on Turkish Mission in Somalia⁵ with a suicide car bomb on July 2013 (Yalçın, 2017), the discourses that Turkish Airlines and Turkish military training facility was the intended target for the 2016 Daallo Airlines at Aden Abdulle

International Airport (Mohamed, 2016; Vogt, 2016), the deadly 14 October 2017 Mogadishu attack (Maruf, 2017) and targeting of Turkish citizen in May 2019⁶ (Maruf, 2019) respectively affirms the existence of such kind of challenges. Thus, Turkey needs to develop strategies to deal with the challenges coming from Al-Shabaab organization. Though it seems illogical, negotiating and settling with the group, like some international aid agencies do, can be a one alternative for the Turks to overcome this challenge.

3. Turkey's Security Interests in Somalia

Turkey's main interests in Somalia do not seem, for now at least, to be military or security centered. Abdulle (2019) concludes that Turkish security interests are part of a wider development aid plan including, 'public service support, peace-building support etc.' The need of Turkey to strengthen its geostrategic position in the world reiterated its military engagement with the Horn of Africa. One of the main interests for turkey is investing in Somalia's political scene, thus, guaranteeing a strong influence in the politics at a high level. The fragile political situation of Somalia and the interconnected Western and regional countries' influence on Mogadishu's politics may hint that Turks can have the same level of influence.

The interests of Turkey in Somalia can be defined as sophisticated and multifaceted. Economic and security interests come at the top. Abdulle (2019) gives a hint that Somalia's non-processed natural resources can be one of the reasons Turkey has engaged in the country, though Turkish officials always stress their involvement is humanitarian. Somalia's location on the edges of the Bab el-Mandeb strait and the world trade routes brought a strategic prominence for the country. From 2007, Turkey defined itself as an Afro-Eurasian country, thus, it strives to get the ability of protecting its trade ships and economic interests in the Indian Ocean and the Red Sea.

However, countering any potential threat will be a ‘possible objective’ for the Turkish facility in the future. Yet, by now, it is not clear if the military agreements with Somalia contain such issues.

Turkey’s defense industry has been recently growing, it has reached an export capacity of 1.65 billion dollars in 2016 (Presidency of Defence Industries, 2018). ‘Development of defense industry exports and creating new international cooperation fields to increase its competitiveness in international markets’ is one of the strategic goals of Turkish defense industry (Presidency of Defence Industries, 2017). In line with Turkey’s 2023 Vision, the country endeavors to open new markets in Africa and Asia for its defense industry products. Of course, at the top of these markets comes Somalia. Rossiter & Cannon (2018) project that SNA ‘will be equipped with arms produced in Turkish factories’ but the country now suffers 25-year old arms embargo, though the Security Council maintains occasionally a partial embargo lifting in one-year periods. In the future, if this embargo lifted, such as the Eritrean case, Somalia might be a source of income market for Turkey defense industry.

In conclusion, Turkey’s security interests in Somalia can be limited to *four* points: Counter-Pirates, face competitive regional powers, protect Turkish economic interests in the region, and selling defense industry’s products. It is worth noting that these goals can only be achieved with the integration of the work of Turkish training “base” in Somalia and the recently proposed base in Sawakin Island of Sudan. If Turkey achieves successfully these four goals at the end, it will become presented a significant effective policy in the Horn of Africa. A lot of supporting factors exist also on the ground, it depends how Turkey deals with the Somali governments and the high-level bureaucrats. Achieving these goals, Turkey will be recognized as a model for other interested countries to engage with Somalia.

4. Somalia's Security Interests with Turkey

Since 2011, Somalia is in very strong relations with Turkey, this relation lays the foundation for Turkey's success in its Africa policy. Some of this relation's short-term advantages have been seen recently and lots of returns are expected in the long run. The political stalemate, and the security instability caused by Al-Shabaab is the main challenges in the country. Somalia strives to deal with these challenges, though its security entities are weak to get into action alone. The support of the international community is a prerequisite for overcoming these challenges and paving the way for stable Somalia.

The current [political] situation may not be improved unless the security situation substantially stabilizes (Ozkan & Orakci, 2015). The Somalia Security Pact which is approved on May 2017 by the Somali government and endorsed by its international partners clearly defines the security priorities of the current government. At the top of these priorities comes political stabilization and reconfiguration of the armed forces. The Somali army is required to prepare itself for direct takeover of the security when the AMISOM Transition Plan comes effective in 2021. The planned drawdown of AMSISOM pushes the Somali government to speed up rebuilding its forces. Thus, Turkey can be seen a potential main actor in the security sector.

In this context, Somalia will surely benefit from the security experience and the military strength of a NATO-member and EU-full membership candidate Turkey, a country that contributed forces to more international missions, starting from the Korean War, Kosovo, Bosnia Herzegovina, Afghanistan, Iraq and nowadays Syria (Sazak & Özkan, 2016). If properly coordinated, this will obviously open new horizons for Somalia's security sector. Somalia may be expected to utilize the Turkish engagement properly in a way that serves the strategic interests of both states. Rossiter & Cannon (2018) argue that

Ankara's direct goal in training the SNA is to create a cohesive force strong enough to handle security duties in the country.

To control the security situation and defeat the militant rebels, Somalia requires very tough strategies and, of course, trained and equipped army. Currently, the Somali army is not supplied with the required weapons. The UN arms embargo on Somalia is another challenge facing the army. The embargo decreases the chances of Somalia army to own weapons, thus, cripples any potential military capability to manage security situation. Thus, Somalia needs to lobby for embargo lifting at the international platforms. In this matter, with its strong presence in the international diplomacy, Turkey may contribute to the process. Though, Somalia's poor management of its security entities is still a point of concern for international partners.

Turkey may probably become an alternative actor for the Gulf States and Ethiopian manipulation in the Somalia politics. Williams (2018) indicates that "*Ethiopia has been the most important external actor in Somali affairs in the twenty-first century, having a bigger strategic impact on local politics than any other actor*". It is clear the western partners including USA and EU members established their semi-failed Somalia strategies based on Ethiopia's point of view. The Gulf States also maintained a strong presence in the humanitarian and economic sectors and a little political influence recently. Improving the relations with Turkey will enable Somalia to find new powerful actor, which can play more positive role. If Turkey has the will to be this actor, it has all the supporting factors to engage much faster and effectively.

In short, Somalia's security interests in dealing with Turkey come in *five* Points. *First*, training the national army, *second*, finding weapons supplier for its army, *third*, compromise with an alternative actor to support its political, economic and security ambitions, *fourth*, finding an ally to lobby for lifting the arms embargo, and *fifth*, utilization of

Turkish counter-insurgency model. From its cautious engagement in the security sector, it seems that Turkey is *au fait* with the Somali interests, though some of these interests may not be fully accomplished, for now at least, due to interconnected international and local constraints. The expectations of the Somali government from Turkey imply the nature the strategic cooperation between the two states. Turkey, unlike the traditional actors like the USA, UK and other EU members, always sees its relationship with Somalia as a strategic partnership, not a donor-beneficiary relation.

5. Conclusion

The economic and political stability which Turkey maintained since 2002 enabled it to seek for an active role and to emerge as a key player in the world politics. The recently increasing humanitarian and development aid delivered by Turkey to some African countries must be considered to have related to this issue. In the interest of that, Turkey was engaging in strong economic and political relations with African countries since 2007. The newly emerging Turkish security engagement in Somalia materializes the ambitions of Turkey to show itself as a powerful actor in Africa politics and, of course, to protect its interests in the Indian Ocean and the Red Sea.

The interests of Turkey in Somalia can be defined as sophisticated and multifaceted. The paper underlined that Turkey's security engagement in Somalia is a part of an overall strategy which pursues a wider long-term plan of deep involvement in the country. However, the Turkish military training facility serves as a symbol of commitment to the shared interests of both states. The security interests of Turkey in Somalia are determined as counter-pirates, face competitive regional powers, protect Turkish economic interests in the region, and selling defense industry's products. In return, Somalia's security interests are also determined as training the national army, finding weapons supplier for its army, compromise with

an alternative actor to support its political, economic and security ambitions, finding an ally to lobby for lifting the arms embargo, and utilization of Turkish counter-insurgency model.

Within this framework, the bilateral relation of the two states stands at a turning point and faces challenges. The nature and the characteristics this relation will have in the future will depend on how both states deal with challenges evolving from the security sector of Somalia as AMISOM troops already begun to apply its drawdown plan. The relation also faces a political challenge from the neighboring countries, the Gulf States and other actors. Al-Shabaab's threat will also be a determinant factor in this regard. In all, the paper anticipates that Turkey will deal all these challenges without overlooking the strategic geopolitical importance of Somalia.

Notes

¹ Turkish-Somali relations revived under AKP leadership. The then Prime Minister Recep Tayyip Erdogan met with the Somali President Abdullahi Yusuf Ahmed in Addis Ababa, Ethiopia, in 2007. Accordingly, former Somali President Sharif Sheikh Ahmed visited Ankara on several times before Erdogan's first visit to Somalia in 2011, followed by another in 2015.

² AMISOM, on its website it is defined as "The African Union Mission in Somalia (AMISOM) is an active, regional peacekeeping mission operated by the African Union with the approval of the United Nations. It was created by the African Union's Peace and Security Council on 19th January 2007 with an initial six month mandate>" It is mandated "to conduct Peace Support Operations in Somalia to stabilize the situation in the country in order to create conditions for the conduct of Humanitarian activities". Its mandate was extended in each period that it has been up for review, lastly in May 2019. For more details, refer to its website [<http://amisom-au.org/>]

- ³ According to <https://wakiil.org> by January 2017, 38% of the House of the People members (105 out of 275) have dual citizenship. UK (29 MPs), USA (22 MPs), Kenya (10 MPs), Canada (9 MPs), Ethiopia (7 MPs) and Dutch (6 MPs) come at the top.
- ⁴ A number of countries are interested in playing a role in training the Somali army. The British Government has opened a military training center in Somalia on 8 June, 2019. This new centre (The Baidoa Security Training Centre (BSTC),) will train up to 120 Somali National Army soldiers at a time. {For more details refer to <https://www.gov.uk/government/news/uk-opens-new-training-centre-for-the-somali-national-army-in-baidoa--2>] accessed on 13 June, 2019. In addition there are other countries signed a security agreement with Somalia, such as Italy.
- ⁵ A suicide car bomb pushed into an office housing Turkish embassy staff in Mogadishu. In this attack, one Turkish police died, and three others wounded in addition to two Somali security guards and one university student. Al-Shabaab claimed the attack.
- ⁶ A Turkish engineer has been killed in a car bomb explosion on May 12, 2019 in Mogadishu. Al-Shabaab claimed the responsibility, saying he was working at the Turkish military training facility in Mogadishu. The Turkish embassy stated that the victim was an engineer working for a Turkish company.

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Judicial Cooperation of Somalia with Other Countries in the Penal Field – Legal Hurdles and Gaps

 Anton Girginov

Abstract

International judicial cooperation in criminal matters becomes more and more important for each country in the world. Somalia is no exception. In increasing number of cases, its authorities would need to turn to foreign judicial authorities to obtain necessary evidence or/and extradition of fugitives for trial or execution of a punishment imposed on them by Somali court. Nowadays, more and more criminal judges, prosecutors and investigating police officers must deal, in their daily work, with different modalities of international judicial cooperation in criminal matters. However, they face significant difficulties. The existing Somali legal framework for this cooperation is badly in need of improvement.

This article attempts to make some proposals for improvement of the Criminal Procedure Code and, particularly, the provisions of its Book V which governs the international judicial cooperation.

Key Words: Somalia, judicial cooperation, extradition, letter rogatory, transfer of criminal proceedings, criminal procedure code.

Introduction

The Somali situation emphasizes the need for international judicial cooperation. In the last years, a number of young people were returned from other countries by the Somali government; some of them were suspects or sentenced for maritime piracy, illegal immigration, or other crimes. A number of countries are interested in bringing piracy criminals back for execution of the punishments which have been imposed on them, or may be even for trial. In turn, Somalia is also interested in rendering justice by obtaining the extradition of fugitives or by obtaining from abroad valid evidence of criminal activities of accused when such evidence is collectable or has already been collected in foreign countries.

The existing Somali legal framework for this cooperation is badly in need of improvement. Otherwise, the efficiency of this cooperation would remain low. This situation, among others, necessitates significant enhancement of the Somali capacity to participate in international judicial cooperation and requires, first, improvement of the legal framework for this critical and challenging activity.

This article represents a critical review of the Somali national legal framework for international judicial cooperation in criminal matters. Basically, the national legal framework for this cooperation comprises Book V of the Criminal Procedure Code [CPC] (Articles 275 - 286), which regulates the procedures for international letters rogatory, extradition and recognition and enforcement of foreign judgments, and Articles 10 - 11 of the 1962 Penal Code [PC], which outline the prerequisites for two of these three modalities of international judicial cooperation, namely: the recognition and enforcement of foreign judgments and for extradition, respectively.

Apart from the practical inconvenience to work with two Codes, the Somali national legal framework for international judicial cooperation in criminal matters contains substantive deficiencies which should be removed. Extradition from Somalia is treaty-based only at a time when this country has only one reliable extradition agreement: the 1983 Riyadh Arab Agreement for Judicial Cooperation (Articles 38-57). There are no provisions on the transfer of foreign criminal proceedings (together with the admissible evidence collected) to Somalia and vice versa. No rule exists for the presence of foreign representatives at the execution of their letters rogatory either. If such rules are not created, the ability of Somalia to cooperate with other countries in the penal area would be very limited.

I. Extradition

1. Extradition is the formal process by which a person found in one country is surrendered to another country, in the execution of its request, for trial or punishment¹.

According to Article 275 (1) of the CPC, *Extradition may only be granted subject to prior international convention*. Article 36 (2) of the provisional Constitution and Article 11.1 (b) of the PC impose the same restriction. They stipulate that a fugitive “*may be extradited ... on the basis of an international treaty or convention which the Federal Republic of Somalia is a party to*”.

Thus, Somali law allows treaty-based extradition only. It is not possible to extradite a fugitive from Somalia under any other (extra-treaty) condition, including reciprocity. This, in turn, considerably narrows the possibilities of obtaining extradition from another country.

Somalia does not contemplate reciprocity relations although it belongs to the Civil Law (Latin) legal family and even the Muslim countries from

this family extradite under reciprocity – Article 1 of the Iranian Law on Extradition, Article 52 of the Iraqi CPC, Article 365 (1) (3) (ii) of the CPC of Kazakhstan, Article 2 of the UAE Law on International Judicial Co-operation in Criminal Matters, etc. It is to be clarified that the reciprocity relations are the typical extra-treaty condition for rendering international judicial cooperation.

Such relations are invoked if the interested country has already considered (not necessarily granted) an extradition request from the other country; the interested country has just to mention this in the request to the other country. This is how *reciprocity by action* is invoked. Subsidiarily, if the interested country has not considered in the past any extradition request from the country which it approaches now, this interested country should promise/declare to it readiness to consider, in turn, its future requests. This is the way to invoke *reciprocity by words*.

The previous consideration by the requesting country of an extradition request from the country which is being approached now, or the promised future consideration by the requesting country of extradition requests from the country which is being approached now, is sufficient to establish reciprocity relations. The requesting country shall not necessarily have executed the request, or respectively, shall not necessarily promise to execute all future requests from the country which it approaches. Even if there is an agreement, the requested Party would not be obliged to execute all requests coming from the other Party or other Parties. It would be obliged to execute only those incoming requests which meet the applicable legal requirements. The actual obligation of the other country under any possible agreement is to read the request rather than ignore it stating that they do not have any legal obligations to the requesting county in the field of extradition.

When it comes to Somalia, in particular, this country cannot rely on any reciprocity with countries that it has no agreement with. As Somalia does not consider their extradition requests, it cannot expect, in turn, any cooperation from them either. Even if Somalia promises to the country which it approaches to consider its future extradition requests, no relation of reciprocity with that foreign country would be invoked. The problem is that the Somali promise would not be accepted as its own laws prevent it from being kept. Therefore, it would be an invalid promise producing no legal consequences.

In theory, Somalia may expect non-treaty based extradition from Common Law (Anglo-Saxon) countries. Usually, they do not work with reciprocity. Their extra-treaty condition is based on the so-called “designated countries list”. Such lists are produced unilaterally by the central state authorities of those countries. If the requesting country, including Somalia, is on this list, the judicial authorities there would consider its request. Otherwise, if it is not, then most probably no consideration will be given to the request.

Actually, Somalia may expect effective non-treaty based cooperation from the few countries which do not restrict themselves to the above mentioned extra-treaty conditions for judicial cooperation. These countries are more flexible and render cooperation also under other extra-treaty conditions. Such, for example, are the following Civil Law countries: Hungary (Section 6, para. 2 of the Hungarian Law on International Legal Assistance in Criminal Matters), Portugal (Article 6.1, “f” of the Portuguese Law on International Judicial Cooperation in Criminal Matters) and Romania (Article 5, para. 3 of the Romanian Law on International Legal Assistance in Criminal Matters). The absence of reciprocity is not an impediment to the judicial authorities of these countries if the cooperation: (a) is seen to be advisable in view of the nature of the facts, or in view of the need to combat certain serious forms

of criminality;(b) may benefit the person concerned; or/and (c) may serve to shed light on facts related to own nationals. Finally, Article 2 (2) of the Indonesian Law No. 1/1979 on Extradition is in the same sense. It reads: *“In the event that no treaty as mentioned in para (1) above has been drawn, extradition may be initiated based on good relations and if the interests of the Rep. of Indonesia requires it”*.

In view of the findings, so far the Somali legislation might be advised to accept reciprocity as the typical extra-treaty condition for extradition. Probably, the existing restriction to treaty-based extradition only comes from the reception of Article 26 (1) of the Italian Constitution. The provision reads: *“Extradition of a citizen may be granted only if it is expressly envisaged by international conventions”*. However, Italy is not an appropriate example for Somalia in this regard. This European country has a lot of extradition agreements with other countries and the position and capacity to negotiate, sign and ratify many more. Compared to Italy, Somalia has much fewer extradition agreements with other countries and is not likely to have many more soon. As a result, Somalia needs to rely on non-treaty based extradition for a long period of time.

2. According to Article 278 (2) of the CPC, export (passive) *“extradition shall always be made subject to the condition that the person to be extradited shall not be tried for a different offence, nor be subject to different punishment, other than those for which extradition was offered or granted”*. This is the undisputable ‘speciality principle’ of extradition law².

The problem is that the only reliable and acceptable in practice guarantee that this principle will be complied with by the requesting country is its law. The law of the requesting country must postulate the immunity of extraditee from prosecution, restriction of his/her liberty, trial or/and punishment for a crime different from the one(s) in respect of which s/he was surrendered. This applies to Somalia as well. Whenever it is a

requesting country, the foreign country, it has turned to, would look for applicable rules materializing the speciality principle. If such rules are missing in the international agreement (bilateral treaty or multilateral convention) between Somalia and the requested foreign country, the competent judicial authorities of that country will look for them in the domestic extradition law of Somalia: Articles 278-281 of the CPC and 11 of the PC. Because the competent judicial authorities of the requested country cannot find any such rules, they will most likely reject the Somali extradition request.

Such important agreements with provisions on extradition, which do not contain any Speciality Rule, are the UN Convention against Transnational Organized Crime (see Article 16.5) and the UN Convention against Corruption (see Article 44.6). This rule must be in the law of the requesting country. Sooner or later, Somalia will become a Party to them but will not be able to make use of them for obtaining extradition of fugitives from other Parties until it inserts the Speciality Rule in its CPC.

The Speciality Rule text might be borrowed from Article 17 of the Angolan Law on International Judicial Cooperation in Penal Matters or Article 721 of the Italian CPC, or Article 39 of the Kosovar Law on International Judicial Cooperation in Criminal Matters, or Article 16 of the Portuguese Law on International Judicial Cooperation in Criminal Matters, or Section 496 of the Slovak CPC.

3. Somalia applies the death penalty. This punishment exists in the Somali penal system by virtue of Articles 90.1(a) and 94 of the PC.

The existence of this punishment might be an impediment to extradition requested by Somalia. The problem would occur when Somalia requests extradition in respect of a crime which carries the death penalty only under Somali law. The requested country's law may not provide for the

death penalty either because it has been abolished there, in total, or because its law prescribes it only for the commission of other crimes. As the crime does not carry the same punishment as in Somalia the requested country is expected to require assurances that the death penalty shall not be imposed or, if already imposed (and the extradition is for its execution), that this punishment shall not be executed.

Besides, the requested foreign country would be specifically obliged to look for such assurances if it is a Party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment [Somalia is also such a Party as it accessed the Convention on 24 Jan 1990]. Article 3 (1), Item 3 of this Convention expressly forbids authorities of requested Parties from “*extraditing a person to another state where there are substantial grounds for believing he would be in danger of being subjected to torture*”. As the death penalty may be seen as the most serious type of torture extradition would be refused unless the foreign country gives sufficient assurance that this punishment is ruled out – see also Article 11.1 (d) of the Turkish Law on International Judicial Cooperation in Criminal Matters.

The assurances are individual (diplomatic) and normative. The individual assurance is given on an *ad hoc* basis by an authorized body/official of the requesting country. Such assurance is provided for in Article 37 of the 2011 Legal Assistance Agreement on Civil and Criminal Matters between Bosnia and Herzegovina and Iran. This Article stipulates that if the legislation of the requesting Party prescribes death penalty for the offence for which the extradition is requested, whereas the legislation of the requested Party does not prescribe such a penalty or in that Party the death penalty is not executed, the extradition shall be permitted provided solely that the requesting Party provides the assurances that the death penalty shall not be executed.

The normative assurance seems, in any case, more reliable. For example, there may be a provision in the law of the requesting country that capital punishment shall not be imposed, and if already imposed shall not be put into effect with regard to a person extradited by a foreign country under such condition. In such a case, the death penalty stipulated in the law or imposed shall be replaced by 30 years imprisonment. Before the abolition of the death penalty, Bulgaria had such a provision – Article 38 (3) of the Bulgarian CC [repealed]. The 30-years imprisonment is preferable to the life imprisonment under Article 95 of the PC as some countries deny extradition even in cases where the crime, for which the extradition is sought from them, carries life imprisonment, e.g. Article 16 (2) of the Kosovar Law on International Judicial Cooperation in Criminal Matters and Article 6 (1) (f) of the Portuguese Law on International Judicial Cooperation in Criminal Matters³.

Such a mechanism of eliminating the death penalty in active extradition cases might be recommended to Somalia as well. Its elimination is the lesser evil compared to letting the person go free abroad and eventually, work against the Somali authorities.

4. Along with the arrest for national criminal proceedings, the CPC contemplates also arrest for extradition. This is the arrest under Article 279 (2, 3) of the CPC:

“In the cases where the person to be extradited has to be arrested, the President of the Court of Appeal shall issue a warrant of arrest in accordance with normal procedure.

Such warrant of arrest shall be revoked automatically and the arrested person released if:

a) within 60 days from the date of the arrest, where the request for extradition was made by an African State; or

b) within 90 days from the date of the arrest, where the request for extradition was made by a State outside Africa

The Minister of Grace and Justice has not received the documentation in support of the request for extradition...”.

Obviously, the quoted Article envisages the provisional extradition arrest of the wanted person pending the official/formal request for his/her extradition. This is the arrest with such strict deadlines, determining the period within which the extradition request shall arrive. Hence, the incoming requests under letters “a” and “b” are actually for the provisional arrest (detention) of the wanted person – see also Articles 43 and 44 of the 1983 Riyadh Arab Agreement for Judicial Cooperation (Riyadh Convention), ratified by Somalia on the 21st of October 1985. The respective correction should be made.

If the official/formal request for the extradition of the detainee arrives within the deadline, s/he shall *per argumentum a contrario* stay in custody. This is the way to secure his/her appearance in court for the extradition proceedings against him/her. His/her new custody is called full extradition arrest (detention). Usually, it lasts until the end of the court proceedings. However, this full extradition arrest should be explicitly regulated rather than come as a conclusion from the provisions on the provisional arrest of the wanted person. Examples of explicit rules of the full extradition arrest are: Article 37 of the Bosnian Law on Mutual Legal Assistance in Criminal Matters, Article 16 of the Turkish International Judicial Cooperation in Criminal Matters and Article 16 (1) of the UAE Federal Law on International Judicial Cooperation in Criminal Matters.

If the extradition is denied, the person is released. However, if the request for his/her extradition is granted, this person shall *per argumentum a fortiori* stay in custody as s/he cannot rely on anything to prevent his/her surrender from taking place and his/her basis interest is to escape. Also,

there must be a provision stipulating the release of the person if the requesting country does not take him/her over on. The rule may be different. It may read that if no representative of the requesting country comes on the day agreed on the person is released immediately (e.g. Article 502.3 of the Belorussian CPC) or in 15 days extensible up to 30 days (e.g. Article 499.3 of the Albanian PC and Article 708.5 of the Italian CPC), or in 20 days extensible up to another period of 20 days (e.g. Article 61. 2,3 of the Portuguese Law on International Judicial Cooperation in Criminal Matters), or in 30 days (e.g. Article 26, para. 4 of the Bulgarian Law on Extradition and Article 48.3 of the 1983 Riyadh Arab Agreement for Judicial Cooperation, called also the Riyadh Convention) and never surrendered in relation to the same decision for his/her extradition. Certainly, in cases of '*force majeure*' that prevents the surrender or taking-over of the extraditee, the competent authorities of the two countries shall agree upon a new date of surrender, e.g. Article 57 (6) of the Romanian Law of International Judicial Cooperation in Criminal Matters.

It is noteworthy that Somalia cannot always rely on international agreements for extradition as in the case with the Riyadh Convention. Some of them refer to the requested country's law on the detention issue and many other issues as well. There are multilateral Conventions, which solely declare themselves a legal basis for extradition. Thus, pursuant to Article 16.4 of the UN Convention against Transnational Organized Crime, "*If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.*" Therefore, even if Somalia becomes a Party to such a Convention, this country would need domestic rules on the full extradition detention. The rules would be used if the issue is not regulated by a respective extradition agreement with the requesting country.

Understandably, Somalia is also in need of domestic legal basis for its outgoing requests for provisional extradition detention. It may be inserted in Article 281 [Extradition from a Foreign Country] of the CPC. Otherwise, the CPC would take care of such foreign requests (the quoted provisions of Article 279) but would not support the own ones. An exemple, which might be followed, is Article 71 [International Circulation of the Request for Provisional Arrest] of the Portuguese Law on International Judicial Co-operation in Criminal Matters. It reads:

“1. The judicial warrant for provisional arrest with a view to extradition must be forwarded by the public prosecutor attached to the competent court, to the Attorney-General's Office.

2. The Attorney-General's Office must forward the warrant to the National Bureau of INTERPOL and inform the court accordingly”.

In practice, it is always necessary to obtain an order for such arrest of the fugitive, even if s/he is incarcerated in the requested country for some local criminal or related legal proceedings or for the execution of an imprisonment punishment there. His/her incarceration may be unexpectedly terminated prior to the arrival of the Somali extradition request. Then the only ground to keep him/her in custody would be the order for his/her extradition arrest.

5. The custody of the extraditee for his/her physical surrender is undoubtedly fair and justified if the extradition is for the execution of an imprisonment punishment imposed on the person in the requesting country. The same evaluation applies also to the custody in the mirror situation of putting the convicted person and the judgment against him/her together. This is the situation where the country where s/he resides has recognized and shall enforce some foreign criminal judgment with an imprisonment punishment against the person – rather than carrying him/her to the judgment as in extradition, the judgment is carried

to him/her. Thus, Somalia may be requested to process in accordance with Article 282 (1) of the CPC some *“foreign judgment convicting a Somali citizen in a foreign country or a foreign or stateless person residing the Somali Republic is received by the Minister of Grace and Justice”*. If Somalia grants the request, its authorities may detain the convict to secure the enforcement of the recognized foreign criminal judgment against him/her. Article 285 (4) provides some legal basis for his/her detention after the court proceedings. The Paragraph in question reads: *„If no mention is made in the decision allowing recognition of the judgment with regard to anything that may be done as a result of such decision and if no mention is made regarding any security measures which may be applied, the President of the Court may order such provisions later, upon the request of the Attorney General, following the procedure for matters arising in execution”*.

The problem is that no such measures against the person (including his/her detention) are foreseen during the court proceedings, let alone before them, although s/he often has the interest in running away during the court proceedings and even before them. This legislative gap may create serious difficulties, sometimes. In view of thereof, it is the introduction of such measures in the CPC is worth considering. The Council of Europe Conventions in the penal field might be used as examples.

Thus, according to Articles 32.2 and 33.2 (b) of the European Convention on the International Validity of Criminal Judgments, any Party may put the person, found in its territory, under provisional arrest for 18 days pending the official request of another Party for the recognition and enforcement of its criminal judgment, issued against him/her. To this end, the interested other Party shall forward a separate application for such arrest. *“The said application shall state the offence which led to the judgment and the time and place of its perpetration, and contain as*

accurate a description as possible of the person sentenced. It shall also contain a brief statement of the facts on which the judgment is based”.

Thereafter, once the official request is received, the requested Party shall hold the person in full arrest (detention) in accordance with its law. The law of that Party “*shall also determine the conditions on which he may be released*” – Article 33.1 of the same European Convention.

II. International Letters Rogatory

1. The letter rogatory is the typical device for requesting evidence from another country which shall be admissible in court, later.

Outgoing letters rogatory are a priority for each country because they support with evidence its own criminal proceedings. Somalia is no exception. This makes the Somali national law on them of leading importance.

Somali national law on outgoing letters rogatory consists of the provisions of Article 276 [Letters Rogatory to foreign Judicial Authorities] of the CPC, mainly. Regretfully, its text establishes only the communication channels for such letters rogatory. It reads:

“1. Letters rogatory to foreign judicial authorities regarding evidence to be taken in a foreign country shall be transmitted through diplomatic channels.

2. In urgent cases, the Court may transmit such a request directly to of the Diplomatic and Consular Agents of the Republic in a foreign country, informing the Ministry of Grace and Justice.”

There is not a single word: (i) about the bodies in Somalia which are competent to issue letters rogatory, (ii) about the requirements for the contents of such letters, (iii) about the internal Somali procedure to be followed before a given letter rogatory reaches the Ministry of Foreign

Affairs or Diplomatic and Consular Agent of Somalia in the requested country, (iv) about the participation or non-participation of interested Somali official in the execution of the letters rogatory abroad or (v) about the legal value of the results of their execution.

Hopefully, there will be provisions regulating the abovementioned issues. Otherwise, the competent authorities of requested countries may argue that the Somali letters rogatory, which they receive, have no legal basis. Hence, these letters are invalid and shall not be executed.

In Europe, the communication channels between European countries are their Ministries of Justice, in general. However, in accordance with Article 15 (1 and 2) of the European Convention on Mutual Assistance in Criminal Matters, amended by Article 4 of the Second Additional Protocol thereto, *“requests... may be forwarded directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party and returned through the same channels”*. The direct communication is performed through the **Interpol channel**, usually. As per Article 15 (5) of the said European Convention *“in cases where direct transmission is permitted under this Convention, it may take place through the International Criminal Police Organisation (Interpol)”*. This is recommendable worldwide as well, including to Somalia, as Interpol is the most efficient global communication system for the support of anti-crime activities⁴.

Finally, Article 4.4 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters stipulates that requests for controlled deliveries and covert investigations may also be forwarded directly by the competent authorities of the requesting Party to the competent authorities of the requested Party. Obviously, the execution shall be returned through the same channels.

2. Most often in such and similar urgent situations, the Interpol channel is used as faster and more efficient. However, this is not the case with Somalia. This country still prefers to use the system its Foreign Ministry avoiding its central office only. According to quoted Article 276 (2) of the CPC, in situations of urgency, the request may be transmitted directly to of the Diplomatic and Consular Agents of the Republic in a foreign country, informing the Ministry of Grace and Justice.

The diplomatic agents, though, cannot be efficiently involved as they do not have the necessary competence in international legal assistance matters. The consular agents have some but, as a general rule, they cannot be used either. The Vienna Convention on Consular Relations does not authorize consuls to officially deliver letters rogatory to the receiving country. In theory, such authorization might be provided by a bilateral Consular Convention of Somalia with the receiving country or by the domestic law of that country in conjunction with Article 36 (2) of the Vienna Convention on Consular Relations: the rights relating to own nationals “*shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this article are intended*”. However, such bilateral Consular Conventions or foreign countries’ domestic laws permitting consuls of sending countries to officially deliver letters rogatory are truly exceptional. So, Somalia should not rely on them at all. Yet, even if such a legal opportunity exists, the consul shall communicate with the authorities of the receiving country officially. Otherwise, s/he may compromise the validity of the evidence received from the execution of the letter rogatory and eventually make it inadmissible in court. In view of thereof, the consul shall submit the letter rogatory with a verbal note to the Foreign Ministry of the receiving country. This would take more time than making use of the Interpol channel.

Finally, consular officers work for their nationals in receiving countries – see Article 36 [Communication and contact with nationals of the sending State], Paragraph 1 of the Vienna Convention on Consular Relations. The consular officers are not authorized to undertake any official activities relating to other persons: nationals of the receiving country, nationals of third countries, stateless persons. Hence, if a Somali letter rogatory concerns any such person; it would, most probably, not be accepted by the receiving country's authorities from the consul of Somalia. It goes without saying that no such restrictions (formal/technical or factual/traditional) exist for communications through Interpol.

This is why the Somali authorities are strongly recommended to use the channel of Interpol and modify the text of Article 276 (2) of the CPC, accordingly. However, they cannot unilaterally decide to use Interpol and similar organizations, e.g. Europol, for the transmission of its letters rogatory. This country should have in advance the requested country's consent to receive a letter rogatory from Somalia through the given channel. Otherwise, the evidence obtained may be compromised and eventually become inadmissible in court.

Somalia may have the requested country's individual consent on the basis of an *ad hoc* agreement. To this end, prior to sending the letter rogatory, the Somali authorities should ask and receive a positive answer from the future requested country that they can forward the letter to that country through the channel they propose.

3. Very close to the letters rogatory are the requests for service of summons of witnesses and other procedural documents abroad. Moreover, these requests are even named 'letters rogatory' by some foreign laws, e.g. Article 728 of the Italian CPC.

Basically, the Somali law resorts to the same approach to the requests for service of summons procedural documents abroad. Its outgoing requests are envisaged by Article 276 [Letters Rogatory to foreign Judicial Authorities], Paragraph 3 of the Somali CPC. It reads: “*Summons to a witness resident in a foreign country shall be transmitted in the same way*” as letters rogatory.

Regretfully, this is the only domestic provision on requests by Somalia for service of procedural documents abroad. There are no domestic rules on the consequences and specifically, on the legal status of the summoned witness (material or expert witness) who comes to Somalia to testify. In particular, no immunity is provided for him/her.

Rules, providing immunity to witnesses summoned from abroad, exist only in the international agreements ratified by Somalia, e.g. Article 22 [Immunity of witnesses and experts] of the Riyadh Convention. The problem is that not every international agreement in the penal field contains such rules; some agreements, especially multilateral UN conventions (e.g. the Convention against Transnational Organized Crime and the Convention against Corruption), refer to the domestic law of the requested country on the issue. Also, the service of procedural documents may be carried out without any agreement at all. Obviously, in such situations, the domestic law of the requested country should provide some immunity to the witness (material or expert witness) who is ready to come to Somalia to testify. Otherwise, s/he will not come. Thus, all efforts are in vain. To prevent this result from occurring, the Somali legislation is strongly advised to produce, like in most other countries, domestic rules on the immunity of summoned witnesses who decide to come to Somalia.

Article 63 of the UAE Law on International Judicial Co-operation might be an appropriate example. It reads:

“If the object of the judicial assistance is to request a witness, expert or defendant to attend before any of the judicial parties, it is not allowed to prosecute or detain him or limit his personal freedom regarding criminal acts or convictions previous to his departure from the territory of the requesting State.

It is also not allowed to litigate, detain or penalize him for his testimony or the expertise report submitted by him.

It is not allowed to subject the witness or expert who failed to attend despite his notification of the obligation of attendance to any penalty or compulsory procedure even if this obligation includes a condition of penalty.

The immunity granted to the witness or expert provided for in the preceding two paragraphs shall terminate after the elapse of consecutive thirty days starting from the date of his notification in writing from the party which required his attendance of that his presence is no more required and he had the opportunity to leave the State territory, but remained therein or if he has returned to it voluntarily; the period in which the witness or expert was unable to depart from the State territory for reasons beyond his will shall not be included.”

III. Transfer of Criminal Proceedings

1. A peculiar inversion characterizes the Somali CPC. This Code contains rules on recognition and enforcement of foreign criminal judgments, a modality of cooperation which constitutes a stronger intervention in the justice system of Somalia (Articles 282 - 286), whereas the same Code has no rules on transfer of criminal proceedings, although this modality of cooperation entails recognition and making use only of the results of the investigative actions which had been undertaken in the requesting (sending) foreign country within the proceedings, prior to forwarding them to Somalia⁵.

As a result, Somalia misses serious opportunities. If it were possible that the Somali judicial authorities take charge of a foreign criminal case, then all evidence produced through investigative actions in the foreign country in accordance with its law would have the same legal force in Somalia as the requested country as well. As a result, the evidence would be admissible in court, without any verification and/or approval, as though it has been collected by the competent judicial authority of Somalia (see in this sense e.g. Article 448.4 of the Bulgarian CPC, Article 36 of the Moldovan Law on International Judicial Cooperation in Criminal Matters, Article 47.3 of the Serbian Law on Mutual Legal Assistance in Criminal Matters and Article 25.3 of the Turkish Law on International Judicial Cooperation in Criminal Matters). Thereafter, the Somali prosecutors and courts would be free in evaluating the significance of the received pieces of evidence. None of these pieces evidence can have any predetermined force for the judicial decisions in Somalia.

This is why, if the Somali CPC does not contain any legal rules on the transfer of criminal proceedings, no admissible evidence can be received from foreign countries even if their competent judicial bodies have gathered it in full compliance with the applicable law. In some cases, important evidence would irreversibly be missed. This would occur whenever the evidence is not collectable later by Somali judicial bodies or even by the respective foreign country in the execution of a letter rogatory from Somalia. This is most likely to happen in cases of terrorism, piracy or corruption. Obviously, such situations should be prevented from occurring by creating in the Somali CPC (Book Five) a domestic legal framework for the transfer of criminal proceedings. Otherwise, Somali judicial authorities would not be able to use as evidence, admissible in its courts, what has been forwarded to them even by the foreign countries with the biggest contribution in fighting piracy, terrorism and other crimes of major concern to Somalia. Sending a Somali letter rogatory for the collection of such evidence may turn out to be too late.

It is true that in some countries, e.g. Germany, information from abroad may become valid evidence on an exceptional basis. There, the principle of free evaluation of evidence covers the admissibility also. The law of such countries allows, at the discretion of the competent judge, admissibility into evidence of data, not collected through investigative actions (incl. execution of letters rogatory abroad), if the data satisfies some clear legal criteria.

Yet, even if such a way of producing admissible evidence is accepted, it should be an exceptional one. The general ways of accepting admissible evidence from other countries will always be: execution of Somali letters rogatory and transfer to Somalia of criminal proceedings instituted in foreign countries. Obviously, the second way is non-existent, especially with regard to the preservation of evidence validity, until a domestic legal framework for the modality of judicial cooperation is created.

2. Some further clarifications about the purpose of the transfer of criminal proceedings might be of help. It is designed to solve some practical problems of criminal justice.

Thus, if a person, suspected of a crime, is a foreign citizen, who enjoys international immunity from prosecution, s/he cannot be prosecuted, trialled or punished. The same applies to foreigners who reside in their countries, if these countries do not extradite them on the grounds of their citizenship. In such situations, the general solution to the problem is to make the country of the suspect's citizenship launch criminal proceedings against him/her.

The extradition for trial and the transfer of criminal proceedings look alike. The two modalities of international judicial cooperation yield the same result, namely: in the name of justice, they bring together the proceedings and the prosecuted person. Therefore, both the extradition for trial and the transfer of criminal proceedings support justice by securing the presence of the suspect/prosecuted person during the proceedings. However, this result

is achieved in the opposite ways. In the case of extradition, the result is achieved by bringing *the person to the process* (in the country of the criminal proceedings) while in the case of transfer of criminal proceedings the result is achieved in the opposite way, namely: by carrying *the process to the person* (to the country of his/her residence). In both cases, the person is not necessarily guilty. S/he might be innocent and the charges against him/her dropped, or if indicted, acquitted of the alleged crime.

The transfer of criminal proceedings, however, is not only a means to secure the carriage of justice by substituting some practically impossible extradition. It may be a means of ensuring procedural economy and efficiency as well. In cases when a citizen of another country commits some petty criminal offence, the normal reaction is his/her expulsion and transfer of the proceedings against him/her to the country of his/her citizenship. Imposition and serving punishment in own country bring more benefit than if performed abroad as the social rehabilitation of the convicted offender in domestic conditions is more likely. A similar reaction is practised when a person under international legal protection (diplomat, consul, special envoy etc.) commits some crime. The criminal proceedings for his/her alleged crime, conducted against an unknown perpetrator, are forwarded to his/her sending country.

In many cases, when somebody commits a more serious crime in a foreign country, this country, as well as his/her own, launch parallel criminal proceedings against him/her. Basically, the two countries' judiciaries do the same job. To avoid unnecessary work, modern international instruments recommend merging the parallel proceedings. The merger may only be a result of the transfer of one of the cases to the foreign country where the other case has been open. Thereafter, that country would perform the merger of the two cases in its territory and, thus, concentrate the prosecution of the suspect(s). Usually, this should be the country where more evidence may be collected. It is expected to complete the combined proceedings successfully.

Thus, the similar texts of Article 21 of the UN Convention against Transnational Organized Crime and Article 47 of the UN Convention against Corruption read that „*States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution*”. A number of other regional conventions encourage this concentration. According to Article 29 [Transfer of criminal proceedings] of the Cairo Convention on Organized Crime, “*State Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offense covered by this Convention in cases where such transfer is considered in the interest of proper administration of justice, especially when it comes to multiple jurisdictions with a view to concentrating the prosecution*”. Articles 14-18 of the Cairo Convention on Terrorism give even a more detailed legal framework for the transfers of criminal proceedings between Arab countries. Article 32 of the West African Convention on Mutual Assistance in Criminal Matters also recommends concentrating the prosecution. It reads: “*When criminal proceedings are pending in two or more Member States against the same suspected person in respect of the same offence, the Member States concerned shall consult to decide which of them alone should continue proceedings. An agreement reached thereupon shall have the consequences of a request for transfer of proceedings*”.

Obviously, these are cases where two and, sometimes, more countries claim jurisdiction in respect of a criminal offence. In practice, however, their judiciaries may never be equally successful in prosecuting and punishing the offender(s). This is why the two countries are expected to arrive at an agreement as to which of them should take action against the offender(s). It makes sense that the adequate solution to the conflict of

jurisdiction comprises the possibility of transferring to this country any parallel criminal proceedings instituted for the same offence in another country. If the countries unite their efforts in such a way, a better result for justice is to be expected.

3. Finally, if the Somali legislation introduces in the CPC rules for the international transfer criminal cases (in particular, for taking charge of foreign criminal proceedings), the mirror modality to extradition for trial, Somalia might be advised that similar arrests (provisional and full) exist in Europe. Thus, any Party may put a suspect, found in its territory, under provisional arrest pending the request of another Party for the transfer of the criminal proceedings against him/her – Article 27 of the European Convention on the Transfer of Proceedings in Criminal Matters. Thereafter, once the official request for the transfer is received, the requested Party may put the person in full arrest – Article 28 of the same Convention. A good example of regulating both arrests is also Section 58 [Measures Safeguarding Enforcement] of the German Law on International Judicial Cooperation in Criminal Matters. Its first Paragraph reads as follows:

“If a request for enforcement... has been received, or if prior to its receipt it has been so requested by a competent authority of the requesting country with details of the criminal offence on which the sentence is based, the time and place when it was committed and as exact a description of the convicted person as possible, the detention of the convicted person for the purpose of ensuring enforcement of a sentence of imprisonment may be ordered provided that on the basis of ascertainable facts

1. there is a reason to believe that he would abscond from the enforcement proceedings or from enforcement, or

2. if there is a strong reason to believe that in the enforcement proceedings he would dishonestly obstruct the ascertainment of the truth”.

Conclusion

The proposals made so far are for urgent but relatively easy modifications to the CPC. At the same time, there are more general problems which should be solved in the future. A crucial problem to be solved is whether the legal framework for international judicial cooperation in criminal matters shall stay as part of the CPC, that is to say: should the proceedings for this cooperation continue to be governed in the same law as criminal proceedings despite the serious differences between them? Thus, in contrast to criminal proceedings, the proceedings for international judicial cooperation are not instituted on the principle of legality; they are not governed by the ideas of equality of arms or the presumption of innocence. Actually, international judicial cooperation is initiated by a requesting country on the principle of opportunity (discretion); the result is dependent on the principle of sovereignty of the requested country and, also, on the principles of reciprocity and speciality. All of them are foreign to criminal proceedings. In view of thereof, many countries have passed, along with their criminal procedure codes, special national laws on international judicial cooperation in criminal matters. Sooner or later, Somalia as well should decide on the place of the legal framework for international judicial cooperation in its legal system.

Notes

- ¹ See Bassiouni, M. Cherif and Wise, E.M. 1995. *Aut Dedere Aut Judicare: The Duty to Extradite or Prosecute in International Law*, Dordrecht, Martinus Nijhoff Publishers; Blakesley, Ch. L. 1981, *The Practice of Extradition from Antiquity to Modern France and the United States: A Brief History*, Vol. 4, Iss. 1, Art. 3, *Boston College Int'l & Comp. Law Rev.*, 39 p.; Edmonds-Poli, E. and Shirk, D., 2018, *Extradition as a Tool for International Cooperation: Lessons from the U.S.-Mexico Relationship*, Vol. 33, Iss. 1, Art. 10, *Maryland Journal of Int'l Law*, 215 p.; Hedges, R.J. 2014, *International Extradition: A Guide for Judges*, Federal Judicial Center, USA; Shearer, I.A. 1970. *Extradition in International Law*, Manchester, University of Manchester

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- ² See Bernacchi, M. B., 1992, *Standing for the Doctrine of Specialty in Extradition Treaties: A More Liberal Exposition of Private Rights*, Vol. 25, No. 4, LOY. L.A. INT'L & Comp. L. REV., p. 1377. Retrieved April 23, 2019 from <https://digitalcommons.lmu.edu/llr/vol25/iss4/15/> and Hedges, R.J., 2014, *International Extradition: A Guide for Judges*, Federal Judicial Center, USA, p. 22.
- ³ See also Maaskamp, V., 2003, *Extradition and Life Imprisonment*, Vol. 25, No. 3, LOY. L.A. INT'L & Comp. L. REV., p. 741.
- ⁴ Also Girginov, A., 2016, Outgoing Requests by Bosnia and Herzegovina for International Judicial Cooperation in Criminal Matters, TDP, Sarajevo, 41 p. and Kersten, U., 2005, Enhancing International Law Enforcement Cooperation: a global overview by INTERPOL. In K. Aromaa & T. Viljanen, *Enhancing International Law Enforcement Cooperation, including extradition measures*, New York, Monsey, 4050 p.
- ⁵ See also Schutte, J., 1999, Transfer of Criminal Proceedings: the European System. In M. Cherif Bassiouni (Ed.), *International Criminal Law* (Second edition), New York: International Publishers, p. 643.

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Re-structuring Somalia's Ailing Institutions: Notes on Conceptual Framework

 Abdiqani Yusuf Farah

Abstract

This article explores two related questions: (1) can Somalia's public institutions be reengineered using the world's most renowned organizational change theories? (2) where should change begin in a system protracted by corruption and constitutional unrest? Considering these two questions, the paper is divided into four parts. The first part gives a historical overview of Somalia's immediate past and how, applying the organizational development (OD) concepts, successful interventions can be carried out in the public service sector in Somalia. The second part presents areas of potential interventions. The third part offers, in brief, a mechanism for change evaluation. The fourth, and final, part summarizes ways OD practitioners could institutionalize change for sustainable results.

Keywords: Somalia, Somali public institutions, organization development, change management in Somalia.

1. Introduction

Right at independence in 1960, Somalia was confronted with serious developmental challenges. Some of these challenges had to do with the fact that the country was less prepared for the road ahead after independence. Both the British and the Italian forces left behind a political culture that was not only foreign to most Somalis but also inconceivably inconsistent with, and fluid for, the pastoral social settings of the time (Lewis, 1972). Nevertheless, the nation went ahead with the first election on March 30, 1964, leading to a victory for the Somalia Youth League (SYL), and the last election in 2017 gave the country the sitting president, Mohamed Abdullahi Mohamed.

Over the course of 62 years, Somalia has seen nine official presidents and 18 prime ministers, with Mohamed Siad Barre's 22-year military reign in-between. Cabinet ministers came and went like a rainfall, with virtually no impact behind other than stagnant governments, unable to see beyond the windows of the colonialist-bestowed buildings. Blaming previous administrations for the lack of developmental policies and governmental infrastructures became a cliché in the corridors of power.

Corruption, complacency in the public sector, lack of national direction, and human rights malpractices were, and still are, the order of the day. Transparency International's Corruption Index placed the country at the bottom (number 180th), according to 2018 report (Transparency International, 2018). Consequently, donor nations have been asking successive governments to reverse the situation and put new interventions in place, so the country can get the monetary help it needs to recover from remnants of the civil war (UNDP, 2010). Reversing the status quo requires confronting the real challenges of uncertainty and the pain of changing the national perception toward good governance and rule of law.

1.1 Exploratory Questions

With that picture in mind, this article investigates the organizational change and development literature in the hope of retrieving theories that could help Somalia get in the right course. It explores two related questions: (1) can Somalia's public institutions be reengineered using the world's most renowned organizational change theories? (2) where should change begin in a system protracted by corruption and constitutional unrest? An assumption this article has made, right at the outset, is that OD literature has positive implications for Somalia's public institutions, as well as private ones. The basis of this assumption is that while non-state actors such as the primary and the higher education institutions in Somalia have managed to pursue growth-oriented goals and shown resilience in the face of difficulties, public institutions are lagging behind in the race toward effectiveness and efficiency.

If Somalia is determined to make a good progress in good governance and effective public institutions, applying the OD concepts discussed in this article are crucial, and time is of the essence. These concepts offer practical propositions applicable to all public institutions wanting to change and keep up with the changing times and to serve their constituencies better. The time-tested approaches to change management not only give public service practitioners the recipe for designing successful organizational change proposals but also provide practitioners with the ability to carry out measurable interventions.

2. Change Model for Somalia's Public Institutions

Every change rests on a model, and what is discussed here have been proven by research and years of field practice across industries and cross-sectional departments. The assumption is that all organizations, regardless of the geographical boundaries, have certain characteristics such as

people, culture, structure, and power dynamics. To that end, scholar-practitioners in different fields, public and private, have developed a model that, if followed, may put Somalia's public institutions on a prosperous course. This model starts with what is today known as entering and contracting phase.

2.1 Entering and Contracting

Being the first phase to be taken during OD interventions, the entering and the contracting phase represents the gateway to the organization. It is where all organizational development practitioners have to start. According to Cummings and Worley (2015) and Lippitt and Schmidt (1967), the entering and contracting phase serves at least two purposes. First, it sets the tone for the professional relationship between the OD consultant, organizational members, and the process of improving the organizational effectiveness. Second, it helps the OD change team to size up the magnitude of the problem by putting the entire organization in a diagnostic magnifier, leading to a robust scientific identification of the problem.

Before a change step is taken, the consultant should think of the contracting phase as a venue for securing the commitment and the involvement of the key people in the organization. Here is where the organizational forces, either opposing or favoring the change, should be identified. In other words, the stakeholders (both primary and secondary) of the organization are scanned, and their concerns are taken into account (Harrison & Shirom, 1999). To that end, the contracting phase "typically establishes the expectations of the parties, the time and resources that will be expected, and the ground rules under which the parties will operate" (Cummings & Worley, 2015, p. 79).

It is at this stage that all forces, local or international, are considered. Considering forces—both pro and against—is important. “Once stakeholders are identified, the analysis focuses on those who are directly concerned with the proposed intervention or likely to be affected by it” (Harrison & Shirom, 1999, p. 118). This has particular importance for Somalia where the power dynamic is subject to tribal and group interpretations. That is, constituency expectations should be taken into account.

The idea is that it is hard to “work on problems together without first establishing mutual trust and understanding with the client” (White, 1990, p. 82). The consultant should, therefore, “obtain an organizational consensus about values regarding political interests as unitary” (Grieves, 2003, p. 54). In fact, those who want to pursue a sustainable change and development in Somalia’s inertia-driven public service sector must think well into the future and carry out the tasks diligently.

Successful interventions must not involve in haphazard undertakings but carefully designed steps. In these steps, the OD consultant ensures that organizational problems are clarified, and key stakeholders of the organization determined and put onboard. Having the relevant people onboard ensures a collaborative relationship that will prove indispensable as the change intervention moves forward toward diagnosing the real issues confronting organizations (Bellman, 1990; Cummings & Worley, 2015; Davis, 1982).

2.2 Diagnosis

The next most important step toward a successful intervention in Somalia is to diagnose the real problems that stagnated the public service sector since the founding of the nation. The diagnosis phase can set the stage for a proper diagnosis of the problem and, in the end, a successful implementation (Lawrie, 1982). Because the problems that necessitated the change in the first place must be clearly defined, carefully diagnosed,

and sharply refined, organization development literature gives an unwavering important to the diagnosis stage (Coghlan & Brannick, 2005; Cummings & Worley, 2015; French & Bell, 1971; Kilmann & Mitroff, 1979). Particularly, Cummings and Worley (2015) have particularly given the best description of how the diagnosis phase looks like when carried out diligently; they said the diagnosis is the process of understanding a system's current functioning whereby every nuance that might impede progress must be studied and dealt with in earnest.

Why is problem diagnosis so important? Because the stakes are high, and employing a scientific approach to diagnosing organization's problems helps the diagnostic team in identifying and addressing the issues. Kilmann and Mitroff (1979) asked one of the most needed but also most afraid questions in the organization development practice. They wrote: "How should the groups be composed to define, debate, and synthesize the problem definition?" (p. 31). Stated differently, the diagnostic process is meaningless unless the data are properly collected, analyzed, and contextualized for action. That is to say that through a sound methodology, "OD consultants and clients jointly define problems and seek solutions" (White, 1990, p. 81).

Identifying major problems in organizations requires the use of scientific principles that could lead to pinpointing the organization's gaps and misfits that, if unnoticed, could set the daily process of management and leadership into internal chaos. That is, "the deliberate creation of new mechanisms is essential for the identification and closing of gaps" (Weisbord, 1976, p. 443).

There are specific activities that OD practitioners should focus on during the diagnostic process. Chief among these is to seek consultative governance in which the outcome of the diagnosis process is discussed and agreed-upon. Moreover, an organization must own its means and the

outcome of the diagnosis. Realistically, institutions can enlist the help of others, but ownership of whatever happens, or fail to happen, is a fundamental step to developing an indigenous institution. Ultimately, any ambitious problem-identification steps should also include data collection and analysis as well as feedback.

Generally, OD practitioners are never satisfied with the final outcome; they are always striving for the better, always researching and diagnosing potential issues. In fact, the surest antidote to complacency and potential failure is continuous diagnosis of not only what went wrong in the immediate past but what might go awry in the distant future. The essence of diagnosis stage is to continually understand organizational issues from inside out. The way to do this is to set the entire organization in a direction in which practical problem-finding is part of the mission.

This, in essence, is the job of action research. But for action research to work, the input of all stakeholders is needed. In this collaborative undertaking, a careful attention must be paid to how the change is to be seen by all stakeholders (Gagliardi, 1986). This is particularly important because effective interventions are “intended to change the beliefs, attitudes, values, and structure of organizations so that they can better adapt to new technologies, markets, and challenges” (Bennis, 1969, p. 2). The idea here is simple: No change is possible until people who should be instituting the change buy into the initiative.

2.2.1 Data Collection and Analysis

Successful diagnosis lies in successful data collection. When the data collection process is of high quality, the success of the intervention stands a great chance. Because “effective change depends on a careful diagnosis of how the organization is functioning” (Cummings & Worley, 2015, p. 41), only properly collected data can lead to the identification of the real

gaps. That is why pinpointing what is wrong with Somalia's public institutions lies in proper diagnosis of the situation. Put differently, no great change is possible until an unwavering emphasis is put on diagnosing the problem thoroughly.

2.2.2 Feedback

Another equally important step in the diagnosis process is feeding the findings back into stakeholders. As a tool, "feedback can be very powerful. Those who look for and accept it position themselves to be more competent and capable" (Folkman, 2006, p. xv). Once the data are collected and analyzed, the result is communicated with the relevant constituencies. In fact, results communicated and agreed-upon can be the basis for designing a progressive intervention. Needless to say, in environments protracted and divided by tribalism and group-interests, seeking consensus on the most important findings could be crucial to quantum-leap change. Once organizational members decide on the problem to be fixed, designing a strategic plan becomes the next logical step.

2.3 Strategic Change Interventions

All strategic interventions have one thing in common: they are long-term focused and are intended to respond to an identified problem. That is why problem diagnosis precedes any strategic interventions. Strategic change interventions are intended to respond to the problem through the proposal of specific activities to be taken as remedies. In practice, strategic interventions bridge what is and what should be. In fact, change interventions "link the internal functioning of the organization to the larger environment and transform the organization to keep pace with changing conditions. These change programs are the newest additions to OD" (Cummings & Worley, 2015, p 161). In the case of Somalia, leaders and citizens must embrace change and be willing to head for the unknown

and risk failure. Change is mandatory if the nation is to continue to exist and to carve out a distinctive place in the world of nations.

2.3.1 Areas of Change for Public Institutions in Somalia

While Somalia has unique needs, and hence unique solutions, the theory of organization change can be the basis of developing and restructuring Somalia's ailing public institutions. The needed change could be in the form of enhancing performance, or some other type. According to Deaner and Miller (1999), "development of organization means improving performance and productivity of individuals, work relationships, work groups, and entire organizations" (p. 139). Even so, the core essence of any change must be substantiated by research. This is so because "a good plan contains the current problem, desired goal and a strategy to reach the goal" (Stanley, 2018, p. 3).

Organizations, throughout history, worked toward change in one of three levels: (1) organization-level, (2) group-level, and (3) individual-level. In the same manner, Somalia's public institutions should consider instituting change in all these areas. For example, in interventions targeting the organizational level, the goals and objectives are continually refined, and departments restructured (Cummings & Worley, 2015; Grievies, 2003). At the group-level, people who make up any particular organization are studied as a whole. Of particular interest to organizational behaviorists seeking group-level changes are group culture, group effectiveness, group integration and collaborate culture (Cummings & Worley, 2015; Randall, 1971). At the individual level, change could seek person-job alignment and personnel development schemes (Grievies, 2003).

OD literature can set the stage for change-oriented public institutions that choose to live on constant changes. In addition, while an intervention in Somalia's public institutions must be informed by research, practical

lessons might suggest group-and individual-level as a starting point for potential interventions.

2.3.1.1 Group-level

Public institutions in Somalia seem to suffer from trust and collaboration issues. Just as the country is fragmented by decades of mistrust and civil hostility, the minds of the very civil servants are divided along political and sectarian lines. If this is the case, a group-level intervention is necessary. Moreover, because public institutions grow out of the collective goodwill, and the input of people, teamwork and healthy collegial dependability are critical. Needlessly, as Grievies (2003) observed, “teamwork has become one of the fundamental approaches of contemporary management” (p. 57). Project managers will work together toward the end goals of the organization.

Teams in the systemwide must be organized toward common objectives and goals. And while at it, practitioners must pay a particular attention to building interpersonal as well as intergroup relations. This is because a highly banded team by trust is expected to outperform others fragmented by lack of trust. That is why “trust in interpersonal and intergroup relationships is essential if full and open communication is to occur” (Randall, 1971, p. 47).

2.3.1.2 Individual-level

The concept behind individual-level interventions is that organizations consist of individuals who make up the organization population. These individuals “come into groups and organizations with varying needs for achievement, inclusion, influence, and belonging” (Cummings & Worley, 2015, p. 285). Once individual-level issues are addressed, group attitudes will be in a better shape (Connor, 1977). In short, any plan that does not

take into account the input of individual organizational members, including the line workers, is increasing the likelihood of failure (Grieves, 2003).

The bottomline of this strategic change is to put public institutions on a continuous learning curve. Individual departments must be put on a molding curve, an efficient-oriented culture. A molding curve can create an environment of solution-orientation, where the team spirit is the lifeblood of the organizational well-being.

Basically, OD practitioners must entertain the notion of continuous betterment. They must continually ask: “How can we make the organization better?” That question can trigger a huge success venue for developing organizations. It necessitates the effort behind organizational diagnosis, seeking gaps that might exist in the organization. This is because “organizational fit/misfit has mainly been viewed as matching or aligning (1) organizational resources to environmental threats and opportunities, or (2) internal mechanisms to the strategy of the organization” (Pérez-Nordtvedt, Payne, Short, & Kedia, 2008, p. 790).

2.4 Evaluating

All interventions are followed by an evaluation of some kind because there is a need to know impact of the intervention. But before an evaluation is attempted, organizations must put in place measurement criteria for what a successful intervention looks like, when carried it out (Argyris, 1970). Organizations set right criteria for what to be evaluated by using a reliable methodology. Whatever the criteria, good measures of effectiveness can “provide hard proof of the effects of training interventions and the methodology” (Easterby-Smith, 1988, p. 86).

In the evaluation phase, organizations want to see whether the intervention succeeded as planned and take measurable efforts to judge

the outcome of the intervention (Cameron, 1986; Cummings & Worley, 2015; Kimberly & Nelson, 1975; Porras and Silvers, 1991). Somalia's public institutions must embrace the world of change, a rapid change substantiable in the impact of interventions through evaluation. All interventions must be followed with an evaluation, regardless of the level. Nothing short will do, or show, any good.

The entire intervention must be methodical from conceptualizing organizational problems to researching and diagnosing these problems. In this methodology, right problems to be addressed are documented, strategic implementations carried out, and a concrete evaluation plan, including the right criteria for evaluation and those who would be carrying out the evaluation, are followed up with (Cameron, 1980; Cummings & Worley, 2015; Posavac, 2011). In short, organizational change practitioners must bear in mind that only right criteria can lead to the right outcome.

2.5 Institutionalizing Change

OD interventions are useless unless the organization is capable of sustaining and institutionalizing the outcomes of the intervention. Once change is formulated, executed, and measured its success, the next major step is to institutionalize the change, so that the new culture takes root, and previous status quo divorced. Institutionalizing change is to deepen the roots of change and to set the organization for success. Cummings and Worley (2015) presented specific elements that a successfully institutionalized change must have, including "(1) motivating change, (2) creating a vision, (3) developing political support, (4) managing the transition, and (5) sustaining movement" (p. 180).

Successful institutionalization happens when organizations work within the realm of social culture that makes up its environment, both internal

and external, for the benefits of all stakeholders (Gagliardi, 1986; Jaeger, 1986). That is, the purpose of the resultant culture is to unite the hearts and minds of organizational stakeholders around their expectations and experiences drawn from the change.

3. Conclusion

Change interventions are ambitious plans and should be seen as such. They must never be attempted half-baked, for organizational change interventions are measures targeted to achieve some desired results. As Howes and Quinn (1978) put it, organizational changes go through “flexible planning sequences, initial piloting of the change, systematic evaluation of the change effort, a decentralized unit structure, and relaxation of formalized rules and procedures have been found to facilitate the institutionalization of changes” (p. 77). For Somalia, organizational change means going beyond the conventional ways of building relationships. Any effort to instituting change must reflect the technological and social dynamics in place.

OD practitioners must remember that people almost always oppose change. For a variety of reasons, people hate change and are expected to oppose it no matter who is preaching it. Some fear of losing status, others sniff possible downsizing (or rightsizing for that matter), and yet other have already bought into their comfort zones and are not willing to get out of their safety net. Either way, they will resist even the change that would professionally take them to the next level. As a result, “a highly committed individual might more readily identify with and accept organizational change efforts that are perceived as beneficial. By the same token, a highly committed individual might be expected to strongly resist changes judged harmful to the organization” (Lau & Woodman, 1995, p. 540).

In the science of OD change, this is known as resistance to change. The best way to deal with organizational change resistance is to be aware of it and to manage it successfully. One approach to managing resistance is to create readiness in the minds of those who might resist the change. In “creating readiness for change and overcoming resistance to change” (Cummings & Worley, 2015, p. 180), enlisting the support of organizational members is key.

Research suggests that the most of important readiness is emotional. “Emotional readiness alone is of course not sufficient; the organization must also have the requisite capability to manage change” (Buller, 1988, p. 43). This is probably because “when an organization is undergoing changes, its members have some interpretations of and expectations about these changes” (Lau & Woodman, 1995, p. 538).

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“Pen to Poet Is Weapon” — the Pastoral in Abdirahman Mirreh’s Poetry (1976-1994)



Helmi Ben Meriem

Abstract

This paper examines three collections of poetry by Abdirahman Gaileh Mirreh (1942-2000). If anything, Mirreh can be described as a poet who uses his words to advance a more democratic, more just, simpler, and greener world, not just for humans but also for the fauna and flora. This article mainly focuses on environmental and philosophical themes developed in Mirreh’s poems from a yearning to go back to the motherland, to a nostalgia for an undemanding lifestyle, Mirreh does not limit his poetry to one theme but rather evokes all aspects of life while still questioning them, aiming to foreground a more balanced view of Somalia and the world at large. This paper sheds light on a ‘neglected’ yet brave and daring Norwegian Somali poet by contextualizing his poetry as one driven by the idea of being a citizen of the world and the environmentalist aspects of a new greener world view.

Key words: Abdirahman Mirreh, Somali Poetry, Pastoral Poetry.

*“Poets are linked by a call, akin to faith.
Hope, the pillars of this universal goal,
Aspirations activate, spirits elevate.
Justice is the cup.
The peak is in the poet’s eye.
Pen to poet is weapon
And with pen he wrote.”*

*(Safi Abdi, “Mahmoud Darwish,
a Tribute” 100)*

1. Introduction

Abdirahman Gaileh Mirreh was born in 1942 in Hargeisa, in what was then the British Protectorate of Somaliland, and died in Norway in 2000. He spent his early days in Aden, Southern Yemen, where he attended school. He later studied and worked for three years in Sheffield, England, and also three years in Norway, and in 1964 started studying in Leipzig, Germany, where he obtained a master’s degree in agriculture and later a Doctorate in anthropology. In 1979, he settled in Jeddah, Saudi Arabia where he worked until 1982 when he returned to be a farmer in northern Somalia. By 1988, he left the country when the civil war broke out in Somalia, after being imprisoned twice by the government, and he applied for asylum in Norway and worked for the National Folk Museum in Oslo.

Abdirahman Mirreh wrote four collections of poetry: *Songs of a Nomad Son*¹ (1990), *Songs of a Nomad Son, a Galool Tree Named Desire: A Collection of Poetry, 1990-1993* (1994), *A Gob Tree: Beside the Hargeisa Wadi*² (1995), and *From an Acacia Landscape*³ (1996). Mirreh also wrote a collection of Somali folktales, some of which are his own creation, entitled *Nomadens Stemme: Fabler Og Eventyr Fra Somalifolket* (1996). He also wrote *Die Sozioökonomischen Verhältnisse der Nomadischen*

Bevölkerung im Norden der Demokratischen Republik Somalia (1978), which is a study of the nomads in Northern Somalia. Mirreh's *Songs of a Nomad Son, a Galool Tree Named Desire: A Collection of Poetry, 1990-1993* (1994) is out of print, and one is justified in believing that many, if not all, of the poems included in this volume were reproduced in *A Gob Tree: Beside the Hargeisa Wadi* (1995) and *From an Acacia Landscape* (1996).⁴

In Mirreh's "Written Lines," the persona states that the poet has "no purpose [. . .] to achieve with the lines [that he] now and then write[s]" (91); he also stresses that he neither has "to appease" anyone "nor change//the planet earth" (91). Despite such proclamation by the persona—and one might say the poet as well—Mirreh, as an intellectual, and his poetry are indeed calls for positive change on the political, social, and environmental levels. Mirreh's poetry is driven by a strong belief in justice for all—regardless of nationalities, tribes, religions or species; the road to democracy, freedom, and peaceful coexistence is long but, through Mirreh's poetry, one's journey is shortened as his poetry is like a roadmap and a bridge to a democratic country, egalitarian earth, and peaceful coexistence between humans and non-humans.

Indeed, Mirreh's poetry goes beyond the Somali example to address burning issues for all humanity from wars, the Holocaust, human rights, refugees, animal rights, to protecting the environment for future generation, etc. Mirreh might have thought that he "write[s] mostly for the//pleasure of [his] soul" ("Written Lines" 91), but, as Safi Abdi writes, "pen to poet is weapon//And with pen he wrote" where Mirreh's poetry is as equally a self-absorbed intellectual activity as it is his weapon to express a poet's concern for his homeland and the world at large, stressing his belief in being a citizen-of-the-world. Hence, this essay explores the themes of nature, animals rights, progress and nomadic life—a celebration of a deep connection with nature and animals.⁵

2. Mirreh’s Pastoral Engagement

*“Cet amour vibrant et poétique de la nature
[. . .] se souvient encore des récits que
contaient ces sage vieillards, le soir autour
du feu des campements [. . .] au rythme
d’une vie séculaire que les excès de la vie
moderne n’ont pas encore déshumanisée.”*

*(Nicole Lecuyer-Samantar, “Présentation
de La Pioggia È Caduta, Il a Plu! ” 4-6)*

With these words, Nicole Lecuyer-Samantar described Mohamed Said Samantar’s *La Pioggia È Caduta, Il a Plu!*⁶ (1974); were one to describe Mirreh’s philosophy about nature, animals and progress, Lecuyer-Samantar’s words can be used because Samantar and Mirreh share common beliefs in the preservation of fauna and flora, in the cultural value of certain traditions, and in the need to resist over-modernization. Mirreh’s poetry is characterized by a deep commitment to save nature from human over-exploitation; his poetry is essentially in the pastoral tradition, in that, it “describes the country with an implicit or explicit contrast to the urban [with] a delight in the natural” (Gifford 2). In order to better grasp Mirreh’s pastoral philosophy, three categories need to be examined: nature, animals, and the nomad; each of these categories highlights a component in an all-encompassing vision of what it means to be interconnected with one’s surrounding.

Born in Hargeisa, studied in Aden, Sheffield, Leipzig and Jeddah, and resided for a long period in Oslo, Mirreh’s poetry represents “an urban poet’s nostalgic image of the peace and simplicity of the life of shepherds and other rural folks in an idealized natural setting” (Abrams 202). In “The Galool Tree and the Acid Rain,” the persona describes his daily rituals as follows:

I lay the whole day
on the earth, in God's
nature, between the
galool and the gob trees,
watching the creations
of God. (34)

From the outset, the persona fits one of the conventions of the pastoralist, someone who is “reclining under a spreading beech tree and meditating the rural muse” (Abrams 202). There is nothing separating him from the immediate environment that includes trees native to the Horn, Galool and Gob trees, and animals—such as camels; it is within this setting that the act of observing becomes synonymous with connecting with the non-human elements—usually ignored in modern life—from “the bees [that] diligently// buzzed in the air//kissing the flowers” to the “pigeons” and the “three eagles” roaming the sky and “flying home” (34).

3. Protecting Nature

Mirreh's celebration of nature is linked, for instance, to his dislike of mass tourism as expressed in “On the Slopes of Kilimanjaro”: “And very soon their [Masai people] land will//disappear the elephant too, where//the tourists came” (40). In fact, throughout his environmentally-motivated poetry, Mirreh insists that saving nature is for aesthetic reasons, as “it gives us beauty,” and also for practical reasons, as “it gives millions//bread” (“Dying Man” 44); thus, Mirreh perceives in saving the environment an exigency that speaks to the diminishing ability of humans and non-humans to continue to live on Erath if no immediate actions are implemented.

In his advocacy for protecting nature, Mirreh has also addressed the increase in the frequency of acid rain and its impact on the environment

and human/non-human activities. Acid rain is incongruous with what nomads, and people in general, recognize in water as a source of life and prosperity; in fact, acid rain becomes an alarming event that foretells of death, destroying crops, creating food insecurity and damaging clean water supply. “Uffo I” describes how the Uffo wind, which “comes as//a forerunner before//the rain” (85), “carries no chlorine//nor acid rain” (85) and, thanks to its purity, it “gives happiness//to man and beast” (85) as it is not tainted by the chemicals released from industrial complexes, houses, or transportation vehicles. In this respect, Mirreh is apprehensive of acid rain and its effects on the environment:

And wondered endlessly
how many years it
will take until the acid
rain reaches these trees.
 (“The Galool Tree and the Acid Rain” 34)

Mirreh’s environmental awareness also addresses the issue of deforestation whether in Somalia or abroad. “Thoughts of a Dying Man” starts by calling on mankind to “save the world//save the forest//in Brazil” and then adds “Save the world//save the forest//on Sumatra” (43); in both instances, the persona links a specific region with the overall fate of humanity and earth whereby the effects of protecting the Amazon forest or the Sumatra forest has effects that rise above national borders to affect everyone. Moreover, as the title of his poem “Creeping Desert” indicates, Mirreh warns against the loss of human and non-human habitat as more arable lands are lost to the desert:

Like a cactus standing
lonely on a desert terrain
fighting the desert expanding
it’s [sic] wings. (32)

The lonely cactus is symbolic of both the solution to desertification and the failure in combating it; cactus and other heat-resisting and drought-tolerant plants can be used to stabilize the soil and fight degradation which in its turn would slow down—and hopefully stop—the advancing desert (Nafzaoui 1).

Using the title of Osman Gedow Amir, one can argue that the environment in Somalia is “the silent victim” (189) since, as Quasim H. Farah affirms, “Somalia is in a state of a major environmental degradation” (qtd. in Lal Panjabi 434) where security, education, health, and food insecurity are foregrounded by the state whereas environmental issues are backgrounded.

4. Animal Kingdom

Part of Mirreh’s celebration of nature also lies in his advocacy for animal rights and the protection of certain species. His poetry’s “rhetorical strategies, use of pastoral and apocalyptic imagery and literary allusions” locates Mirreh in the intersection between literature and science, making it part of “ecocriticism” (Garrard). It is here that Mirreh’s ecocritical mind shifts its interests from the human to the non-human, namely animals; defending them, protecting them, and stressing similarities between Man and animal are some of the main tenets of Mirreh’s philosophy as it pertains to animals.

Mirreh’s celebration of the animal kingdom does not end at the threshold separating the domesticated animals from the wild animals; he equally defends the rights of animals that many shun because they are considered to be untamed and violent. “Thoughts of a Dying Man” urges humanity to save “the rhino,” “the seal,” “the bear,” “the elephant,” “the ostrich,” “the reindeer”, *inter alia* (43-4); unfortunately, between 1980 and 1998, Somalia itself lost 40.000 elephants due to illegal poaching (Amir 191)

which makes of Mirreh’s call to save the remaining herds, be it of elephants or other animals, more imperative than ever.

Furthermore, Mirreh’s advocacy of animal rights shifts the discussion from one centered on anthropocentrism to anthropomorphism. In other words, Mirreh rejects the centrality of Man and explores the animal world as one that is self-contained in its own right; for Mirreh, admitting that animals suffer, feel, and communicate among each other and with humans does not undermine the status of Man but rather acknowledges a natural link between two different species occupying the same space. In “Fatherhood” and “Death of a Baboon,” Mirreh explores life and death in the animal kingdom, emphasizing that animals have as much of their own familial and social structures as humans.

In “Fatherhood,” the reader is introduced to a family of eagles residing in the Golis range; the eagle parents’ decision on the location of the nest is motivated by their innate concern for the survival of their unborn children: “where no man can//trample the unhatched eggs” (79). Given that humans also care for the safety of their unborn children, Mirreh highlights that “the boundary between human and animal is arbitrary” (Garrard 137) because human and non-human are two variations of similar structures—families, parenthood and races/species.

In addition, in “Death of a Baboon” Mirreh depicts “a family//of hamadryas baboon” as “they gathered//and mourned the one//they loved”⁷ (32); Mirreh’s description underlines three ideas: gathering, mourning, and love. As with the eagles, love in the animal kingdom is not a matter of whether it exists or not but how each animal unit expresses it. It is the gathering and the mourning that are most intriguing here; at first, such actions are not usually thought of in relation to animals but Mirreh ascribes a level of normalcy to a gathering of animals as they pay their

respect to one of their mates. At one point Mirreh wonders: “how can I explain//the sorrow I shared//the ceremony I disturbed” (33); the answer lies in his sympathy with the baboons’ grief which stresses his understanding the baboons and validates what others may perceive as random actions—disturbing their ceremony is the result of the persona’s sensitivity.

Mirreh’s praise of the nomadic life is also related to the animals reared by the nomads in which the “animal[’s] joy” reflects and is reflected on the nomad’s mood: “I blew my flute//jubilant they grazed//with swinging tails” (“Animal Joy”⁸ 13); the nomad’s flute symbolizes the nomad’s contentment with his life and also reflects how humans and animals are entranced in the simplicity and regularity of life. In this respect, the nomad’s life is entwined with his animals: “As sunset came, I//drove them home” (13); the nomad’s day is structured around finding pasture and water for the animals in which the “time reference of the nomad [. . .] is marked by sunrise [and] sunset [. . .] and the same everyday” (Rabeh 63). As the herd is led into the pen, the scene is depicted as follows:

I knew what it meant
their jolly jump, and
all it said thank you
for the day. (13)

Given his constant interaction with the animals, the persona has developed an understanding of their movement and gestures, enabling him to communicate with them; as Ahmed Ismail Yusuf emphasizes in “A Slow Moving Night,” “thousands of years of experience, passed down from generation to generation, had taught herdsmen to recognize the behaviors of certain animals”(1).

5. A Virus Named Progress

Furthermore, Mirreh’s celebration of nature and animals is closely linked to his praise of nomadic life and his antagonistic views regarding modern life and progress. In “Cactus Leaf,” Mirreh highlights how the nomads “never write” the date of their birth nor the date of their death (30) because the nomad follows ancestral tradition; the nomads locate themselves within a continuum where their individual lives are inconsequential in the scheme of the collective history. Mirreh reiterates the same idea in “Yearning”: “A nomad son doesn’t//know his age he//knows the seasons” of rain (81); there is a division between what is perceived as being natural and what is seen as artificial—the former is valuable and the latter is insignificant.

In “The Madra Pass” Mirreh further explores the umbilical cord that connects the nomad with nature which “decide[s] whether//we should live//or perish” (22). It is because of the preciousness of water that for the nomad “patterns of movements are primarily dictated by the distribution of rain and pasture” (Lewis, “Problems”53), making knowledge about seasons and rain more significant than a date of birth or death.⁹ Indeed, Mirreh depicts the change of mood as “Rain falls upon//cracked clay” (“The Savannah-House after the Drought” 15) where “Nomads are singing again//lambs are leaping high//camels are galloping” (15)¹⁰ and where one “can hear the music of//the mountains and the//wadis connected chains” (“After the Drought” 47); in “Il a Plu!” (1966), Mohamed Said Samantar emphasizes how rain brings happiness to humans and non-humans alike: “Symbole de vie, symbole de renouveau.//Tous, plantes, hommes et bêtes//Participaient à cette résurrection” (58).

‘Nomads are singing again’ signifies the reoccurrence of the same seasonal shift in precipitation, in what Lewis calls, “this fairly regular cycle of seasons” (*Modern* 4), highlighting the nomad’s reliance on

accumulated knowledge about seasons. In this respect, Mirreh explores the simplicity of the nomad's life:

Our ancestors moved
freely with their herds
.....
sometimes they marched
little more than a stone throw,
sometimes from dawn to dusk
("Cactus Leaf" 30).

Moreover, in "When Nomads Move," Mirreh rejects modern forms of entertainment, such as radios and televisions, and he praises "the campfire" where "fairytales are being told//to children in the evening" (69)¹¹; storytelling, an integral part of the Somali culture, has two functions: creating a sense of unity between the older and the younger generations, and entrusting adages and knowledge of the past to the future generations. Similarly, after experiencing life in Mogadishu, Olaad, the protagonist of Abdi Sheik-Abdi's "Rotten Bananas" (1979), indicates his nostalgia for the nomadic life: "Longing for the country-side [. . .] He began, missing the wide, open plains and the plentiful milk of their wholesome herd" (186).

In conjunction with the same philosophy about nomadic and modern lives, Mirreh perceives progress as a "virus," as the title of his poem "A Virus Named Progress"¹² highlights; in this poem, he contrasts his life as a child with that of his children, emphasizing how daily rituals have been impacted by modern tools:

As a child Qasil
was my shampoo
Xina henna was my soap
.....

My toothpaste was
from the cadey shrub. (77)

The toiletry described is characterized by its emphasis on natural elements: Qasil, a powder made from the leaves of Gob’ trees, henna, a natural dye used usually in celebrations, and cadey, a Somali traditional toothbrush¹³; by making use of his natural surroundings, the persona frees himself from paying for modern toiletries—an idea expressed in “Yearning” (81)—and also saves his body and health from all the chemicals that are found in modern beauty products¹⁴. In fact, his tribute to traditional cosmetics is contrasted with his children’s “want[ing] the shampoo//the perfumed soap//and toothpaste” that has “a chemical taste” (“Virus” 77); the younger generation’s acceptance of chemicals indicates how numbed modern generation has become to what are otherwise harmful products. In fact, as a young man, the persona “cleaned the cooking//pot with sand” even though “Ajax was available//in the shops” (77); hence, his present rejection of modern products stems from a deep conviction in the preeminence of natural products because they do not harmfully impact one’s health and surroundings.

Mirreh’s antagonistic view on progress is further explored in “Progress” where he laments that “no more do the nomads travel//through the land on foot” but on “trucks” (31)¹⁵; the lament over the shift in transportation mode is related to the nomadic life’s essence rather than to the transportation mode itself. In other words, opting for “Toyota and Nissan” results in the nomads no longer “load[ing]” their belongings on “a camel’s//back” (31); in view of the fact that “a nomad loves his camels [without whom] he can’t survive in the steppe” and since “a nomad is known by his camels and the size of his herds” (Korn 14-5), replacing the camel by a truck signals a cultural shift from nomadism to urbanism, from not paying bills to paying for the fuel, and from economic independence to dependence which the persona is reluctant to accept¹⁶.

6. Conclusion

“If, as they say, there is only one story, which is told and retold [. . .] then surely one may be tempted to read all the novels [or poems] as one [and] one will assume that each novel [or poem] contributes to the tributary of tales being told again and again, in parts or in series.”

(Nuruddin Farah, “If All Stories . . .!” 14)

If Farah’s words are any indication, Mirreh’s poetry needs to be read as one, representing a poet’s life commitment to the bettering of his homeland as a prelude for his engagement with the world. Throughout this essay, Mirreh’s commitment to greater principles was emphasized, stressing how local and global issues are intertwined; based on this postulation, this article mapped a web of issues that Mirreh judges to be vital for the development and survival of humanity. Mirreh’s eighteen-year-long poetry (1976-1994) takes the reader on a journey that is not bound by borders, a journey where harmony with nature is prioritized.

Moreover, Mirreh’s environmental consciousness takes its roots in his immediate environment where the Somali nomads are emotionally and economically connected with nature. In this respect, this article emphasized the symbiotic link that connects the nomads with nature; in his quest to safeguard the environment, Mirreh judges all natural elements to be vital as they are all connected in a chain where one is both giving to and getting life from another since a butterfly has as much rights as grass, as a whale. Within this general thinking, Mirreh rejects modern life and embraces the nomadic life, the one he enjoyed as a young man; seeking to reunite with his nomadic roots, Mirreh describes a life free of technology, debt, and pollution where the individual lives in accordance with nature’s rules.

Notes

- ¹ This collection includes 44 poems written between 1976 and 1990.
- ² This collection includes 93 poems written between 1983 and 1994. Some of the poems in this collection are reprints, if in different format, from earlier collections.
- ³ This collection includes 96 poems written between 1983 and 1994. Some of the poems in this collection are reprints, if in different format, from earlier collections.
- ⁴ According to Ismahan Mirreh, Mirreh’s stepdaughter, Mirreh donated all of his poetry, published and unpublished, to the Hargeisa National Library.
- ⁵ Though this article only explores the pastoral in Mirreh’s poetry, Mirreh also published fourteen love poems such as “A Few Steps to Love,” “At the Well,” “On the Toyo Plain,” “Departure,” “Passage to Nowhere/Life after Death,” “Pale-face Woman,” “Our Song,” and “Woman.”. Mirreh also wrote numerous politically-motivated poems.
- ⁶ Nicole Lecuyer-Samantar is the author of *Mohamed Abdulle Hassan, Poète et Guerrier de la Corne de l’Afrique* (1979). Mohamed Said Samantar, former Somali ambassador to Italy and France, is the author of *La Pioggia È Caduta, Il a Plu!*, a fourteen-poem bilingual (French-Italian) collection whose main themes are African unity, anti-colonialism, and the quest for Greater Somalia, among others.
- ⁷ By describing the baboons as family, Mirreh shares the same views as, for instance, Edward Kamau Brathwaite, a Barbadian poet, who writes in “Sequences”: “and i retreat further into my yard of the dark//into what’s left of the starlight, into what’s left of the jungles//i can still remember giraffe, gazelle, leopard’s dry lizard cough//the way baboons moved like us in families” (5-6).
- ⁸ “Animal Joy” was posthumously republished in a different format in *The Silver Throat of the Moon: Writing in Exile* (2005).
- ⁹ Mirreh emphasizes the same idea in “Father”: “No matter how//hard it dries//by the jilaal//sun.//Green it will become the//Gu rain” (8). He also expresses the same idea in “When Nomads Move”: “They shifted camp in search//of grass, in search of water//for their families, for the herds//they love” (69).
- ¹⁰ Abdil-Weli Ahmed Elmi (of Burao) reiterates the same idea in “Gu” (1965): “The grey rendering at last got lost//The ground is tinted green once

more,//And galloping high, God-sent host//Of grey cumulus give a great uproar//Of gay laughter; and guffawing they//Show glistening teeth and send a glimmer//Of glittering light—for the month is May.//The grasshoppers garrulously clatter;//And Geeleh there goads his camels;//And gleefully sings good-hearted songs,//which give with the jingling camel-bells,//A melodious gavot and gay bling-bongs” (14).

¹¹ Abdi Sheik-Abdi describes in *When a Hyena Laughs* (1994) a similar scene: around “her crackling campfire” Aunt Dahabo “told of awesome nations whose magnificent kingdoms lay behind the seven skies” (105-6).

¹² “A Virus Named Progress” was republished in a different format in *From an Acacia Landscape*.

¹³ John Drysdale describes the *cadey* as follows: “Chewed at one end, and applied vigorously to the teeth, the latter are made to glisten like the white of a fried egg” (*Stoics* 118).

¹⁴ Similarly, Hali Hassan Eiman’s “It is a Tradition” emphasizes this idea: “She washes with Qasil and water only//Qasil is a planet, like henna.//You take the leaves and you dry them” (29).

¹⁵ Mirreh also laments this shift in “Kismet”: “My father never drove//a diesel train,//he never flew with D.C. ten” (25); also in “Til Leif/Time,” he writes: “Flying bird, cold aluminum//with all that speed, how I do//hate your gleaming wings” (9).

¹⁶ In contrast to the persona in Mirreh’s “Progress,” the persona in Ismael Hurreh’s “Pardon Me” (1967) depicts a Somali nomad who does not object to abandoning the nomadic lifestyle and traditional Somali culture: “although I too have been a nomad//although I’ve slept under roofless huts eyeing the moon//and raising my hands to God//and envying His might//time has unfolded many strange sheets//and spread them between us//time has uprooted me//time has transplanted me to grounds//where prayer is of no use” (36).

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Midaynta Hab Dhigaalka Af Soomaaliga



Cabdalla Cumar Mansuur

Mucda Qoraalka

Waxaan halkan ku falanqaynayaa arrimo ka mid ah hab dhigaalka af Soomaaliga ee aan xasillayn oo u baahan in la mideeyo.

Falanqaynta iyo talooyinka aan halkan ku soo bandhigayaa, waxay ku saabsan yihiin sidii lagu xasilin lahaa ama lagu midayn lahaa qaar ka mid ah habdhigaalka af Soomaaliga; waxayna qayb ka tahay horumarinta af Soomaaliga xagga habsocodka midayntiisa (standardization) iyo casriyayntiisaba.

1. Hordhac

Laga billaabo 1972 ilaa 1990, waxaa si xawli leh u socday horumarka af Soomaaliga xagga habsocodka midayntiisa (standardization) iyo casriyayntiisaba, maadaama af Soomaaliga waqtigaas si joogta ah loogu adeegsanayay xagga waxbarashada iyo xagga maamulkaba. Xilligan, si hawshaasi u sii socoto, waxaa aad loogu baahan yahay, dib u hirgelinta adeegsiga af Soomaaliga xagga waxbarashada iyo maamulka ka sokow, in wax laga qabto saddex arrimood oo muhiim u ah daryeelka iyo horumarinta af Soomaaliga, kuwaas oo kala ah:

- 1) Midaynta hab dhigaalkiisa
- 2) Midayntiisa xagga afkiisa guud (standard language).
- 3) Kobcinta ereybixintiisa, si loo yareeyo adeegsiga badan ee afafka shisheeye ee weerarka ba'an ku haya af Soomaaliga.

Waxaan rajaynayaa in saddexdan arrimood aan mid mid u falanqeeyo.

Qoraalkan, waxaan isku dayayaa in aan ku falanqeeyo arrimo ka mid ah qodobka koowaad ee ah hab dhigaalka af Soomaaliga ee aan xasillayn oo u baahan in la mideeyo.¹

Kaddib markii uu dhacay burburka qaranka Soomaaliyeed, oo af Soomaaligu agoomobay, waxaa dadka qaarkood ay bilaabeen in af Soomaaliga ay u qoraan si aan midaysanayn. Saddex qaybood ayaan u kooxayn karnaa Soomaalida sida kala duwan ee ay haatan u adeegsato hab dhigaalka farta af Soomaaliga.

1. Dhallinyaro aan helin fursad ay wax ku bartaan af Soomaaliga, oo adeegsiga internet iyo telefoonka ay ka barten qorista af Soomaaliga, in yar mooyee, badankoodu higgaadda ayaa dhibta.

2. Aqoonyahanno caadaystay in ay wax ka beddelaan hab qoristii hore ee dhaqangalay.
3. Kuwana waxay ku socdaan habkii hore ee loo adeegsan jiray hab dhigaalka saxda ah.

Haddaba, falanqaynta iyo talooyinka aan halkan ku soo bandhigayo, oo ku saabsan sidii lagu xasilin lahaa ama lagu midayn lahaa qaar ka mid ah habdhigaalka af Soomaaligu waa kuwo u baahan in la sii ballaariyo ama la saxaba, waxaa iyana muhiim ah in cid kasta oo wax qoraysaa isku daydo inay hirgeliso wixii maangal ah.

2. Isqabadiinta ereyada lammaanan

In kastoo aan hore uga hadlay ereyada lammaanan (Cabdalla 2015:17-35), haddana waxaan dareemay in loo baahan yahay in aan wax ku sii kordhiyo aragtidayda. Sida qof waliba uu dareemi karo waxaa qoraallada af Soomaaliga aad ugu batay ereyada lammaanan, oo loo dhexeysiiyayo xarriiqin, sida: *raad-raac, dib-u-dhis, naas-nuujin, cilmi-baaris, hoga-tus* iwm.

Haddaba, waxaan halkan mid mid ugu qaadaadhigayaa qaababka kala duwan ee ila habboon in ereyada laysku lammaaninayo.

2.1 Ereyo u baahan in loo dhexeysiiyo xarriiq

Ereyada lammaanan, intooda badan, looma baahna in loo dhexeysiiyo xarriiq, aan ka ahayn marka aan laga maarmi karin adeegsigooda, oo u badan saddexdaan xaaladooda:

- a) Haddii ay isugu yimaadaan laba shaqal halka ay iska qabanayaan laba erey oo laysku lammaaninayo, markaas waa loo baahanyahay in xarriiq loo dhexeysiiyo labadaa erey, sida: *waaya-aragnimo, cilmi-afeed*.

- b) Waxaa jira ereyo, sida: *kayd-haye*, haddii aan loo dhexeysiin xarriiqin, ereygaas ku dhawaaqiddiisu way isbeddelaysaa, oo wax kale ayuu noqonayaa, **kaydhaye*, sidaa darteed, waa khasab adeegsiga xarriiqinta. Waa la mid: *haad-haad, mad-hab*.
- c) Marka la qorayo magac shisheeye oo la doonayo in sidiisi loo qoro, loona baahday in lagu lifaaqo qodob, waxaa ila habboon in loo dhexeysiiyo xarriiqin, sida: *farta “Latin”-ka, “link”- iga iwm*.
- d) Magacyada raacsan magac sharafeedyada, iyagana waa in loo dhexeysiiya xarriiq, si aan laysku qaldin magac sharfeedka iyo midka aabbaha, sida: Yuusuf-Garaad, Caasha-Kiin, Maxamed-Nuur iwm.

2.2 Ereyada u baahan in loo adeegsado hamsada (’).

Hamsada, oo ah shibbane ka mid ah dhawaaqyada hadalka, waa aamus yar. Dhawaaqaasi wuxuu dhashaa kolka xargaha codku ay si degdeg ah u xirmaan, oo xiisadda dabaysha u joojiyaan, degdega u furmaan, sida: *go’aan, bi’id, lo’*. Haddaba ereyada lammaanan ee habboon in loo adeegsado hamsada waxaa ka mida ah: *mala’awaal, ab’ogaa, lo’doon*, iwm.

2.3 Ereyada lammaanaan ee aan u baahnayn in xarriiq loo dhexaysiiyo

Ereyada lammaanan badankoodu uma baahna in loo dhexeysiiyo xarriiqin, maxaa yeelay, ereyadaas haddii aan isku dhejinno wax isbeddel ah ee ku dhacayo haba yaraatee ma jiraan, bal waxaaba fududanaya qoristooda, sida:

raadraac, dibudhis, naasnuujin, dhabarjab, meelmarin, hogatus iwm.

Sidaas oo kalena in la yeelo magacyada gaarka ah, sida:

Baargaal, Dhagaxbuur, Laascaanood, Beledweyne, Buurhakaba.

Afafka kale ee adeegsada farta Latin-ka, ayaa, si caadi ah u xiriiriya ereyada lammaanan, sida afafka Jarmalka, Swedesh-ka iyo kuwa kaleba, oo dhigaalkooda ay ka buuxaan ereyo lammaanan, oo aan xariiqna loo dhexeysiinayn. Tus.:

Jarmal: *der Stadtteil* – xaafadda magaalada

die Stadtteilzeitung – wargeyska xaafadda magaalada

Swedesh: *yrkesskolor* – dugsiyada farsamada (vocational schools)

Xitaa af Soomaaligu wuu leeyahay ereyo ka kooban in ka badan labo erey, sida:

dabagaalle (dabo +gaal +leh)

gacankudhiigle (gacan+ku+dhiig+leh)

bukaansocodeegto (bukaan+socod+eegto)

kumeelgaar (ku+meel+gar)

waxsoosaar (wax+soo+saar)

2.4 Ereyada lammaanan iyo isbeddelka shaqallada.

Haddi erey ku dhamaado shaqalka **-o** ama **-e**, lagu lifaaqayo erey kale, oo ka billaabmo shibbane, labadaa shaqal waxay isu rogaan shaqalka **-a**. Sida:

biyo+mareen> biyamareen, lafo+gur> lafagur, dabo+gaalle> dabagaalle, dhego+culus> dhegaculus, tabo+bar> tababar, bare+kaaliye> barakaaliye aabbe+yaal> aabbayaal iwm.

Xitaa markii aan laysku lammaanin waa la mid, sida:

ilma adeer (ilmo adeer), u dhega nuglow (u dhego nuglow) iwm.

Arrinta isasaamayntan waxaa la xeer ah, markii magac uu ku dhammado shaqalladaas (-o / -e) lagu lifaaqo qodob ama lifaaq wadareed, (Cabdalla & Puglielli 2018:38,33). Tusaale:

bare+ka>baraha, kabo+ka>kabaha, qore+yaal>qorayaal

2.5 Xarfaha laballaabma iyo ereyada lammaanan

Qaar ka mid ah ereyada ku dhammaada shaqalka -e/-o, oo lagu lifaaqayo erey kale, oo ka billaabma shibbanayaasha laballaabma, inta badan waxaa la dareemayaa in shibbanayaashaasi ay laballaabmaan, Tus.

Labo+laaban>laballaaban, dhego+nugul>dhegannugul, ku talo+gal> ku talaggal, ka+dib> Kaddib², lee+nahay>leennahay.

Hasayeeshee, waxaa la caadaystay, inta badan, in hal shibbane laga dhigo (qalad ma ah, waase laga fiican yahay). Ifafaalahan oo kale waxaa la wadaaga afaf kale, sida:

*af Talyaaniga (di+la = della, di+lo = dello),
af Ingiriisiga (up+er = upper, shop+ing=shopping, write+en = written).*

2.6 Habka loo qoro magaca “af Soomaaliga”

Waxaa kaloo aan lagu midaysnayn xitaa dhigaalka magaca “af Soomaaliga”, oo siyaabo badan, oo kala duwan aan u kala qorno, sida:

Af-soomaaliga, Afsoomaaliga, af soomaaliga, af-soomaaliga, Af Soomaaliga, Af-Soomaaliga, af-Soomaaliga, af Soomaaliga iwm.

Haddaba, habkan kala duwan, waxaa ila habboon in la adeegsado qaabka midka ugu dambeeya (oo ah *af Soomaaliga*), maxaa yeelay:

- a) Ereyga *af* waa magac guud, oo uma baahna in xaraf weyn lagu bilaabo, laakiin ereyga ‘*Soomaali*’ waa magac gaar ah, oo loo baahan yahay in xarafkiisi hore la weyneeyo.
- b) Laba magac oo mid guud yahay midka kalena gaar yahay in laysku lammaaniyo caadi ma aha, in la kala saaro ayaa habboon, sida:

far Soomaali, canjeero Soomaali, xeer Soomaali, aqal Soomaali, af Carabi, af Jarmal.

Waxaase laysku lifaaqaa marka labadu ay yihiin magac guud ama magac iyo fal, sida:

afguri, farbaro, afhayeen, aftahan, xeerjajab, baadigoob iwm.

- c) Xarriiqinta loo dhexeysiinayo, arrintaasi, sida aan korba ku soo caddaynay, waxaa adeegsigeeda habboon, marka aan laga maarmi karin, sida afarta xaaladood ee aan kor ku soo xusnay (eeg # 2.1).
- d) Labadaa magac (af Soomaaliga), inkastoo aan u kala dhignay sababta aan kor ku soo xusnay, lama mid aha marka aan leenahay ‘*afka Soomaaliga*’, maxaayeelay labadan magacba waxay leeyihiin qodobbo, waxayna yihiin koox magaceed, laakiin midka hore kale (af Soomaaliga) wuxuu u dhaqmaan sida magac lammaanan, qaabka lammaanyaasha ayuuna raacaa, oo ereygiisi hore (af) qodob ma raaco, ereyga labaad uun baa la raacsiin karaa qodobka (af Soomaaliga), markaasna, caynta qodobku waxay waafaqdaa magaca hore cayntiisa. Haddii caynta magaca hore ay tahay lab, qodobka magaca labaad cayntiisu waa lab, xitaa haddii uu magacaasi yahay dheddig; haddii midka hore uu yahay dhaddigna waa la xeer. Tus.

Gaarigacanka (gaariga gacanta),

lafdhabarta (lafda dhabarka),

far Soomaalida (farta Soomaaliga).

Intaa waxaa sii dheer, xitaa falku wuxuu mar waliba la jaanqaadaa magaca hore, oo loo yaqaan *magac madaxeed* (nominal head). Tus. *Gaarigacanku wuu jabay*. Inkastoo ereyga labaad uu yahay magac dheddig (*gacanta*), haddana lama oran karo: **gaarigacantu way jabtay*.

Illayn gacantu ma jabine, gaariga ayaa jabay, sidaa darteed ayaa caynta falka iyo qodobkuba ay u raacsan yihiin caynta magaca *gaariga*, ereyga *gacanna* waa uun *faahfaahiye* (modifier) (Cabdalla & Puglielli 1999: 211-228).

3. Midaynta adeegsiga shaqallada

Mararka qaarkood waxaa laysku qaldaa adeegsida shaqallada, waxaana ka mid ah meelaha soo socda.

3.1 Shaqallada *a/e, e/a*

Mararka qaarkood, waxaa laysku qaldaa adeegsiga shaqallada “a” & “e”. Waxaa halkan tusaala ahaan ku soo bandhigayaa ereyo dadka qaarkood ay u adeegsadaan xarafka “a”, haseyeeshee ku habboon in loo adeegsado shaqalka “e”, sida ku cad qaamuusyada Soomaaliyeed (Yaasiin 1976, Puglielli & Cabdalla 2012, Adaan Xasan Adan 2013)

maya (-a)	haa (-e)
<i>Wayn</i>	<i>weyn</i>
<i>Eray</i>	<i>erey</i>
<i>magafe</i>	<i>magefe</i>
<i>Wali</i>	<i>weli</i>

3.2 Mararka qaarkoodna, waa lidka habkaa kore, oo halkii shaqalka “a” looga baahnaa ayaa shaqalka “e” loo adeegsadaa. Qofkii oo ku dhawaaqaya “a” ayaa wuxuu qorayaa “e”.

maya (-e)	haa (-a)
<i>Aaden</i>	<i>Aadan</i>
<i>Waxey</i>	<i>Waxay</i>
<i>bareyaal</i>	<i>Barayaal</i>

3.3 Xitaa dibkabaha -ay ee falalka tagtada ah, looma baahna in loo qoro -ey, sida:

haa (-a)	maya (-e)
waan cun ay ,	cun ey
waad cunt ay ,	cunt ey
wuu cun ay ,	cun ey
way cunt ay ,	cunt ey
waan cunn ay	cun ney

3.4 Inkastoo ay jiraan falalka isroogrogga 2aad ee salkoodu uu ku dhammaado shaqallada -i ama -ee, oo ay yara saamayn karaan. codayn ahaan, shaqalka dibkabaha falka tagtada ah (-ay), sida falaka: kari (kariyey), samee (sameeyey), haddana, waxaa ila habboon in aan la beddelin shaqalka -a ee dibkabaha tagtada (-ay), oo sidiisa loo daayo, si xitaa dadka aan aqoon dheeraad ah lahayn aan dhibaata kala kulmin isbedbeddelka shaqalkaas, loona helo hab midaysan. Aragtidani waa mid qoladayada Xarunta Cilmibaarista Soomaaliyeed ee Roma aan la wadaagno Mustafa Fayruus (2015: 54). Tus.

*Waan sameey**ay**, wuu kariy**ay**.*

3.5 Sidoo kale, magac faleedyada ka soo jeeda falalka isroogrogga 2aad b, ee fal amarkooda ku dhammaada dibkabaha -ee (sida: samee), waxaa inta badan dibkabe looga dhigaa: -ayn/-eyn (sida: samayn/sameyn). Arrintanna si loo mideeyo waxaa ila habboon, sida horayba u soo jeediyay Mustafa (2015:53), in la adeegsado dibkabaha -ayn. Qaabkan ayaana ku qoran qaamuusyada.

Fal amar	Magac faleed (Haa)	Magac faleed (Maya)
<i>Samee</i>	<i>Samayn</i>	<i>sameyn</i>
<i>Kaxee</i>	<i>Kaxayn</i>	<i>kaxeyn</i>
<i>Eedee</i>	<i>Eedayn</i>	<i>eedeyn</i>
<i>Caddee</i>	<i>caddayn</i>	<i>caddeyn</i>

3.6 Magacuyaalka dhiman ee yeelaha ah, qofka 3aad ee dheddigga (**ay**), isna in aan laga dhigin **ey** ayaa habboon, xitaa markii uu isku lifaaqo erey kale. Tus.:

Haa (ay)

Yeel, si ay wax u barato

Gabadhu way (waa+ay) tagtay

Waxay (waxa+ay) tagtay guriga

Buug ayay (ayaa+ay) qortay

Maya (ey)

Yeel, si ey wax u barato

Gabadhu wey tagtay

Waxey tagtay guriga

Buug ayey qortay

3.7 Sidoo kale, waxaa jira ereyada ku dhex jira alan ku dhammaada xarfaha -ey/-ay ama -aw (oo loo yaqaan “diphthong”), oo ah marka ay is qabtaan shaqal iyo mid ka mid ah labadan xaraf (-y/-w) midkood, waxaa habboon in aan laga dhigin shaqal dheere, sida ay yeelaan lahadaha qaarkood. Tus. (Cabdalla 1977: 15; 2018):

Deynta = deenta

Hawl = hool

Weyn = ween

Qayb = qeeb

Culays = culees

Khayr = kheer

4. Midaynta adeegsiga shibbanayaasha qaarkood

Mararka qaarkood waxaa laysku qaldaa adeegsida shibbanayaasha, waxaana ka mid ah meelaha soo socda.

4.1 Shibbanayaasha: *kh* & *q*

Dad badan ayaa isku qalda adeegsiga labadan xaraf, waxaana u badan dhalliinta ka soo jeedda degaannada Koonfurta Soomaaliya. Ereyada ku jira xarfahaas laysku qaldayo waxay badankoodu ka soo jeedaan af Carbeedka.

- a) Dhammaan ereyada Soomaaliyeed ee ku jira xarafka *kh* waxay asal ahaan ka soo jeedaan af Carbeedka, sidaa darteed codka xarafka *kh* (خ) waa mid ku soo biiray af Soomaaliga, ugana yimid xagga af Carabeedka, una soo maray waddada diinta iyo dhaqan magaalo, sida: *khayr*, *khasnad*, *Khadiija* iwm. Qaamuuska af Soomaaliga (Puglielli & Mansuur, 2012) waxaa ku jira in ka badan 330 erey, oo ku billaabma xarafka *kh*, giddigooduna af Carbeedka ayay ka soo jeedaan. Tiradan kama mid aha ereyada kale ee dhexda uga jira ama ku dhammaada xarfkaas, sida: *shiikh*, *bakhti* iwm.
- b) Inkastoo jira xarafka “*q*” codkiisi uu ka mid yahay af Soomaaliga, waxaa jirta in ereyada qaarkood ee ku jira xarfkaas ay asal ahaan ka soo jeedaan af Carbeedka. Laba dhawaaq ayayna ka soo jeedaan ereyadaas. Kuwa asalkooda Carbeed uu ahaa qaaf (ق), sida: *qalbi*, *xaq* iwm ah iyo kuwa aslakooda Carbeed uu ahaa codka xarafka (غ), oo af Soomaaligu aan lahayn codkaas, waxaa loo bedelay dhawaaqa xarafka qaaf (q), sida: *qalad* (غلط), iwm.

Waxaa lagu kala saari karaa adeegsiga labadaa xaraf (*kh/q*), adigoo la kaashanaya af Carbeedka, haddaad wax ka taqaan, ama qaamuusyada Soomaaliyeed.

Haddaba, waxaa habboon in xarafka *kh* aad u adeegsato ereyada asal ahaan ay ka soo jeedaan ereyo Carbeed ee leh xarafka *kh*, sida:

	Haa	Maya
خديجة	Khadiija	Qadiija
خير	khayr	qayr
خميس	khamiis	qamiis
خزنة	khasnad	qasnad

Xarafka *q* na in aad u adeegsato ereyda kale ee ka soo jeeda ereyada Carbeed ee leh xarafka qaaf (ق) ama (غ), sida:

	Haa	Maya
قبيل	qabiil	khabiil
قلب	qalbi	khalbi
غلط	qalad	khalad ³
غفلة	qaflad	khaflad

In arrinta laysku qalda xarfaha *kh/q* ay u gaar tahay ereyada ka soo jeeda af Carbeedka waxaa muujinaya ereyada Soomaaliyeed ee aan ka soo jeedin af Carbeedka, oo ku jira xarafka *q*, sida: *qod, aqal, qoor, baaq, quun, qori iwm*, waa adagtahay in xarafkaa laga dhigo *kh*:: **khod, *akhal, *khood, *khuun, *khor*. Waase dhacdaa in Soomaalida ku hadasho lahjadda Banaadirigu ay u adeegsadaan xarafka *kh* ereyadaas qaarkood.

4.2 Shibbanayaasha isa Saameeya

Waxaa kale oo jira qaar ka mid ah ereyada isku midka ah oo dhigaalkoodu uu kala yara duwan yahay, oo badankoodu ay yihiin kuwa shibbanayaashoodu ay isasaameeyeen, sida:

A	B
-ng- (<i>hingo</i>)	-gg- (<i>higgo</i>)
-rn- (<i>furnay</i>)	-rr- (<i>furray</i>)
-ln- (<i>dilnay</i>)	-ll- (<i>dillay</i>)

Ereyada labadan kooxood, kuwa leh xarfaha ku taxan safka A, oo tusaale ahaan aan raacsiinnay ereyo qaarkood, ayaa habboon in qoraal ahaan la raaco, sida aan ku qornay qaamuuska (Puglielli & Cabdalla, 2017: xvi). Qaabka kale ee ku taxan qaybta B, inkastoo aan qalad ahayn, in qoraal ahaan loo adeegsanin baa habboon si loo sii socodsiiyo habsocodka midaynta af Soomaaliga guud (standard language).

4.3 Shibbanayaasha laballaabma ee laga tagay

Waxaa jira qolya caadaystay in ay laballaabaan xaraf aan la laballaabi jirin, sida: *iyyo, affar, gabadhdha*. Waa jirtaa in giddi shibbanayaasha af Soomaaligu ay laballaabmaan, , laakiin 7 ayaa laga doortay, maxaayeelay iyagaa ku badan ereyo isu eg oo ku kala duwan, micna ahaan, marka shibbanayaashaasi ay laballaaban yihiin iyo marka aan laballaabanayn, sida: *carab & carrab, xabad & xabbad*. Waa ereyo micnoohooda aanu is lahayn, laakiin kuwa kale, inkastoo dhawaaq ahaan ay laballaaban yihiin, ma jiraan ama waa dhif ereyo isu eg oo lagu wareerayo micnahooda, sida kuwa aan kor ku soo xusnay. Tus.:

iyo & iyyo, afar & affar, gabadha & gabadhdha iwm.

Maadaama xarfahan laballaabiddooda iyo laballaabid la'aantoodu aanay keenayn wax farqi ah, waxaa la doorbiday in aan waqti layskaga luminin laballaabiddooda, iyadoo la tixgelinayo xeerka alifba'da oo ka mid ah in la dhaqaaleeyo lana fududeeyo habdhigaalka.

4.4 Shibbanayaal laga maarmay

Sidoo kale, waxaa jira shibbanyaal aan la qorin, isla markiina codadkoodu waxay ka mid yihiin codaynta (Somali phonetics), waxaana ka mid ah: *p* [□], *th* [ð], *ng* [ŋ], *gh* [ɣ]. Tusaale, ereyga *dab* xarafkiisa *b* halkan sida *p* ayaa loogu dhawaaqaa (*dap*), haddana, *dab & dap*, ma kala laha micna kala duwan, waxaana asal ah “phoneme”-ka /b/, laakiin xarfka /-p/ oo aan marna u kaynayn ereyga micne kale, isla markiina aan marna laga helayn

erey bilowgiisi waa laga maarmay. Arrintanna waxaa la wadaaga xarfaha kale ee kor ku xusan, sida ku cad tusaalooyinka soo socda.

Qoran ma qorna waa isku micne

- **Bad** /b/ **dap** / ɗ / (dap ~ dab) (la mid: apaal, xeepp..)
- **Dal** /d/ **etheb** / ð / (etheb ~ edeb) (l.m: atheer, ithin..)
- **Nal** /n/ **fangka** /ŋ / (fangka ~ fanka) (l.m: faanka, sanku)
- **God** /g/ **Goghol** / ɣ / (goghol ~ gogol) (l.m.: hoghol, aghab)

Xarfahan iyo 14ka shibbane ee laballaabma ee aan la qorin waxaa looga tagay si loo fududeeyo, loona dhaqaaleeyo alifba'da. Badanaa, waxaa laysku qaldaa: farta iyo cilmiga codaynta (phonetics) ee afka.

Bal toddobadii shibbane ee hore aan ku kaaftoonno laballaaabiddooda lagama maarmaanka ah, oo aan saxno adeegsigooda; waayo iyagaaba la kari la'yahay higgaaaddooda, oo qaladaadkoodu uu noqday midka ugu badan xagga higgaaadda, sida:

*ku *aadan (ku aaddan), *dhamaan (dhammaan), *hadii (haddii), *bandhiga⁴ (bandhigga), *xaflada (xafladda) iwm.*

5. Habdhigaalka asalraaca ah

Waxyaabaha qaranjabka kaddib soo ifbaxay, waxaa ka mid ah: dad u arkay in lagu xallin karo jahawareerka xagga dhigaalaka in af Soomaaliga loo kala saaro: (a) Af qoraalka u gaar ah, iyo (b) Af hadalka u goonniya (af-guri). Waxayna u qaateen in midka la qorayo uu yahay in ereyada qaarkood loo kala dhigdhigo sida naxwe ahaan uu asalkiisi ahaa, iyagoo wax ka beddelaya habkii hore ee la caadaystay, sida laga dareemaayo tusaalayaasha soo socda, oo aan ka soo xigtay Xaaji Raabi (1977:12, 17):

Qaababka kala qoridda	Qaabka caadiga ah adeegsada
<i>Farriin baa ay ii sheegtay Caasho</i>	<i>Farriin bay ii sheegtay Caasho</i>

<i>Ku ma baa aad tahay?</i>	<i>Kumaad tahay?</i>
<i>ha se ahaato ee</i>	<i>Hase ahaatee</i>
<i>Guriga ayaa ay na tagtay</i>	<i>Guriga ayayna tagtay</i>

Habka kala qoridda, ama kala dhigdhiguuddu, haddi cilmi-afeed ahaan aan u eegno waa sax, ereyadaas la madmadoobeeyay asalakoodu sidaas ayay ahaayeen. Arrintani waa falanqayn cilmi-afeed (linguistic analysis), oo jaamacadaha lagu barto. Haddaba waxaa lays weyddiin karaa arrimaha soo socda.

- 1) Dadweynaha badankooda aan aqoon u lahayn cilmi-afeedka, sidee buu ku garan karaa ereyadaas kala saariddooda? Illayn farta looma samayn qof jaamici ah oo keliya e. Marka af loo yeelaayo far gaar ah, shuruudaha ugu doorka roon ee lagama maarmaanka ahi waa in la fududeeyaa, lana dhaqaaleeyaa, si cidda aan aqoon lahayn ay si fudud u adeegsan karto farta.
- 2) Haddii aan kala dhigayno qaybaha hadalka, maxaa qaarna loo kala qaybiyay, kuwana loo daayay sidooda? Illayn ereyo badan ayaa kala qaybsamaya, sida; *waan ladanahay <waa aan ladan ahay, , waa lagu arkay<waa la ku⁵ arkay.*
- 3) Maxaan ka yeelnaa xarfaha isasaameeya, sida magac oo markii la raacsiiyo qodob ama dibkabe lahaansho, tus. *bare+ka*, ma waxaan u qornaa *bareka/bareha/ baraha?*
Sidoo kale, *buuggaaga* ma waxaan u qornaa *buug kaaga?*
- 4) Ereyada weerahan soo socda, ma u kala dhigdhigi karnaa, sida aan ku soo aragnay kuwa kore?

*Yuusan cunin (*Yaa uu(s) aan cunin)*

*Miyuusan cunin ? (*Miyaa uu(s) aan cunin?)*

Wayba ka daran yihiin kuwii hore, oo qaabkoodu caadi ma aha.

- 5) Af walba ee qoran wuxuu leeyahay halbeeg ama raadraac loo cuskado, af Soomaaligana waxaa halbeeg ama raadraac u ah suugaanta leh tix iyo tiraab, oo xambaarsan af Soomaaliga “toolmoon”. Haddii aan raacno aragtida asalraaca ah, sideen ka yeelnaa marka aan qorayno suugaanta? Sida aan ka warqabnana, maansada Soomaaliyeed waxay ku salaysan tahay labo shay: miisaan iyo qaafiyad. Gaar ahaan baydka gabayga, miisaankiisu waa 20/21 shaqal, intaa kama badnaan karo kamana yaraan karo. Waxaa hogatus ahaan u soo qaadanaynaa baydka gabay ee soo socda (oo uu tiriyay Ina Cabdulle Xasan), oo mar aan u qorayno habkii hore, marna habka asalraaca ah.

Nin xishood leh baan ahay haddaan - lays xisdiyahayne
Habka caadiga ah = 20 shaqal

Nin xishood leh baa aan ahay haddii aan - la is xisdiyahayn ee
Qoraalka asalraaca ah = 25 shaqal

Sida muuqata, baydkani, markii la kala saarsaaray ereyadiisa, wuxuu noqday wax aan gabay ahayn, oo miisaan ahaan jaban.

Haddaba, xalku ma wuxuu noqonayaa in dhigaalka maansada loo daayo qaabkii hore, qoraallada kalena aan ku qorno asalraaca? Sow ma habboona in afku uu yeesho hal hab dhigaal oo keliya?

Dad ayaa ku marmarsooda, iyagoo leh: “Maansadu in ay sidaa ahaato waxaa ku khasbaya miisaanka ay ku dhisan tahay”. Hadday sidaas tahay, sheeka dhaqameedyaduna ma miisaan ayay ku dhisan yihiin, oo yaa weligii maqlay odayaal leh, iyagoo sheekaynaaya:

*“Dhurwaagii baa hadlay, oo **waxa uu** ku yiri libaaxii...”*

*Dawacadii baa **waxa ay** tiri: “Qaalinka bar **waa aad** ku qadayn...”*

Afafka dunida, markii laga eego xagga sarfaha, waxay u kala baxaan:

- 1) Afafka ereyadoodu isku dhegaan (*agglutinative language*), waxaa ka mid ah afafka, Barbar, Turkishka, Finland, Soomaaliga. Tus.: Af Finish: *kirjani* = *buuggayga* (*kirj=buug, ni=kayga*)
Af Soomaali: *buuggayga* (*buug+kay+ga*)
- 2) Afafka ereyadoodu isrogragaan (*inflectional language*), waxaa ka mid ah afaf badan, sida af Carbeedka, Talyaaniga, Soomaaliga. Tus.: Af Soomaaliga. *cun* > *cunaysa*, *cunayaa*; *nin* > *niman*.
- 3) Afafka ereyadooda kala qoqoban yihiin (*isolating language*), waa afaf aan lahayn sarfe. Afafka Shiinaha iyo Vietnam ayaa ka mid ah.

Haddaba, af Soomaaligu kama mid aha qaybta saddexaad (af ereyadiisi kala qoqoban yihiin), waa af is rograga, ereyadiisana ay is qabsan karaan. Taas micnaheedu ma aha in laysku dhejin karo ereyo kasta. Waxaa jirta kuwa haddii laysku lifaaqo keeni kara wax aan la fahmayn ama aanu caddayn qaab naxweedkoodu. Arrintan waan ku raacsanahay Xaaji Raabi (1977:11, 25), sida aan ka arkayno tusaalooyinkiisa soo socda:

**Cali bay salaamay* (*Cali baa i salaamay*)

**Caliyay keenay* (*Cali baa i keenay*)

**Ninkoo hadlaya ayaan imid* (*ninka oo hadlaya ayaan imid*)

Sidoo kale, ereyada “*wax & waxa*” isku si looguma dhejin karo erey kale.

Wax aan arkay ma jiro (looma qori karo **waxaan arkay ma jiro*)

Wax baan arkay (looma qori karo **waxaan arkay*)

Waxaan arkay Cali (waa sax: *waxa+aan* = *waxaan arkay Cali*)

Laakiin weeraha soo socda, naxwe ahaan iyo micna ahaanba, waxba kama jabno, waxayna waafaqsan yihiin afka guud ee la adeegsado.

Wuxuu doonayaa inuu ku arko

Warqad iyo qalinba ma hayo,

Hase yeeshee, ninna ma imaan

Waxaan ku soo gunaanadayaa arrintan saddex su'aaladood.

- a) Ma jirtaa cid haatan sidatan u hadashaa (*Farriin baa ay ii sheegtay Caashi*)⁶?
- b) Habka kala dhigdhigidda ma wax buu u taraya afka iyo adeegsigiisa?
- c) Maxay tahay dhibaatada ka imaanaysa in aan ku wadno habdhigaalkii hore oo ku jaango'an sida maanta loogu hadlo af Soomaaliga?

Jawaabtoodu waxay ila tahay waa wada maya. Waxyaabaha uu hab dhigaalkii hore, ee hanaqaaday, uga faa'iido badan yahay midkan dambe, ee asalraaca ah, waxaa ka mid ah:

- (1) fahamkiisa iyo adeegsigiisu kuma adka dadkoo idil (mid aqoon leh iyo mid aan lahaynba);
- (2) wuxuu ku fiican yahay xagga beekhaameynta qoraalka;
- (3) wuxuu waxtar weyn ku leeyahay midaynta af Soomaaliga.

Haddii ula jeeddadu ay tahay in la kala saaro afka la qorayo iyo afka lagu hadlo, waa arrin kale, oo sidatan ma aha. Mindhaa, waxaa laysku qaldayaa hab dhigaalka iyo waxa loo yaqaan "afka guud" (standard language). Markii la helo afka guud ayaa loo adeegsadaa laba hab: hab qoraal & hab tiraab/hadal ah.

- a) Afka qoraal ahaan loo adeegsado waa af si hufan loo diyaariyo, iyadoo aad looga fiirsanayo xulashada ereyda iyo qaabdhismeedka naxwaha ee saxda ah, qurxinayana farriinta la doonayo in lagu gudbiyo.
- b) Af tiraab ama midka lagu hadlo waa mid loo adeegsado ereyo caadi ah iyo weero fudfudud, oo mararka qaarkood dad ka fakada qaab naxweed aan loo fiirsan, ama ku laran qaab lahjadeed.

Haddaba, arrintu ma aha hab dhigaalka ee waa kala saaridda afka guud iyo lahjadhaha⁷.

6. Hab dhigaalka magaca gaarka ah

Qaranjabkii kaddib waxaa batay in dadka qaarkood ay bilaabeen in magacyada gaarka ah loo qoro siyaabo kala duwan, gaar ahaan magacyada ka soo jeeda af shisheeye. Si loo mideeyo habqoraalka magacyadaas waxaan ku talinayaa:

- 1) Magaca ajnabiga ah ee ku qoran farta “Latin”-ka, waxaa habboon in loo qoro sida uu yahay, isagoo aan la Soomaaliyeyn, xitaa haddii uu khilaafsan yahay habka codaynta ama qorista af Soomaaliga, sida:

Andrzejewski, John, Bruxelles, New York, Venezuella, Kenya.

Waxaase jira magacyo ajnabi oo waa hore la Soomaaliyeeyay oo loo baahan yahay in loo qoro sida ay Soomaalidu ugu dhawaaqdo, waxaana ka mid ah magacyadan:

Maraykan (America), Talyaani (Italia), Itoobiya (Ethiopia).

- 2) Magacyada Soomaaliyeed waxaa ku jira magacyo asalkoodu ka soo jeeda af Carbeedka, saddex siyood ayayna af Soomaaliga ugu mid noqdeen, iyagoo loo qorayo sida ay Soomaalidu ugu dhawaaqdo:

- a) Kuwo sida asalkoodu ahaa loogu dhawaaqo, waxaa ka mid ah:

Haaruun, Hinda, Khadiija, Cali, Yuusuf, iwm.

- b) Kuwo isbeddel codeed yar ku dhacay, sida:

Ibraahin (af Carbeedka: Ibraahim), Xuseen (Xusseyn), Axmed (Axmad), Aadan (Aadam), Maxamed (Muxammad).

- c) Kuwo isbeddel weyn ku dhacay, oo siyaabo kala duwanna loogu dhawaaqo gobollada, sida magaca Carbeed “Abuu Bakar” oo noqday: *Abokor, Abuukar, Abiikar, Eybakar, Bakar, Iikar*; sidoo kale magaca “Cabdullaahi” isna wuxuu noqday: *Cabdulle, Cabdille, Cabdalle, Cabdalla, Cabdullaahi, Cabdillaahi.*

Haddaba, nidaamkan aan kor ku soo xusnay, oo waafaqsan codaynta af Soomaaliga, oo horeyna u dhaqangalay, ilama habboona in la beddelo, laguna qoro hab Carbeedka asalka ah, sida dadka qaarkood ay billaabeen in magacyadooda ay u qoraan, Tus.:

Habka codaynta Soomaaliyeed	Habka codaynta Carbeed
<i>Xuseen</i>	*Xuseyn (Carabiga saxda ahina waa Xussayn)
<i>Aadan</i>	Aadam
<i>Maxamed</i>	Muxammad

Haddii aan raacno aragtidan asalraaca ah, maxaan ka yeelnaa magacyada, sida kuwa asalkooda ka soo jeeda “Abuu Bakar” (*Abokor, Abuukar, Abiikar, Eybakar, Bakar, Iikar*)? Giddigood ma “*Abuubakar*” baan u qornaa? Sidoo kale, sideen ka yeelnaa magacyada Carbeed ee qaarkood khilaafsan yihiin codaynta af Soomaaliga, sida: *Zaynab (Saynab), Cuthmaan (Cismaan), Caa’isha (Caasho)*? Ma qaabkaa Carbeed ayaan u wada qornaa? U malayn maayo in ay sax tahay arrintan. Illayn waxaa jira boqollaal erey Soomaaliyeed oo asalkoodu ka soo jeeda af Carbeedka, oo codayn ahaan la Soomaaliyeeyey, iyagana maxaan ka yeelnaa, sida ereyada soo socda?

<i>Carabi</i>	<i>Soomaali</i>
<i>thuum</i>	(toon/tuun)
<i>tamr</i>	(timir),
<i>ibrah</i>	(cirbad)
<i>şowm</i>	(soon)
<i>calam</i>	(calan)

Ma habboona in codaynta af Soomaaliga aan beddelno. Af waliba wax buu ka soo ergadaa af kale, haseyeeshee wuxuu ku dabbaqaa codaynta afkiisa (eeg Cabdalla, 2017).

7. Gabaggabo

Waxaan ku soo gunaanadayaa, habdhigaalka af soomaaligu wuxuu ku hormari karaa, kuna midoobi karaa, siday ila tahay, arrimaha soo socda:

- 1) In habdhigaalka af Soomaaliga loo daayo habkii hore ee uu ku socday, haddiise wax lagu kordhinayo ama la saxayo, waxaa ila habboon in loo daayoo hawshaas dadka ahalka u ah cilmi-afeedka Soomaaliyeed iyo hay'adda loo igmaday arrimaha afka.
- 2) In laga fogaado hab dhigaal salka ku haya loolanka iyo caadifadda afguriga.
- 3) In afka laga ilaaliyo wax alla wixii ka horimanaya geedisocodka midaynta hab dhigaalkiisa, sida:
 - a) Wax ku kordhinta ama wax ka beddelidda hab dhigaalkii hore ee hirgalay
 - b) Kala duwanaanta adeegsiga qaababka shaqallada iyo shibbanayaasha
 - c) Higgaadda aan laga fiirsanin ee qaldan
 - d) Xariijin ku kala googooynta badan ee ereyada lammaanan ee aan loo baahnayn
 - e) Kala googoynta ereyada qaarkood, ee aan waafaqsanayn habka maanta loogu hadlo af Soomaaliga.
- 4) Ugu dambaynti, waxaan ku talin lahaa in la caadaysto adeegsiga qaamuusyada Soomaaliyeed (Yaasiin Cismaan Keenadiid 1976; Khaalid Cali Guul Warsame 2008; Annarita Puglielli & Cabdalla Cumar Mansuur 2012; Aadan Xasan Aadan 2013), kuwaas oo wax badan ka tari kara xagga midaynta hab dhigaalka iyo higgaaddaba.

Tilmaamo

- ¹ Waxaan aad uga mahadnaqayaa aqoonyahannadii gacan igu siiyay diyaarinta qoraalkan, oo ay ka mid yihiin barayaashan jaamacadeed: Giogio Banti, Cabdirashiid Maxamad Ismaaciil iyo Mustafa Fayruus.
- ² Ereyga ‘*Kaddib*’ in qaabkan loo qoro waxaan ka soo xigtay, oo hortay adeegsaday, aqoonyahan Yaasiin Cusmaan Keenadiid (1976: xvi).
- ³ Ereygan, Inkastoo dadku ay adeegsadaan labadiisa qaabba (‘qalad’ & ‘khalad’), haddana waxaa ila habboon in la qaato qaabka ‘qalad’, sida ku xusan qaamuusyada Soomaaliyeed ee ilaa maanta la sameeyay).
- ⁴ Gaar ahaan ereyga ‘bandhigga’, markaad eegto TV-yada, waxaa ku badan adeegsigiisa xagga higgsaadda ka qaldan; ‘bandhiga’ (waa fal).
- ⁵ Sida qurub diiradeedka (baa/ayaa, waa) iyo magacuyaalka dhiman ee yeelaha ah (*aan, aad, uu ay iwm*) ay isu dhexgelayaan (*ayaa <ayaa+aad, wuu<waa+uu*) ayaa magacuyaallada layeelaha ah iyo horyaalladu isu qabsadaan. Tus.: Arrintan mar hore ayaan **kaaga** digay (**ka+u+ka** digay; *War cusub buu noola yimid (na+u+la yimid)*). Sidaa oo kale ayaa magacyada iyo magacuyaal lahaansho isu qabsadaan. Tus.: *buuggayga < buug+kay+ga*.
- ⁶ Sida ku xusan buugga Xaaji Raabi (1977:11).
- ⁷ Mowduucan kala saaridda afka guud iyo lahdadaha si gaar ah ayaan mar kale u falanqayn doonaa, hadduu Alle idmo

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