SOMALILAND PEACE AND DEVELOPMENT

JOURNAL

SOMALILAND PEACE AND DEVELOPMENT JOURNAL
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Guest Editor's Note

About this Issue

Guest Editor's Note

The fifth volume of the Somaliland Peace and Development Journal, continues to be a valuable contribution to the field. In this issue, the authors have contributed innovative research articles that examine a diverse array of topics within their respective fields. These contributions range from a historical analysis, which unpacks the political fallout from the decision to merge the newly independent Somaliland with the Trust Territory of Somalia in 1960, to an article examining the challenges and opportunities of good governance in modern day Somaliland. This volume also includes an analysis of the international human rights instruments which affect migrants more generally, which sets the context for the final article which examines in detail the plight of refugee children living in the east region of Cameroon and their access to primary education.

The first article, *"Applications of International Rights Law and Migrants: Understanding Challenges and Problems"* posits that there are widespread human rights violations which adversely affect migrants. It sets the scene by discussing the internal causes of migration, which range from environmental, economic, social, and political factors alongside the external causes of migration which it argues is rooted in neo-colonialism due to the cultural and political imperialism imposed by hegemonic powers. This article also includes a rigorous analysis of the international human rights framework, and critiques the relative weakness of their respective enforcement mechanisms in protecting the human rights of migrants.

The second article, *"Conflict-induced Refugee Crisis and its Consequences of Access to Primary Education: An Analysis of the case of Central African Republic (CAR) Refugee Children Living in the East Region of Cameroon"* is a fascinating interdisciplinary piece. Methodologically, this research paper includes a qualitative mixed methods approach, using semi-structured interviews from key stakeholders located in two CAR refugee camps alongside content and thematic analysis from relevant secondary sources. It also made use of several theories including the rational choice theory of human behaviour and the global public policy theory of international problems, as a lens to examine their data. Its findings highlight the educational challenges faced by CAR refugee children. It argues that refugee children in the region find themselves at the intersection of structural, operational, and relational disadvantage, which has negatively impacted their

ability to enrol at primary school level. This article recommends that any sustainable solution offered to overcome the barriers that refugee children in CAR face, must be rights-based, person and human security centred and tailored to their needs.

The third article, *"From Celebration to Disintegration: The Somaliland Experience in the Post- Failed Union with Somalia"* is a historical analysis which focuses on the consequences of the decision to unify Somaliland with the Trust Territory of Somalia. This article is a timely one, written on the 30th anniversary of Somaliland's decision to secede from Somalia. It is also a poignant paper which juxtapositions the feelings of pan-Africanism and the hope for a greater Somalia, with the suffering, subjugation and the human rights abuses which resulted from Siad Barre's regime. This article re-examines the well-trodden literature of Somaliland's quest for independence, but does this through the lens of its socio-political and historical context, which offers new perspectives. It concludes that despite the challenges Somaliland has faced, it has since evolved to become a beacon of peace and security in the horn of Africa.

The final article, *"The Challenges and Opportunities of Good Governance in Somaliland"* unpacks the concept of good governance. It examines the challenges and opportunities that Somaliland faces, using a mixed methods approach which includes stakeholder interviews and the analysis of both primary and secondary data. The article finds that while Somaliland performs in key benchmarks of good governance, namely: the rule of law, the effectiveness of the government, political stability, public participation, accountability, transparency and the control of corruption, extra efforts should be made to improve the current standard. It argues that while there are good governance systems in place in Somaliland in theory, a special focus needs to be placed on implementation.

In sum, this volume provides compelling interdisciplinary articles which focus on the Horn of Africa and the wider African context. It is an essential read for anyone interested in the region, and for those who wants to expand their knowledge in the areas of conflict, governance, human rights, and migration.

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Amal Ali (Ph.D)
University of Lincoln, UK

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About this Issue

This volume contains articles that analyze the social, political, and human rights issues in Somaliland, Cameroon, and worldwide. The article by Hana Daud examines the interrelations between global migration and human rights issues, and in particular, South-North migration, which has significant human rights implications for those involved. The article discusses how many of the South-North migrants are undocumented and have an irregular status in their countries of residency, while others are willing to work for very low wages to survive and yet some remain in insecure conditions. Therefore, illegality enables employers to hire and fire migrant workers as they please and pay low wages.

Conflicts and wars happening in many parts of the world have both social, political and economic implications for humans, many of which became displaced either internally or across the boundaries between states. In Cameroon, there are around half a million refugees from the conflict-affected countries of Nigeria and the Central African Republic. The article by William Arrey focuses on the rights to basic education in terms of access and enrolment for Central African Republic refugee school-aged children who reside in the East Region of Cameroon. The article evaluates and casts a light upon the educational challenges of Central African Republic refugee children, which are multifaceted and complex, including traumatic experiences and disrupted education.

The Republic of Somaliland's emergence as a political entity goes back to 1887, when the British came to Somaliland and entered into a protection treaty with the clan leaders of Somaliland. The article by Mohamed Barawani discusses the historical background of Somaliland, and the nature of the unification between the British Somaliland Protectorate and the Italian colony. It also discusses how the state of Somaliland was constructed from the rubble and ruin of the state of Somalia's collapse in 1991. The article considers the difficult conditions that confronted the state-making process in Somaliland, and the interplay between state and non-state actors that had become the means and methods to create durable peace and political stability which prevented vengeful acts, anarchy, and political turmoil in Somaliland.

The issue of good governance is an important concept for contemporary world politics and international multilateral fora. Transparency, efficiency, and effectiveness are the central drivers for measuring good governance. The

article by Muse Abdilahi examines the challenges facing emerging institutions in Somaliland, including corruption and the unwillingness of state institutions to increase their performance to become efficient, effective, and transparent, while on the other hand, some opportunities are implementable if the leaders of this nation are committed.

The articles in this volume of the Somaliland Peace and Development Journal examine diverse issues from Somaliland's state building endeavors to Central African Republic refugee school-aged children in Cameroon. While the articles carry different topics that touch both citizens and states, addressing the challenges presented in the body of the articles are also important. This volume seeks to provide such answers and positions social, political, and human rights issues that vary from one context to another. Therefore, the articles in this volume serve towards the holistic and prime objectives of the Journal as a platform for debate and discussion, and to analyze and better understand the fundamental causes of social, economic, political, and environmental challenges, not only in Somaliland but elsewhere in addition, for studying other parts of the world is crucial. The articles seek to continue to be an important reference for policymakers, academics, and university students in this endeavor.

Nasir M. Ali (Ph.D)
Managing Editor

Applications of International Rights Laws and Migrants: Understanding Challenges and Problems

Hana Daud

ABSTRACT

Migration is a concept crucial to our understanding in the dawn of deepening globalization and the advance of science and technology. However, this is not a new phenomenon. It is as old as human history. Though migration has both negative and positive implications on human beings, it has emerged in the last few years as a critical political and policy challenge in matters such as integration, displacement, safe migration, and border management. This concept is one of the most debatable facets in international forums, however, the phenomenon of migration encompasses a wide variety of movements and situations involving people of all walks of life and backgrounds and touches all states and people in an era of deepening globalization. In this article, migration is referred as to a movement from one place to another which has both internal and external dimensions. Therefore, though migration in the olden days and nowadays has similarities, economic, social issues, political and governance-related factors, and ecological issues are regarded as its major cause in the contemporary world. This study is, therefore, aimed to examine the most challenges that face migrants in the receiving countries and how international human rights laws have never addressed the concerns and challenges that face migrants inside the boundaries of the receiving state.

INTRODUCTION

Humanitarian crises and human rights difficulties cause people to move around the world. Scholars report that people migrate as groups, families, and individuals in their attempt to flee from human rights abuses. However, the larger the groups, the more difficult it is to provide universal human rights protection. On the other hand, the smaller the circle of people migrating, the more favourable and better enforceable human rights provisions can be made.[1] There are different types of migration. An international migration takes place between two (or more) countries while internal migration takes

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[1] Battistella, Graziano (2009). *"Migration and human rights: the uneasy but essential relationship"*. In: Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights (eds). New York: Cambridge University Press.

place within the same country.[2] Both types of migration have raised apprehensions for national and international policymakers. Nevertheless, there has been significant progress made towards the realisation of migrant's rights, such as international considerations and the adaptation of the International Convention on the Rights of all Migrants Workers and Members of their Families (ICRMW); although its impact is restricted due to the number of ratified countries[3].

A Migrant is referred to as someone who moves temporarily, whereas an immigrant is defined as someone with the intention of permanent settlement. However, the terms are often used interchangeably. There are no formal international definitions. This article discusses how the existing human rights treaties are not addressing migrants' human rights challenges. The first section will discuss the internal and external causes of migration. The second section will present the leading human rights challenges of immigrants, addressing both direct and indirect challenges. The third section will discuss the international human rights treaty that addresses migrant matters. In conclusion, the paper will provide a comprehensive examination of the issue of migration and human rights.

THE GENESIS OF MIGRATIONS

It is generally agreed that people migrate for various reasons.[4] Different classifications are made to categorise the causes of migration. Commonly, authors such as Ernst Ravenstein and Peter Doerschler emphasised the push and pull factors. In this article, the causes of migration are classified as internal and external factors. Internal factors exist within the country of origin, whereas external factors are concerned with circumstances generated outside of the country of origin. The classifications may overlap, but their differentiation is based on the root cause of the specific factor.

Internal factors
The internal factors include environmental, economic, social, and political factors.[5] Wars and persecutions force people to flee for safer environments.

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[2] Lomax, Nik & Rees, Philip (2019). Ravenstein Revisited: The Analysis of Migration, Then and Now, *Comparative Population Studies*, Vol. 44, pp. 351–412.
[3] *Ibid.*
[4] Martin, Susan F., Taylor, Abbie & Weerasinghe, Sanjula (2014). *Humanitarian Crises and Migration: Causes, Consequences and Responses.* London: Routledge.
[5] *Ibid.*

Natural disasters and climate change are also other apparent drivers of migration due to the collapse of a way of life for many people due to the changing environment.[6] Moreover, searching for work and/or a better life causes migration.[7] However, one or more factors may concurrently force people to flee their countries. For example, an outbreak of violence which leads to the collapse of the economy and social life. They are vulnerable to natural disasters and the impact of climate change. Moreover, dictatorship, bad governance, and corruption weaken the State's capacity and willingness to provide jobs and social security to its citizens.[8] According to many scholars, similarly, the citizens who are under oppressive regimes often suffer despair and choose to seek a better life or safer areas. The inter-connectedness of internal factors is always overlooked. Therefore, interventions and scholarships deal separately, which reduce its impact.

External factors

The external factors that contribute to the migration of citizens from the Global South to the Global North include the policies of neo-colonialism and the imbalance and inequality in the global system; thus, this factor is not discussed in the literature of migrant issues. For example, the African countries are still under the influence of 'global' institutions formed during the colonial era that was established without Africa's involvement and participation.[9] These institutions direct the world's economy and financial systems and the critical decisions in the U.N. Security Council, an institution dominated by the Global North.[10] The World Bank and the International Monetary Fund (IMF) are primary examples of neo-colonial institutions run by the West which make decisions for the entire world.[11] Also, the Western media and movie industries take part in the glorification of the West and the dehumanisation of the so-called developing countries, particularly the African countries. Some authors call these pull factors by listing better life

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[6] *Ibid.*

[7] *Ibid.*

[8] *Ibid.*

[9] *Ocampo, José A. & Buira, Ariel (2005). Reforming the Governance of the IMF and the World Bank: Anthem Frontiers of Global Political Economy and Development (eds).* London: Anthem Press.

[10] Hibben, Mark R. & Momani, Bessma (2017). *What's Wrong With the IMF and How to Fix It.* London: Polity Press.

[11] International Monetary Fund (2016). *IMF Annual Report 2016. Available at* https://www.imf.org/external/pubs/ft/ar/2016/eng/pdf/ar16_eng.pdf. Accessed May 2021.

and wealth in the West.[12] However, the external and internal factors are also interrelated.

THE HUMAN RIGHTS CHALLENGES OF MIGRANTS

The shared beliefs of many migrants advocate is that migrant rights are human rights.[13] However, most migrant-receiving countries do not consider migrant rights as human rights that could be codified and ratified in their domestic law.[14] This has been evident by the minimum efforts and the behaviours of migrant-receiving countries. There are many underlining causes for the ineffectuality of conventions that protects migrants; however, this article will discuss the challenges that migrants face. Generally, it divides into two broad categories: (a) direct challenge and (b) indirect challenges.

Direct challenges

The human rights issues that migrants face depend on the method they take to reach their last destination. Their movements are diverse and complex as people move within their countries or across international borders, through legal or illegal systems, on a temporary or permanent basis.[15] Some people move on their own or with assistance from others, and some enter through a visa. Some benefit from evacuation mechanisms or migration programs; other resort through clandestine networks through the land, sea, or even take an enormous life-risking route,[16] such as traveling by small boat. As discussed above, the causes can be different, but they are similar human correct issues that they face, such as non-refoulement. Non-refoulement is a principle which is specific to the asylum seekers; the right not to be repelled or returned falls in line with the 1951 Refugee Convention and Customary Law.[17] As stated in Article 33, 'No contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life

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[12] Campbell Benjamin C. & Crawford Michael H. (2012). *"Perspectives on Human Migration: Introduction".* In: Causes and Consequences of Human Migration: An Evolutionary Perspective. New York: Cambridge University Press.
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid., 3*.
[16] *Ibid.*
[17] Nils, Coleman (2003). Non-Refoulement Revised Renewed Review of the Status of the Principle of Non-Refoulement as Customary International Law, *European Journal of Migration and Law*, 5 (1), pp. 23–68.

or freedom would be threatened based on his race, religion, nationality, membership of a particular social group or political opinion'. When a large group of migrants are rejected or deported back altogether, the application of this right could be violated. Many migrant-receiving countries do not assess the migrant groups individually but rather as a whole, putting in danger the individuals under threat.

The very important point to note is harassment and discriminatory treatment. In general, there is a hostile stance towards the immigrants in receiving countries; many consider them a pollutant in their media coverage as the politician and the press have misrepresented them as an illegitimate or financial and social burden.[18] Thus, according to Amnesty International reports, it has caused many degrading treatments such as social pressure, xenophobia, racial discrimination, and other violence towards migrants.

Also, arbitrary detention remains another critical challenge. Countries have a right to protect their territory; contrariwise, everyone has the freedom of movement, which created a collapse between two requests. Migrant receiving countries places immigration policies that restrict the freedom of movement of migrants and asylum seekers; hence, as reported by Amnesty International, irregular migrants and sometimes migrant workers are detained or deported back. Especially in East Africa, such as Tanzania and Kenya.[19] Also, in the Middle Eastern countries such as Saudi Arabia and Libya. Recently, the United States immigration also detained individuals that were seeking asylum and protection and deported them back to their country of origin, such as Somalia, where the Trump administration of the United States deported hundreds of Somalis to Somalia in 2018.[20]

The absence of civil and political rights is another challenge. Migrants are not citizens, and therefore, they are not allowed to participate the political life, protest, and the right to vote in many countries. Recently, Russia

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[18] Ribeiro, Filipa P. & Torkington, Kate (2019). 'What are these people: Migrants, Immigrants, Refugees?': Migration-related terminology and representations in Portuguese digital press headlines, *Discourse, Context & Media*, Vol. 27, pp. 22–31.

[19] Amnesty International (2021). *East Africa: pushback practices and their impact on the human rights of migrants and refugees*. Available at https://www.amnesty.org/en/documents/afr01/3673/2021/en/. Accessed 2021.

[20] Amnesty International (2018). *USA: Facts and figures on illegal pushbacks, arbitrary detention and ill-treatment of asylum-seekers in the United States*. Available at https://www.amnesty.org/en/latest/news/2018/10/usa-facts-and-fugures-of-illegal-pushbacks-arbitrary-detention-and-ill-treatment/. Accessed May 2021.

deported 17 migrants who are Tajik for participating peaceful protest in Moscow on 2 April 2021. Some of those were migrant workers.[21] Also, the limitation of equal access to employment and social benefits remains another obstacle. As migrant workers are outside of the legal protection of their home countries, they are vulnerable to mistreatments and abuse.[22] In addition, the migrant-receiving countries restrict the employment of the migrant to specific sectors and occupations that are suffering from labour shortages.[23] Likewise, their equal treatment of social benefits is restricted. Some scholars argue the rightness of such manner,[24] however, this jeopardised the universal equality and non-discrimination principles, where the person is discriminated against based on his/her origin. This is the reason why many countries did not ratify the ICRMW. For instance, in 2004, the UK government exemplified a statement to the House of Commons Select Committee in International Development (2003-2004, paragraph 68):[25]

> The rights of migrant workers are already protected in UK legislation and the UK existing commitments under international law, including the Human Rights Act 1998… If the UK were to ratify the Convention, we would not be able to restrict the employment that works permit holders can do to that specified on their permit, and they would have access to public funds from the date they entered the UK… Giving all migrant workers access to public funds from the date of entry would, therefore, be not only costly but also create unnecessary pull factors. This would be the case if all migrant-receiving countries were to ratify the Convention, even if the available public funds were equivalent in all migrant producing and migrant-receiving countries.[26]

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[21] Amnesty International (2021). *Russia/Tajikistan: stop the deportation of Tajikistani migrants expelled solely for taking part in peaceful protest*. Available at https://www.amnesty.org/en/latest/news/2021/04/russiatajikistan-stop-deportation-of-tajikistani-migrants-expelled-solely-for-taking-part-in-peaceful-protest/. Accessed May 2021.

[22] Amnesty International (2010). *Respect migrants' rights: ratify the migrant workers Convention*. Available at https://www.amnesty.org/en/documents/ior51/001/2010/en/. Accessed May 2021.

[23] *Ibid.*

[24] *Ibid.*

[25] Ryan, Bernard (2009). *"Policy on the ICRMW in the United Kingdom"*. In: Migration and Human Rights: the United Nations Convention on Migrant Workers' Rights. Cambridge: Cambridge University Press.

[26] *Ibid.*

The right to acquire, maintain and transmit nationality is another principle which upholds the rights of the migrants. Many migrants do not have the right to citizenship status and, as a result, their access to full citizen rights are marginalised. Practically, migrant-receiving states use their immigration and integration policies to limit migrants' access to citizenship status and liberties specific to citizens. Thus, the legal rights that migrants enjoy are not determined by the universal treaties but rather the immigration and residence status in the host country.[27]

However, migrants who enter a country across international borders on an illegal system and resort through clandestine networks or unsafe pathways through land or sea are the most vulnerable. They face many human rights waves of abuse, including but not limited to the lack of most basic rights. According to Amnesty International reports, many migrants across the world are living in dangerous and desperate situations. Their fundamental rights such as the right to shelter, protection, freedoms, food, health, and sanitation are ignored. For instance, in Sweden, thousands of homeless and needy E.U. migrants face insurmountable obstacles for their fundamental rights.[28] This is common in many countries where the migrants are either irregular or moving to other countries.

Trafficking and smuggling are one of critical and the most challenging aspect of international migrants. Even though trafficking and smuggling are crimes under international law, migrants are vulnerable individuals subjected to exploitation and are desperate to resettle. They get trapped in trafficking and smuggling activities where they get victimized and are subjected to abuses. Not only the trafficking and the smuggling but also slavery is another aspect of challenge which face the migrants outside their home countries. Slavery is a crime that has been yet to discover more in the literature. According to Amnesty International and Human Rights Watch reports, modern slavery for migrant workers in countries such as United Arab Emirates (UAE), Saudi Arabia, and Libya, to name but a few. These countries have a system called (Kafala); it's a permit system where a native would be responsible for the migrant workers to work in the country. As a result, employers confiscate

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[27] Ruhs, Martin (2012). The Human Rights of Migrant Workers: Why do so Few Countries Care? *American Behavioural Scientist,* 56 (9), pp. 1277–1293.

[28] Amnesty International (2018). *Sweden: Homeless Roma and other E.U. migrants face widespread discrimination and dangerous conditions*. Available at https://www.amnesty.org/en/latest/news/2018/11/homeless-roma-and-other-eu-migrants-face-widespread-discrimination-and-dangerous-conditions-in-sweden/. Accessed May 2021.

their passports to keep them from leaving and force them to work excessive hours with cheap labour.[29] For instance, in UAE, migrant workers are admitted to the country through a government-directed migration policy called 'Kafala System' and a fund up to 10,000 to pay to the recruitment agencies.[30] Their duties are concentrated in low-skilled industries such as domestic services and construction sectors. Due to insufficient laws that protect them, the migrants become legally powerless and financially desperate, which subjects them to abuse at employers' hands.[31]

Sexual violence is another aspect of abuse which faces migrants. It is necessarily important to note that everyone can be subjected to violence en route to their host countries; however, women migrants and asylum seekers are highly exposed to sexual and gender-based violence. According to the United Nations Population Fund, women comprised 47.9% of all international migrants in 2019.[32] These women are subject to violence during their journey or on arrival to the host country since the closure of borders increased the need for smugglers. The lack of accommodation or reception facilities for migrants aggravated the violence and insecurities for women.[33]

Another critical challenge which faces the migrants is the cruel treatment outside their home countries' boundaries. As mentioned above, the migrants are subjected to maltreatment such as slavery, sexual violence, and trafficking, however in many undemocratic countries such as Libya, migrants, and asylum seekers have been kept in detention centres where they are subjected to inhuman treatments or sometimes even torture and death. Consistent with Amnesty International reports, the migrant detentions in Libya must be considered as War crimes under International Criminal

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[29] Human Rights Watch (2016). *Somali domestic workers at risk as Ramadan departures dawn.* Available at https://www.hrw.org/news/2016/06/11/somali-domestic-workers-risk-ramadan-departures-dawn. Accessed May 2021.

[30] Kini, Narayan (2020). Rising Scholar: A Cycle of Slavery: Migrant Labor and Human Rights Violations in the United Arab Emirates, *International Social Science Review*, Vol. 96, Iss. 4, 1–20.

[31] *Ibid.*

[32] United Nations (2019). *International Migration 2019 Report*. Available at https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019_Report.pdf. Accessed April 2021.

[33] Freedman, Jane (2016). Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis", *Reproductive Health Matters*, Volume 24, Issue 47, pp. 18–26.

Court.[34] Also, lack of access to justice is another aspect of the challenge. The justice of individuals or families at the borders, either migrant or asylum seekers, was regularly transformed into injustice by the economic imperatives or political exclusion.[35] Migrant's cases were mishandled by enforced destitution of asylum seekers, separation of families, or detentions.[36] In addition to that, abuse of labour rights remains one of the challenges against migrants. The fact, however, remains that the migrants are exposed to minimum labour rights such as maltreatment, restrictions of movements, underpayments of wages, workplace harassment, and excessive working hours.[37]

Indirect challenges

Migrants similarly face indirect challenges on the enjoyment of their human rights by the absence of applicability on the universal human rights laws and insufficient international support for migrants and asylum seekers. The aim of founding international human rights law lay the urgent need for human protection; therefore, various legal frameworks protect and promote human rights; in contrast, the practicality of these rights is in query. There is a lack of universality, indivisibility, and inalienability for correct human principles, which fell short in domestic systems of states.[38] For instance, many countries that ratified the ICMW have abysmal human rights records.[39] Many migrant-receiving countries did not ratify the Convention, while many more already have a poor record of protecting human rights in the host countries. In addition, due to economic and political factors, the migrant-receiving countries (which are mainly prominent by high-income countries and western countries) do not support legal frameworks that promote the migrant's rights.

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[34] Amnesty International (2019). *Libya: Abhorrent attack on migrant detention Centre must be investigated as a war crime*. Available at https://www.amnesty.org/en/latest/news/2019/07/libya-investigate-abhorrent-attack-on-migrant-detention-centre/. Accessed May 2021.

[35] Webber, Frances (2012). *Borderline justice, Race & Class*, Vol.54 (No.2).Pp. 39–54.

[36] *Ibid.*

[37] Neef, Andreas (2020). Legal and social protection for migrant farm workers: lessons from COVID-19, *Agriculture and Human Values*, Volume 37 (3), pp. 641–642.

[38] Donnelly, Jack (2014). State Sovereignty and International Human Rights, *Ethics & International Affairs*, Vol. 28, Iss. 2, pp. 225–238.

[39] Desmond, Alan (2020). A New Dawn for the Human Rights of the International Migrants? Protection of Migrants Rights on Light of the U.N's SDGs and Global Compact for Migration, *International Journal of Law in Context*, Volume 16, Special Issue 3, pp. 222–238.

Indeed, there are two difficult situations migrants are facing. One of these difficulties is the journey itself, during which migrants penetrate in a deep-rooted danger. A case in point is crossing the oceans in a small overcrowded boat. The second point to note is the challenges migrants face when they reach their destinations. Indeed, with all these risks, their destinations have their problems, and migrants face both social and economic challenges.[40] However, the changing character of migration and the increasing number of illegal migrants influenced the immigration policies of the destinations.

THE HUMAN RIGHTS TREATIES FOR MIGRANTS

The legal frameworks that regulate migrants' rights consist of a wide range of multilateral treaties that belong to various branches of international law, including human rights law, labour law, refugee law, trade law, criminal law, and nationality law.[41] Generally, the international human rights laws apply to everyone in the non-discriminatory and equal practice. The Universal Declaration of Human Rights (UDHR) guaranteed the equality and freedom of all human beings in preserving rights and dignity; it further necessitates in Article 55 and 56 that all the members of the Charter must take joint and separate action in cooperation with the United Nations for the achievement of universal respect for human rights and fundamental freedoms for all without distinction as to race, political opinion, nationality, country of origin, sex, birth, language, or religion.[42]

The major nine treaties such as the International Covenant on Civil and Political Rights (ICCPR),[43] the International Covenant on Economic, Social and Cultural Rights (ICESC),[44] the International Convention for the

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[40] Ali, Nimo-Ilhan (2016). *Going on Tahriib: The Causes and Consequences of Somali Youth Migration to Europe*. London: Rift Valley Institute.

[41] Chetail, Vincent (2012). *"Sources of International Migration Law"*. In: Foundations of International Migration Law (eds). Cambridge: Cambridge University Press.

[42] United Nations Universal Declaration of Human Rights (adopted 10th December 1948) UNGA Res 217 (UDHR). Available at https://www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed May 2021.

[43] International Covenant on Civil and Political Rights (adopted 16th December 1966, entered into force 23rd March 1976) 999 UNTS 171 (ICCPR). Available at https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx. Accessed May 2021.

[44] International Covenant Economic, Social and Cultural Rights' (adopted 16th December 1966, entered into force 3rd January 1976) 993 UNTS 3 (ICESCR). Available at https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx. Accessed May 2021.

Protection of All Persons from Enforced Disappearance (ICPPED),[45] the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),[46] and the Convention on the Rights of the Child (CRC),[47] the International Convention on the Elimination of All Forms of Discrimination Against Women,[48] the International Convention on the Rights of Persons with Disability,[49] entail various rights and duties for state members to safeguard the fundamental rights, protections, and freedoms. Some of these instruments underline provisions that are necessary for migrants.[50] For instance, Article 12 of ICCPR guarantees the right to leave any country, including one's own, and return to one's country, Article 10 and Article 22 of CRC provides facilitation for the reunification of families and protection of Refugee child respectively, Article 5 of ICERD states the right for everyone to equal treatments, right to security and right to nationality, Article 16 of ICPPED obliges a non-refoulement of persons to another state where there are substantial grounds for believing that he or she would be subjected to enforced disappearance.

The International Labour Organisation (ILO) has similarly adopted conventions on the rights of migrant workers.[51] It provides several instruments such as; Migration for Employment Convention (No.97),

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[45] International Convention for the Protection of All Persons from Enforced Disappearance' (adopted 20th December 2006, entered into force 23rd December 2010). U.N. Doc A/RES/61/177 (ICPAPED). Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4. Accessed May 2021.

[46] International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21st December 1965, entered into force 4th January 1969) 660 UNTS 195 (ICEFRD). Available at https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx. Accessed May 2021.

[47] Convention on the Rights of the Child (adopted 20th November 1989, entered into force 2nd September 1990) 1577 UNTS 3 (CRC). Available at https://www.hr-dp.org/files/2013/11/08/UN_Convention_on_the_Rights_of_the_Child.pdf. Accessed May 2021.

[48] Convention on the Elimination of all Forms of Discrimination against Women (adopted 18th December 1979 entered into force 1981) 1249 UNTS (CEDAW). Available at https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx. Accessed May 2021.

[49] International Convention on the right of Persons with Disability (adopted 2006, entered into force 2008) 2515 UNTS 3 (CRPD). Available at https://treaties.un.org/doc/Publication/CTC/Ch_IV_15.pdf. Accessed May 2021.

[50] *Ibid.*

[51] Den Bosch, Marianne Van & Genugten, Willem Van (2002). International Legal Protection of Migrant Workers, National Minorities and Indigenous Peoples: Comparing Underlying Concepts, *International Journal on Minority and Group Rights*, 9: 195–233.

Migration for Employment Recommendation (No. 86), Migrants Workers (Supplementary Provisions) Convention (No.143), and Migrants Workers Recommendation (No.151).[52]Also, the Convention against Torture set several articles that prohibit cruel, inhuman, or degrading treatments.[53] Furthermore, the major regional human right convention such as the European Convention on Human Rights, African Convention on Human and Peoples' Rights, and American Convention on Human Rights are aligned with the international principles of equality and non-discriminations. These Articles and more have been commonly used to address some of migrants' human rights matters.

Nevertheless, the international treaties are distinct between national and non-nationals where the interest of the State is threatened. For instance, Article 12(3) ICCPR stresses 'the restriction over the right to movement is necessary to protect national security, public order, public health or morals or the rights and freedoms of others' (emphasised added).[54] Article 1(2) ICERD indicates that states may make a distinction between national and non-nationals. In addition to the regional mechanism, the European Court of Human Rights and the Inter-America Court of Human Rights premised certain circumstances to distinguish between national and non-national.[55] There is a limited number of treaties specific to migration, regardless of the absence of a universal treaty that administrates all aspects of international migrations.[56] Four multilateral treaties are precisely dedicated to international migration,[57] these are: The International Convention on the Rights of All Migrants Workers and Members of their Families (ICRMW) and the Refugee Convention of 1951[58]

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[52] International labour standards on labour migration. Available at https://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm. Accessed April 2021.

[53] International Convention against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments (adopted 10th December 1984, entered into force on 26th June 1987) 1465 UNTS 85. Available at https://www.ohchr.org/en/professionalinterest/pages/cat.aspx. Accessed May 2021.

[54] *Ibid.*

[55] Divine, Michael & Weissbrodt, David (2012). *"International Human Rights of Migrants"*. In: Foundations of International Migration Law (eds). Cambridge: Cambridge University Press.

[56] Ibid., 49.

[57] *Ibid.*

[58] Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (adopted 18th December 1990, entered into force 01st July 2003) 2220 UNTS 3

The ICRMW is the most comprehensive international treaty for the human rights of migrant workers as it applies the entire period of migrant's sphere from the preparation, recruitment up to when they are admitted.[59] It includes 93 Articles and extends the rights for migrants workers, both regular and irregular. The Convention was adopted in December 1990; it states in Article 1(2) it "shall apply during the entire migration process of migrants workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of the origin of the State of habitual residence."[60] The ICRMW also recognises broader grounds of discrimination than those listed in UDHR 1948; among others, it includes marital status, nationality, and economic status.[61] Similarly, it includes categories of migrant workers not included in other treaties, such as self-employed migrants and frontier migrants.[62] The conventions set many rights for migrants workers, both regular and irregular, including but not limited to: a) equal treatment with national with remuneration and before the court or tribunals, b) right to not be subjected to arbitrary arrest, collective expulsion, slavery and forced labour, c) right to non-interference and privacy, d) right to liberty and security of person, and; e) right to urgent medical health.

Additional to regular migrants are also included: a) due to recognition (if the State allows), b) right to educations for children, c) rights to employment benefits, d) freedom of association, e) right to seek alternative employment in case of termination of work, f) right to redress in case of violation of the terms of the employment contract, and, g) right to freely choose their remunerated activity after five years of residency in the host country.[63]

In practice, the Convention has been largely unsuccessful in achieving the objective of providing a practical framework that safeguards the migrant worker's rights in the global economy.[64] It is the least ratified treaty among the other human rights treaties with fewer than 50 countries ratification in

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(ICRMW). Available at https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx. Accessed May 2021.

[59] D'Orsi, Cristiano (2011). Which Legal Protection for Migrants in Sub-Saharan Africa? *New Zealand Journal of Public and International Law*, Vol. 9, No. 1, pp. 83–118.

[60] *Ibid.*

[61] *Ibid.*

[62] *Ibid.*

[63] *Ibid., 27.*

[64] *Ibid.*

2010.[65] There is a disparity of ratification existing between the migrant-receiving states and migrant-sending states; thus, it has been clear that the low level of ratification and non-ratification by the major immigration countries strictly impacted the Conventions effectiveness and enforcement,[66] as the Convention provides rights of migrant workers, it also promotes measures to combat undocumented migrants as specified in Article 68.[67]

The causes of limited ratification of the Convention are predominantly three: (a) ratifying the Convention would in countries such as the US force significant changes in their national legislation,[68] (b) the economic and social factors of the Convention can create pressure such as high unemployment and welfare dependency, and (c) the lack of awareness and understanding of the Convention. However, non-governmental organisations raised the awareness; thus, the mindfulness of its existence remains low.[69] For the most part, economic factors play a crucial role in this regard. Many migrant-receiving countries reflect the comprehensive set of rights stipulated in the Convention as conflicting with their national policies of regulating immigration, especially of low and medium-skilled migrants; hence the enjoyment of legal ownership of migrant workers are significantly influenced by their impact on national interest.[70]

Migrant workers cannot be comprehensively analysed without discussing the State's role and interest in granting and restricting their rights.[71] Furthermore, the conventions only allow a minimum standard for right to health for migrants' workers, as stated in Article 28, "Migrants workers and members of their families shall have the rights to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health". This is contrary to the Article 25 of UDHR that stated, "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family including… medical

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[65] *Ibid.*

[66] *Ibid.*

[67] *Ibid., 59.*

[68] Cholewinski, Ryszard (2005). The Need for Effective Individual Legal Protection in Immigration Matters, *European Journal of Migration and Law*, 7 (3), pp. 237–262.

[69] Hune, Shirley & Niessen, Jan (1994). Ratifying the UN Migrant Workers Convention: Current Difficulties and Prospects, *Netherlands Quarterly of Human Rights,* Vol. 12, Issue 4, pp. 393–404.

[70] *Ibid., 27.*

[71] *Ibid., 27.*

care."[72] The ICRMW situates more pressure on equal protection under the labour laws, family laws, and non-discrimination procedures, but migrant rights are more comprehensive than that.

The 1951 Refugee Convention is also known as the Convention relating to the refugee status is also another very important convention to mention.[73] This Convention aims to protect the refugees. The international and national migration policies distinguish the difference between migrants and refugees.[74] The protection under this Convention is limited to those who meet the criteria of refugee status that is underlined in Article 1. Whereas the protection of refugees is broadly recognised, its implementation remains highly challenged. However, the conventions set various rights for refugees, including but not limited to access to justice, right to work, right to housing, right to education, freedom of movement, right to identity documents, and, finally, the right to non-refoulement.

The Convention is not primarily concerned with broader context relations. Still, it emphasises the need for protection on the duration of time refugees spend in the asylum seeker country. In practice, refugees are kept in a "state of exception" in long durations. Instead of waiting in the camps, if they want to return to normal life as soon as possible, the public in receiving countries will see it as indicative of an abuse of refugee status.[75] Until recently, some European countries did not accept refugees from the non-European origin, and registered refugees were not legally allowed to work, e.g. Turkey.[76] Many refugees do not claim asylum because of the corralling of asylum seekers in fast-track detention camps and the low recognition rate for certain nationalities.[77] Refugees differ from migrants not only because they immigrated in violent circumstances but also because they lost the territorial access and political protection of their country of origin.[78] However, both migrants and refugees have related issues; as humans, they both seek better

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[72] *Ibid.*

[73] Convention relating to the Status of Refugee (adopted 28th July 1951 entered into force 22nd April 1954) 189 UNTS 137. Available at https://treaties.un.org/doc/Treaties/1954/04/19540422%2000-23%20AM/Ch_V_2p.pdf. Accessed June 2021.

[74] Anja Weiß (2018). Becoming a refugee. A life-course approach to migration under duress, *Sociologias,* Vol. 20, No. 49, pp. 110–141.

[75] *Ibid.*

[76] *Ibid.*

[77] *Ibid., 35*.

[78] *Ibid., 74.*

improvements in their lives; also, some scholars claim that a migrant under duress is a refugee.

Smuggling and trafficking protocols

In addition to the conventions mentioned above, two additional protocols are dealt with specific international crimes against migrants and victims of trafficking. First is the Protocol Against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crimes, which was adopted in November 2000.[79] As stated in Article 2, 'the purpose of this protocol is to prevent and combat the smuggling of migrants and promote cooperation among states parties to that end while protecting the rights of smuggled migrants.'[80] It protects migrants by criminalising the smuggler of migrants; however, the Protocol sets limited rights for smuggled migrants; it generally mentions in Article 19 that state members shall guarantee the 'Rights that are set in international human rights and humanitarian law, especially the 1951 convention and 1967 protocol relating to the Status of Refugees and rights to non-refoulement.'

In addition, the Protocol to Prevent, Suppress and Punish Trafficking in Person, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crimes, was adopted in November 2000.[81] As stated in Article 2, the purposes of this Protocol are (a) to prevent and combat trafficking in persons, paying particular attention to women and children, (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and (c) to promote cooperation among States Parties to meet those objectives.[82] The Protocol, together with the Convention, also sets a number of rights for victims of trafficking these including but not limited to, right to housing, the right to remain permanently

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[79] Protocol against the Smuggling of Migrant by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, (adopted 15th November 2000, not in force) 2241 UNTS 507. Available at https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-21%20AM/Ch_XVIII_12_bp.pdf. Accessed June 2021.

[80] *Ibid.*

[81] Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nation Convention against Transnational Organised crimes (adopted 15th November 2000 and not in force) 2237 UNTS 319. Available at https://www.unodc.org/documents/human-trafficking/2020/TiP_LegislativGuide_Final.pdf. Accessed June 2021.

[82] *Ibid.*

or temporary in the received State, the right to health, and the right to compensation. As the previous Protocol emphasised more on the crime of trafficking under international law, little attention has been given to the victims' situation.

CONCLUSION

Analysing the causes of migration, the human rights challenges, and the existing human rights treaties and laws for immigrants and refugees, this paper suggests that immigrants' rights are not well protected, internationally. While the nine major international treaties and four specific treaties provide protection for migrants, such treaties provide limited capacities to accommodate all the migrants' protection needs, creating a vacuum gap where migrants' protections and rights are put at risk. People are on the move and in greater numbers, partly because of war, conflicts, and human rights abuses. As long as such precarious situations exist, mass population moments will continue to take place. As discussed above, the causes and challenges of conflicts, wars, human rights abuses, and migrant exploitations (responsible for global refugee movements) can be wide-ranging. Various international treaties, conventions, and protocols designed to protect the rights and lives of migrants and refugees are ratified over many decades. Nevertheless, these international laws and protocols are not often implemented or respected in some host countries, while other countries use restrictive local laws and policies that limit the impact of such international human rights laws. The effectiveness and recognition of international refugee and migrant rights are being slowly shredded. A key recommendation is for the UN to urgently organise a new congress to review how to strengthen the rights of refugees and immigrants through the already established national and international laws.

Conflict-induced Refugee Crisis and its Consequences on Access to Primary Education: An Analysis of the case of Central African Republic (CAR) Refugee Children Living in the East Region of Cameroon

William Hermann Arrey (Ph.D)

ABSTRACT

Cameroon currently hosts around half a million refugees from conflict affected neighbouring countries such as Nigeria and the Central African Republic (CAR). This article focuses on the rights to basic education in terms of access and enrolment for CAR refugee school-aged children who reside in the East Region of Cameroon. Based on a qualitative research approach and a combination of secondary and primary data, powered by a theoretical framework of analysis that is informed by the Rational Choice Theory of human behaviour; International Relations Theory of forced migration and refugees and the Global Public Policy Theory of international problems, the study arrives at important findings and conclusions. The study finds out that the educational challenges of CAR refugee children are multifaceted and complex. Many have traumatic experiences and disrupted education. Moreover, they are tasked with adapting to a new educational system and culture. These factors among others have all interacted and intermingled to negatively affect CAR refugee children's access to primary education in terms of enrolment and girls are excessively more disadvantaged. With this outcome, the paper concludes that the issue of poor access to education of refugee children is not merely due to dysfunctional organs of governments or the combination of challenges unfolded in this article but it is also a result of the 'exclusionary impulses' vis-à-vis the phenomenon of 'refugee as the stranger other' in many parts of the world, and such a state of affairs no doubt works against inclusionary policies advanced in many international conventions and instruments that give more attention to the protection of these vulnerable groups; thereby consolidating the fact that there are ambiguities and critical limits to the international solidarity policy of Refugee Protection. Hence, as a way of contributing to evidence-informed policy alternatives, the paper argues that any action towards a sustainable solution must be rights-based, person and human security-centred and tailored towards addressing the dual challenge faced by the refugee child: the helplessness of being a child and the complex challenges of being a refugee.

INTRODUCTION

> *"This is a day where we would like to have people understand that behind these figures, you have women, you have children. Each of them with his or her own story of violence, of persecution. People lost everything. Children lost their school, they lost their friends, parents lost their jobs and they need to restart a new life in a very difficult context. On World Refugee Day, we show empathy, solidarity to these people." Olivier Guillaume Beer- UNHCR representative in Cameroon (20 June 2021).*[1]

The statement above made by Olivier Guillaume Beer, UNHCR representative in Cameroon on the occasion of the commemoration of the World Refugee Day on 20 June 2021, gives an indication of some of the challenges faced by conflict-induced refugees in their host countries such as Cameroon which currently hosts half a million refugees from conflict affected neighbouring countries such as Nigeria and the Central African Republic. The statement also indicates that the need for preventing violent conflicts and ensuring that persons forcibly displaced from one country to another as conflict-induced refugees have access to solutions and fulfill their hopes and rights, such as their right to basic education and social integration in host countries, have never been more pressing than now.

The end of the cold war did not mean the end of conflict and population displacement. The 1990s saw numerous conflicts with an ethnic dimension, which led to suffering and displacement for millions of people, including children and young people, often under horrific circumstances. Their lives were disrupted and their education abruptly terminated. This has coincided with the enhanced awareness of children's needs and rights, following nearly universal ratification of the 1989 convention on the rights of the child.

Despite this growing international recognition of the protection of rights of refugees, the world continues to experience an exponential increase in population displacement in terms of both IDPs and refugees, including children. In fact, the 21st century is characterized by new types of wars and increasing violent intrastate conflicts causing the affected population either to perish in the conflict or forced to move to other countries in search for

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[1] Kindzeka, Moki K. (2021). *UN Agency Says Cameroon Home to Half a Million Refugees*. Available at https://www.voanews.com/africa/un-agency-says-cameroon-home-half-million-refugees. Accessed July 2021.

refuge. Moreover, while the number of conflict-induced refugees worldwide has been increasing in recent years, children who represent more than half of the refugee population are the most negatively impacted. For example, on 31 October 2015, *The New York Times* reported that there is an ever-increasing number of displaced people and refugees now than at any other time in human history.[2] They are unofficial ambassadors of failed states, unending wars, and intractable conflicts. The most striking thing about the current migration crisis, however, is how much bigger it could still get.[3] In effect, the internationalization of what often begins as purely internal conflicts, the nexus of criminal violence and the activities of a multitude of armed groups together with the growing impact of climate change, have served to further exacerbate human insecurity in the world.[4] More problematic is the fact that belligerents increasingly target civilians, and global displacement from violent conflicts and terrorism has also sharply increased over the last years.[5] (ibid). According to the United Nations High Commissioner for Refugees (UNHCR), in 2020, there were "82.4 million forcibly displaced people worldwide at the end of 2020 as a result of persecution, conflict, violence, human rights violations and events seriously disturbing public order."[6] The same report holds that in 2020 alone, "several crises – some new, some longstanding and some resurfacing after years – forced 11.2 million people to flee, compared to 11 million in 2019." This figure includes both IDPs and refugees.[7] With this increasing migration and refugee crisis, children certainly lose their basic right to education, peace and development.

Accessing education for refugee children remains a great challenge especially in terms of enrolment even in the midst of the 2030 Sustainable Development Goal, specifically SGD 4 and its 10 targets which aims at "ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all." In 2019 alone, out of the 26 million refugees in the world more than

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[2] Nordland, Rod (2015*). A Mass Migration Crisis, and It May Yet Get Worse*. *The New York Times October 31, 2015.* Available at https://www.nytimes.com/2015/11/01/world/europe/a-mass-migration-crisis-and-it-may-yet-get-worse.html. Accessed July 2021.
[3] *Ibid.*
[4] SIPRI Year Book (2018). *Armaments, Disarmament and International Security*. Available at https://www.sipri.org/yearbook/2018. Accessed February 2021.
[5] *Ibid.*
[6] UNHCR (2020). *Global Trends on forced Displacement in 2020*. Available at https://www.unhcr.org/60b638e37/unhcr-global-trends-2020. Accessed July 2021.
[7] *Ibid.*

half were children under the age of 18.[8] Out of the 7.1 million refugee children in the world, over 3.7 do not go to school[9]. From the same source, only 63% of refugee children compared to 91% of non-refugee children globally have access to primary education. To add, 6 out of 10 refugee children have access to primary education as opposed to 9 out of 10 non-refugees.[10] The report shows that as refugee children get older, the barriers preventing them from accessing education become harder, thereby affecting enrolment rate.

Africa is disproportionately affected by conflict-induced or forced migration, with four of the top ten refugee accepting countries in the world being in Africa; and over 25 percent of the world's refugees residing in Africa.[11] For example, as of 31 May 2021, Cameroon hosted a total of 443, 919 refugees with the highest number coming from the Central African Republic (323, 324)[12], followed by Nigeria (118, 002) and other countries such as Chad, DR Congo, Rwanda, Sudan, Burundi, Cote D'Ivoire and the Republic of Congo.[13] These Refugees are mainly located in the East and Adamaoua regions (UNHCR, 2020) and many have been living in these regions for several years, including 45,000 people who have been in Cameroon for more than 10 years.[14] Moreover, over 70% of CAR refugees are staying with host communities in the East Region of Cameroon (ibid).

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[8] Aliyev, Agil (2021). The Challenges Faced by the Refugee Children on the Immigration to Europe, *Open Journal of Political Science*, (11): 251–265. Available at https://doi.org/10.4236/ojps.2021.112017. Accessed July 2021.

[9] UNHCR (2019). *Global Trends on forced Displacement in 2019*. Available at https://www.unhcr.org/globaltrends2019/. Accessed June 2021.

[10] Ibid

[11] ACCORD, AU, IOM & OSAA (2015). *Conflict-induced Migration in Africa: Maximizing New Opportunities to Address its Peace, Security and Inclusion Development Dimensions*. High-Level Expert Group Meeting, 23-24 November 2015, Durban, South Africa. Avialable at https://reliefweb.int/sites/reliefweb.int/files/resources/Durban-EGM-report.pdf. Accessed July 2021.

[12] This high influx of CAR refugees into Cameroon was further heightened since the December 2020 electoral crisis in CAR which caused Cameroon to receive an additional 6, 616 CAR refugees out of the 112 000 people into border locations who fled to escape armed conflict (UNHCR, March 2021).

[13] UNHCR Cameroon (Fact Sheet, May 2021). Cameroon *refugee & asylum seeker figures.* Available at file:///C:/Users/HP/AppData/Local/Temp/UNHCR%20MCO%20CAMEROON%20FACT%20SHEET%20MAY%202021.pdf . Accessed July2021.

[14] ACAPS (2020). *Overview.* Available at https://www.acaps.org/country/cameroon/crisis/car-refugees. Accessed July 2021.

Since 2000, primary education has been made free for all in Cameroon and the country's Refugee Law provides that refugees should have access to social services and public assistance in terms of equality with Cameroonian nationals. In the Eastern and Adamawa regions, UNCHR in collaboration with the Government constructed 22 classrooms and held campaigns to encourage enrolment. At the end of this, the enrolment rate increased from 24 to 35%.[15] To add, according to the report given by UNCHR in the Lolo and Mbile camps, the effective enrolment of CAR refugee children is still a problem as out of 6,982 refugee children in these camps, only about 2891enrolled are effectively in school.[16] The low enrolment rates of refugee children particularly the CAR refugee children in the Eastern Region can result to several social misfits. For instance, juvenile delinquency for the boys, sexual exploitation and child marriages for the girls, drug abuse, child labour and dependency. All these factors place the refugee children in a disadvantageous posture as education, be it formal or not, gives hope of a better future.

It is against this backdrop that this article sets out to investigate the challenges and extent of access to primary education in terms of enrolment of CAR refugee children living in the East Region of Cameroon, with a focus on the Lolo and Mbile Camps that host the highest number of these refugees. As such, the article sets out to answer the key question: *How does the status of being a 'conflict-induced refugee child' currently affect CAR Refugee children's right to primary education in terms of enrolment in the East Region of Cameroon?* The aim is to advance the theoretical as well as policy and practice debate around the structural and practical challenges faced by refugee children in host countries. For the purpose of logical understanding, this article, after laying down the theoretical and methodological framework, it discusses the right to peace and access to (primary) education for refugee children before bringing to light the challenges faced by CAR refugee children in accessing primary education, after which a conclusion is reached.

THEORETICAL FRAMEWORK OF ANALYSIS AND METHODOLOGY

This research is theoretically and empirically grounded around a critical review of relevant literature and desk-based inquiry, adopting an essentially

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[15] UNHCR (2009). *Education Strategy 2010-2012: education for all of concern to UNHCR*. Available at https://www.refworld.org/pdfid/4d11de9d2.pdf%20(7. Accessed July 2021.
[16] *Ibid.*

qualitative approach and a case study research design. Within the review of relevant literature and policy implications of the key findings, the analysis is informed by three interrelated theories: the *Rational Choice Theory of human behaviour*; *International Relations Theory of forced migration and refugees* and the *Global Public Policy Theory of international problems*. As concerns the *Rational Choice theory*, the argument is simply that while individuals are attached to their homes and countries of origin, they are also strategic in their interaction with their physical and social environments and their conflict situation. Hence, in the face of violent conflict (or civil war) in a country such as the Central African Republic (CAR), the decision to flee or not to flee is a function of one's expectation of being victimized in midst of the civil war and socio-economic opportunities at the place of origin (CAR) as well as the destination (Cameroon). As such, the analysis in this article also places refugees within the mainstream of International Relations Theory of forced migration and refugees with the argument that, the causes and consequences of, and responses to, the CAR refugee crisis in the East Region of Cameroon are intertwined with many of the core concerns of International Relations. As such, the analysis is also powered by the *Global Public Policy Theory* that aims at responding to global problems such as transboundary insecurity and refugee crisis. Global public policies seen as a subset of international policies[17] are mostly found in *"treaties or resolutions adopted at either the UN, specialised agencies or ad hoc conferences focused on a particular widespread concern."*[18] Along this line of thinking, some authors have argued that international policies and foreign policies are interrelated:

> International policies are joint responses to common problems that two or more national governments work out with one another, often with the active participation of IGOs [intergovernmental organisations] and INGOs [international nongovernmental organisations].[19]

Thus, in this article, the analysis of international refugee crisis (such as the CAR refugee crisis in the East Region of Cameroon) is situated in a broad historical, international and human perspectives, analysing the causes and implications of conflict-induced refugee crisis on the needs and aspirations of CAR refugees, with a focus on access to primary education for children.

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[17] Soroos, Marvin (1986). *Beyond Sovereignty: The Challenge of Global Sovereignty*. Columbia, South Carolina: University of South Carolina Press.
[18] *Ibid.*
[19] *Ibid*.

Methodologically, the analysis makes use of both secondary data (from books, articles, online media and reports and policy documents of government and international organizations) and primary data from semi-structured interviews from key stakeholders. Primary data collection lasted for one month from 24th June to 24th July 2019, in the *Lolo* and *Mbile* CAR refugee camps in the East Region, complemented by more recent data. The target population consisted of CAR refugee parents and children of primary school going-age. Also, government officials (ministry of basic education), government primary school staffs and international organizations make up another unit of the target population for this research. Thus, the research participants were purposefully selected due to their relevance, involvement, position or authority on the issue of refugee's access to education. In terms of sample size, a total of 85 people participated in the interview process. Out of the 85 interviewees, there were 25 CAR refugee parents and 50 children, 6 primary school teachers (including head teachers), 2 government officials, 1 UNICEF official and 1 UNHCR personnel. Content and thematic analysis is adopted as data analysis technique.

THE RIGHT TO PEACE AND ACCESS TO (PRIMARY) EDUCATION FOR REFUGEE CHILDREN.

The 1951 UN Convention, as modified by the 1967 Protocol, defines a refugee as any person who, *"owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."* Over the last couple of decades there has been a growing body of literature, mainly in the fields of peace and conflict studies and international relations which explores the concept of peace and the right to peace during crises. Regarding the right to peace for individuals and nations, the declaration on the preparation of society to live in peace adopted by the United Nations on 15 December 1978 (resolution 33/73) declares that: *every nation and every being regardless of race, conscience, language or sex has the inherent right to live in peace. Respect for that right as well for the other human rights is in the common interest of all mankind and indispensable condition of advancement of all nations, large and small in all fields*[20].

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[20] United Nations (1978). A/RES/*33/73 - Declaration on the Preparation of Societies for Life in Peace*, 15 December 1978. Available at http://www.un-documents.net/a33r73.htm. Accessed May 2021.

Additionally, the United Nations declared after the 3rd World Conference on Women, Nairobi 1985 that "peace includes not only the absence of war, violence and hostility at the national and international levels but also enjoyment of economic and social justice, equity and the entire range of human rights and fundamental freedoms within the society."[21] This implies that refugee children, like all other children have the right to live in 'positive peace.' This involves not only the absence of war/physical violence or the presence of physical security but also the absence of all forms of violence and the presence of social justice and human security- which entails, 'freedom from fear', 'freedom from want' and 'freedom to live a life of dignity,' which access to quality education is at the heart.

Education has a crucial role in fostering peaceful, just and inclusive societies, free from fear and violence.[22] Education enables people to engage in an efficient, inclusive and peaceful way into political processes and civic structures. It also leads to a greater participation of women in politics and helps people to access justice and legal protection. By increasing self-reliance and personal capacities, education can increase tolerance and can contribute to active citizenship. Education has been recognized as an important "tool to help prevent terrorism and violent extremism, as well as racial and religious intolerance, genocide, war crimes, and crimes against humanity worldwide."[23]

Refugee protection has constituted one of the main concerns of the international community for many years today. Refugee children are in a more unsafe situation and they face the vulnerability of being a refugee and that of being a child[24]. They are denied certain fundamental rights of life, including education, which give them the opportunity to rise above the crisis in which they have found themselves and be useful to themselves and to their

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[21] United Nations (1985). *Third World Conference on Women*, Nairobi, 15-26 July 1985. Available at https://www.unsystem.org/content/third-world-conference-women-1985-0. January 2021.

[22] UNESCO (2017). *Protecting the right to education for refugees*. Working papers on education policy. Second edition. United Nations Educational, Scientific and Cultural Organization, 7, place de Fontenoy, 75352 Paris 07 SP, France.

[23] *Ibid.*

[24] Mweni, Sabelo, K. (2018). *The Right to Education of Asylum Seekers and Refugee Children,* (Master's Thesis University of Cape Town). Available at https://open.uct.ac.za/bitstream/handle/11427/27907/thesis_law_2018_mweni_sabelo_kenne th.pdf?sequence=1. Accessed July 2021.

community.[25] International instruments on free and compulsory education (2014) explaining the International Covenant on Economic, Social and Cultural Rights (ICESCR) underscores the importance of primary education. Article 14 of this convention explains state obligations for a detailed plan of action for the progressive implementation of the right to compulsory education free for all. Also, the Convention on the Rights of the Child (CRC), Article 28 and the 1960 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against discrimination in education also sets out the right to free compulsory primary education in its Article 4(a). These provisions for free and compulsory primary education are the substance of the political pledges made under the Dakar Framework for Action regarding the national Education for All (EFA) action plan (World Education Forum, 2000). Cameroon is party to all these instruments (ICESCR, 1984; CEDAW,[26] 1994 CRC, 1993; African Charter, 1989; African Children's Charter, 1997), providing for the right to education which is enshrined in paragraph 23 of its Constitution's Preamble in these words: *The state shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of the education shall be the bounden duty of the state*[27]

Furthermore, as stated earlier, SDG 4 of the 2030 Sustainable development agenda aims at "ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all." This draws attention to the fact that inclusive education is a major pillar of sustainable development and peace. Hence, SDG4, target 1 forms the bedrock of this research as it recommends states to "ensure that all children, both girls and boys, enroll in and complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes." However, the ability of refugee children in Cameroon (as in many parts of the developing world) to enjoy this right is being violated despite the protection afforded to them under international and local statutory provisions. Factors such as fees, language, lack of documentation, xenophobia, etc. often place barriers that deny the accessibility of education to refugees.[28]

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[25] *Ibid.*

[26] For details, see Convention on the Elimination of All Forms of Discrimination against Women

[27] Preamble of the Constitution of Law No.96/06 of 18 January 1996 to amend the Constitution of 2 June, 1972.

[28] Mweni, Sabelo, K. (2018). *The Right to Education of Asylum Seekers and Refugee Children,* (Master's Thesis University of Cape Town). Available at

CHALLENGES FACED BY CAR REFUGEE CHILDREN IN
ACCESSING PRIMARY EDUCATION IN TERMS OF ENROLMENT IN
THE EAST REGION OF CAMEROON

This section opens with some background information regarding the
challenges of accessing primary education and the intervention of UNICEF
from the time CAR refugees started arriving in the East region of Cameroon
following the complex socio-political security crisis in their country of
origin.

*Some Initial Challenges faced by CAR refugee children in accessing Primary
education upon arrival in Cameroon in 2013-2014.*

Upon the arrival of CAR refugees in Cameroon in 2013-2014, the majority of
them were women and children. UNICEF being the main international
organization in charge of basic education in the East Region had to engage in
a dialogue with the Cameroon Government on how to educate the CAR
refugee children. The government at that time could not allow these children
to enroll in public schools due to insufficient space. Both the *Lolo* and *Mbile*
primary schools were too small to accommodate these children.
Consequently, in the 2014 and 2015 school year, UNICEF built what was
known to be *Temporary Learning Spaces* in the refugee camps. With the
agreement of the Cameroon Government, these *Temporary Learning Spaces*
were to function for a period of two years, that is, 2015-2017 after which
there will be a transition from these *Temporary Learning Spaces* to public
schools. Aside from the refugee children being in school, one of the main
aims of the *Temporary Learning Spaces* was to help the children adapt to the
Cameroonian system of education. During this period, UNICEF was in
charge of everything regarding the schooling of these children. It provided
the refugee children with school kits (bags, books, pens etc.), and paid
temporal teachers. The implementing agency- Plan International, carried all
this out with the supervision of UNICEF. The process of transition of these
refugee children from *Temporary Learning Spaces* to public schools with
UNICEF and other partners began in 2017 but took its full course in 2018.
With the massive transition of refugee children to public schools, the
government created two additional schools in *Lolo a*nd *Mbile* making a total
of four primary school each. The government also sent trained teachers to
these schools. The question now is, how *does the status of being a 'conflict-*

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https://open.uct.ac.za/bitstream/handle/11427/27907/thesis_law_2018_mweni_sabelo_kenne
th.pdf?sequence=1. Accessed July 2021.

induced refugee child' currently affects CAR Refugee children's right to primary education in terms of enrolment in the East Region of Cameroon?

CAR Refugee Children enrolled in the Lolo and Mbile Government Primary Schools

During data collection, it was observed that 1359 CAR refugee children were enrolled in the *Lolo* Government Primary School and 1768 were enrolled in the *Mbile* Government Primary School, making a total of 3127 CAR refugee children enrolled in both the *Lolo* and *Mbile* government primary schools (group I & II A, B) in the East Region. Hence, it became clear that, out of the total number of primary school-going-age children in these camps (6,982), only about half of this number (3127) were enrolled while 3855 (45%) were out of school. Moreover, out of the 50 children of primary school going age interviewed in both refugee camps, there were 31 boys and 19 girls. Out of which, 14 boys and 7 girls were enrolled in school, giving a total of only 21 children (42 %) enrolled, out of 50 children interviewed, leaving up to 58 % of the interviewed school going age children as out of school children. Another important fact to realize is that though women (about 52%) are more than men (about 48%) in these Camps, there is still a very low proportion of women (and girls in particular) enrolled in primary school (i.e., 7 out of 19 interviewed (about 37%) as compared to the number of boys enrolled, 14 out of 31 boys (45%)). This certainly reflects some gender disparities and power relations between men and women among the CAR refugees living in the *Lolo* and *Mbile* Camps (details of this issue are discussed in another section below). In addition, head teachers interviewed had a consolidated view that not all of these numbers enrolled end up attending or staying in school.

The above analysis clearly points to the fact that the extent to which CAR Refugee Children (living in the *Lolo* and *Mbile* Camps in the East Region of Cameroon) are enrolled in primary school, is still very low and below. The analysis also reveals that more than half (58%) of the interviewed children of primary school going age were out of school with the majority being girls. Having unraveled the 'very low' extent of enrolment in primary school of CAR Refugees (in the *Lolo* and *Mbile* Camps), it is necessary to find out the practical challenges these children encounter in accessing primary education in terms of enrolment.

Obstacles faced by CAR Refugee children in accessing primary education in terms of enrolment: perspectives from children and parents.

During the research process, it was established that a number of constraining factors interact to negatively affect the access to primary education of CAR refugee children in terms of enrolment. These factors are discussed below, in line to with the relevant literature.

Financial Constraints and Poverty

With the current economic difficulties, poverty amongst the refugee families is a common factor. This makes it difficult for refugee children to access education. UN Convention on the Rights of the Child and the African Children's Charter both require contracting states to provide free basic education. In Cameroon, no legislation exists allowing children to be absent from primary school for cultural, religious, family or other reasons. On the contrary, all national legislation encourages parents to send their children to (primary) schools. Primary education is thus compulsory in Cameroon.

However, the first major challenge identified in relation to CAR refugee children accessing primary education in the East region of Cameroon is the lack of economic opportunities, leading to financial constraints and poverty. Primary education is only free at the level of school fees. Parents are expected to meet other needs such as the purchase of books and uniforms of their children and this is very challenging regarding refugee parents' weak economic and financial situations. During interviews, parents of the refugee children expressed deep concerns about their inability to cater for their families because of financial difficulties. For example, one refugee parent put his plight in this way:

> I didn't have to struggle that much with schooling about two years ago because upon arrival in Cameroon, my children were placed in an educational system called temporary learning spaces sponsored by UNICEF. When transferred to public schools, though primary education is free, meeting up with the school requirements became a nightmare. Three of my older children had to drop out from school while the youngest continued[29].

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[29] Interview with a 42-year-old male CAR refugee parent.

In the same way, another parent, said, *"though primary education is free and we receive support from partners, I still have difficulties meeting the educational needs of my children."*[30] This parent acknowledged the fact that the headteacher of his children's school understood his difficulty and gave him the opportunity to pay the Parent-Teachers Association (P.T.A) levy in instalments. Despite this, he still could not afford the fees. He has six children, two biological and four adopted children of his brothers who were killed in the Muslim – Christian violent conflict in their home country. He said his inability to afford the school needs of his children has affected the unity of his family, as he puts it:

> The main problem is meeting up with school needs and I am financially handicapped which has made me unable to send them to school. I had to stop the education of my biological children since I didn't want to give any room for discrimination. I have noticed since my two kids stopped school, they have become very hostile to the other children. They accused me of putting their future in jeopardy in an attempt to be a good Samaritan as they have started seeing their cousins as enemies[31].

The economic and financial constraints faced by refugee parents and their inability to afford the school needs of their children is further buttressed in words of a female parent in this way:

> I have three children of primary school going age who are not in school because I cannot afford for their schools considering I am a widow. I boil eggs and send two of them to sell while the other stay at home taking care of her youngest sibling as I join other women in the farm to get food stuff for the day…. Without education, our children may end up being on the streets, becoming bandits or armed robbers. These children are our future, if they are out of school then what does the future hold for us. We know we may have failed in our time and out of age already. Our eyes, our hope, our strength come from the success of these children[32].

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[30] Interview with a 41-year-old male CAR refugee parent.
[31] *Ibid.*
[32] Interview with a 37-year-old female CAR refugee parent.

With the above findings, it becomes relevant to also find out from the point of view of the children themselves, the day-to-day challenges they encounter in accessing primary education in terms of enrolment. For example, when CAR refugee children were asked the question: *do you have your basic school requirements such as books, bags, uniforms, shoes?* The following outcome was obtained. A very high number of CAR refugee children enrolled in primary school (up 76%) were not able to have their basic school requirements. Considering the present financial difficulty and poverty situation of their parents, such an outcome is not surprising. This also has made some of the refugee children to develop the feeling of disadvantaged and misery compared to their Cameroonian counterparts. This has also had the negative effect of discouraging the majority CAR children from attending school despite their enrolment as they cannot afford what they see other children 'enjoying.' As a consequence, their disadvantaged and poverty situation has given birth to misery as most of the refugee children have come to replace schooling with money making activities so as to improve on their living conditions.

A few quotes here from some of the children interviewed suffice to illustrate the observation above. The story of a 13-year-old adolescent refugee girl is quite telling. In her words,

> I feel sad seeing other children enjoy what I can't have. I am a child who has needs like any other child. It worries me to know that my parents can't meet my basic needs because of our present situation. Rather than schooling, I have decided to sell 'boiled eggs' from which I get little money to buy my basic necessities[33]

So far, it has become abundantly clear that due to financial difficulties and poverty, most CAR refugee parents are unable to afford school requirements such as books, uniforms, shoes etc. This has led to misery, which in turn has negatively affected the enrolment of CAR refugee children who are now more interested in doing little odd jobs and 'making money' rather than going to school.

Psychological Issues

Psychological issues have also had a negative effect on the mindset of CAR refugee children who have lost interest in pursuing education. For example,

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[33] Interview with a 13-year-old refugee girl.

during interviews, a number of boys who were out of school questioned the need for education, or blatantly stated that they did not want to go to school. This was not only linked to their new lives as refugees. Some said they had stopped school even before the crisis started in CAR because they did not like going to school, while others wanted to work, others felt they were not learning much. However, other children appeared to be uncomfortable and unable to adapt to the new system of education in the host country Cameroon. They said that although they valued education, they did not plan to go back to school until they return to their country.

Some children suffered psychologically from losing their parents and witnessing the death of other family members in their home country and on their way to the country hosting them-Cameroon. As one teacher interviewed said, *"I have eight refugee girls in my class who still suffer from psychological trauma. Girls who saw dead bodies back in CAR. One girl witnessed her father being shot and killed in front of her".*

In the same vein, a 14-year-old refugee boy put his own experience as such:

> I can't even get three square meals a day, why should I even go to school when the pain of losing my two siblings in the conflict is still fresh like yesterday. I feel so lonely; life has been so different without them. How can I focus on school? Working in my father's garden everyday makes me feel better and has improved on our financial situation as we make profit from the proceeds of the garden[34].

Also, it was observed during fieldwork that another child, who left CAR when she was 10 years old, knowing how to read and write, due to the hardship they faced and the psychological issues resulting from her unfortunate experience as a refugee child in Cameroon, she no longer knows how to read and write. She is not interested in learning anymore, not even learning any skills or doing any activities. This psychological issue makes these children to live in constant fear, as they are mostly absent minded leading to inconsistency and dropout.

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[34] Interview with a 14-year-old refugee boy.

Challenges Related to Physical Security and Social Integration of CAR Refugee Children

The school environment has to be safe and secured for learning. In this article, social integration is considered a process during which new comers or minorities are incorporated into the social structure of the host community. Physical environment and the protection role of education involves the ability of schools to provide a safe and secure space that promotes the wellbeing of learners, teachers and other education personnel. However, contrary to expectations, schools are not always safe places for children. In some places, schools have been transformed into spaces for bullying; racial, ethnic, linguistic and gender discrimination; sexual exploitation; natural and environmental hazards; corporal punishment and attacks including abduction and recruitment in to armed groups.

During the data collection process, when CAR refugee children were asked the question *as to know whether they felt safe in school*? Among the interviewed CAR refugee children enrolled in primary school, 13 (62%) said they did not feel safe while 8 (38%) reported that they felt safe. This could probably be due to the absence of 'freedom from fear' stemming not only from their personal experiences as conflict-induced refugees but also probably the manner in which they are treated in school by classmates and teachers. Hence, with the question: *Are you stigmatized in school?* The result was not different. Out of the interviewed children in school, 14 (67%) said they were stigmatized while only 7 (33%) of these children said they did not experience any stigmatization. Taking the analysis further with the question: *do you have Cameroonian friends in school?* The result was not different, as up to 62% of CAR refugee children enrolled in primary school said they did not have Cameroonian friends.

The above analysis points to the fact that just like financial difficulties, poverty, and psychological issues, CAR refugee children also face security and social integration challenges (in their schools in terms of socializing and making friends with their Cameroonian peers). For instance, it was observed that seven (7) refugee children dropped out of school shortly after being enrolled due to the mockery they faced in school from their Cameroonian schoolmates. According to their Cameroonian schoolmates, CAR refugee children *"have a funny accent and cannot fluently express themselves in French".* This has steered a horrible feeling in them and either caused them

to be inconsistent in school or dropout of school and stay in the camps, interacting among themselves.

Language Barrier

Language barrier is another major problem that impedes the effective enrolment of CAR refugee children in primary schools. Since French is the language of instruction in the *Lolo* and *Mbile* government primary schools, it was deemed necessary to ask the enrolled CAR refugee children the question: *can you speak, read and write French?* In relation to this question, CAR refugee children were found to have problems in school due to language barrier. During the interview process, it was depicted that more than 60 % (62% to be more precise) of interviewed school going CAR refugee children were unable to effectively speak, read and write French, which is the teaching and learning language of instruction in the *Lolo* and *Mbile* government primary schools. This also contributes to their inconsistency in school as well as their weak and below average performance. This is how a 13-year-old girl puts her experience:

> In the classroom I either ask the teacher to repeat or explain for me if I do not understand or ask my fellow peers to assist me. This has become boring and tiring as in almost every lesson, I will have to raise my finger for clarity. This has affected my performance in class and thereby discourages me from going to school every day.[35]

Echoing the point above, a 10-year-old boy puts his own experience in this way:

> I find it difficult adapting to French since we mostly speak Sangho back in the camps. I get quiet and frustrated knowing I cannot fluently express my worries of not understanding lessons to my teacher. This is due to the fact that we are many in class and the teacher finds it difficult to attend to our various needs.[36]

Briefly, it could be said that though French is the main language of instruction in the *Lolo* and *Mbile* government primary schools, CAR refugee

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[35] Interview with a 13-year-old refugee girl.
[36] Conversation with a 10-year-old refugee boy.

children still have difficulties communicating effectively in French. They mostly express themselves in *Sangho* which is one of the main spoken languages in their home country. This has affected the majority of them since they had not been to school before coming to Cameroon and they always communicate in *Sangho* in the camps. Language barrier therefore, plays a negative role on enrolment and consistency as the children find it boring and exhausting studying in French.

The experience of CAR Refugees in the *Lolo* and *Mbile* Camps in the East Region of Cameroon resonates with similar situations in other parts of Africa and the world where it has been demonstrated that refugee children often experience exclusion from fellow classmates because of language barrier and difficulties communicating in the host country's language. They neither understand their classmates who in turn are unable to understand them.[37] . This can lead to feelings of loneliness, particularly in the early stages of arrival.[38]   The issue of language and other institutional barriers have been explored by other researchers who have come out with similar findings. Refugee and asylum-seeking children may experience difficulty adjusting to a new educational system, which can be very different from what they experienced in their home countries.[39]

Cultural Challenges (including religious beliefs)

Culture is the way of life of groups of people, meaning the way they do things. It can also be seen as an integrated pattern of human knowledge, belief, and behavior as well as the outlook, attitudes, values, morals, goals, and customs shared by a society. It should be noted that the Central Africans are made up of Muslims and Hausa who have a strong belief in early child marriage. This religious aspect plays a significant role in the educational decision-making concerning the girl child.

According to a UNICEF report, Central African Republic is the 2nd highest nation in the world for percentage of child marriage. According to this report,

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[37] Hek, Rachel. (2005). The Experiences and Needs of Refugee and Asylum-Seeking Children in the UK: A Literature Review. *National Evaluation of the Children's Fund, University of Birmingham, Research Report RR635*

[38] *Ibid.*

[39] Sweeney, Maureen (2018). *Enforcing/Protection: The Danger of Chevron in Refugee Act Cases. Administrative Law forthcoming*. University of Maryland Legal Studies Research Paper No. 2018-23. Available at   file:///C:/Users/DRARRE~1/AppData/Local/Temp/SSRN-id3228530.pdf. Accessed July 2021.

68% of girls are said to be married off before the age 18 and 18.29% are married before they turn 15[40]. As the country has become more destabilized, poverty rates have increased and some families have married girls off in exchange for bride price and to boost income[41] (ibid). This finding moves to catch up with the experience of CAR refugees in Cameroon. Analysis of field data reveals that 67% of parents interviewed and who had female children advanced that their female children were not in school due to the belief in early marriage. Furthermore, as noted earlier, only 37% of girls interviewed were enrolled in primary school as against 45% of boys enrolled. According to a report by UNICEF, CAR refugee female children were forced into marriage upon arrival in eastern Cameroon. Many families lived in cramped under resourced conditions and some married off their daughters in exchange for money[42].

While free education is provided, most of the refugees (two-third) live in conditions where they struggle to afford enrolment fees of up to 2,000 CFA francs (about 4 USD). Many end up forcing their daughters to marry (even with older men). It was observed during data collection that once a girl reaches the age of 13 or 14, her parents 'cast her' and 'throws her aside', leaving her at home for cooking and to do the household chores with the mindset of preparing them for marriage. For some of the girls enrolled in school, they made mention of the fact that they can be in school, but in their minds, they are just waiting to be taken out for marriage. Many of the refugees are from herding or farming communities and do not value education for their children especially the girl child. During interviews, a 13-year-old girl turned her face away as she recalled her family's attitude to school back at home. "My parents didn't want me to go to school… I was meant to be married[43]," she said timidly, covering her face with her scarf. It also came to the knowledge of the investigator that another 13-year-old girl lost interest in school because her parents kept commenting that she will soon be married off to a man thrice older than her for financial reasons. With this, it is evident that the cultural beliefs of CAR refugees have a negative bearing on the enrolment of their children, most especially the girl child.

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[40] UNICEF (2017). *The State of the World's Children 2017: Children in a Digital World*. Available at https://www.unicef.org/reports/state-worlds-children-2017. Accessed July 2021.
[41] *Ibid.*
[42] UNICEF (2016). *Female Genital Mutilation/Cutting a Global Concern*. Available at file:///C:/Users/DRARRE~1/AppData/Local/Temp/FGMC-2016-brochure_250.pdf. Accessed June 2021.
[43] Interview with a 13-year-old refugee girl.

Challenges Related to Official Documentation and Admissions but Minimized by UNCHR

Unlike other aliens, refugees are likely to arrive in the host state without ID and other official documents or passports from their state of origin, given that refugees are often forced to leave their home countries under difficult circumstances. Refugees found without documentation of one kind or another are likely to be detained, arrested or even deported, making documentation a primary concern for this marginalized group.

Unlike the above mentioned, documentation and admission of CAR refugee children was different in the East region of Cameroon as during interviews with some parents, school staffs and UNHCR personnel, it was reported that the enrolment process into the government schools is not complex for all especially for refugees. As the UNHCR personnel put the situation, "Refugees all over the world have documentation issues since their journey is always unprepared… Upon the arrival of CAR refugees in the East, the UNCHR provides them with documents called *attestation de composition familiar* which carries the information of the entire family."[44]

The Problem of Insufficient and Inconsistent Teachers

Teachers play a central role in helping refugee children integrate in their new environments and find the right pathway to continue their education, learn and recover from their painful experience. Insufficient and inadequate human resources represent an important challenge to educational access in terms of enrollment and consistency in the *Lolo* and *Mbile* government primary schools. The number of teachers deployed to this area is very low. For example, during an interview with some of the school headteachers, it was mentioned that there were 31 teachers for about 1,919 pupils in *Lolo* and *Mbile* in the 2018/2019 academic year. In addition, lack of motivation and inadequate learning materials (tools) have made some of the teachers to be inconsistent in school. Most of them complained about the situation. As one of them put it, "how do we find new ways to reach different types of learners, when there is not enough supply of didactic materials to accomplish this task?" Along this same line, teachers who just graduated and were transferred to this area raised the issue of salary. "I have been a teacher in this school for two years with no salary…tell me, how do I function well in this condition?

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[44] Interview with a UNHCR personnel working with refugees in the east Region.

It discourages and affects my consistency in school," complained one teacher.

Also, during interviews with some head teachers, most of them raised the issue of insufficient teaching staff, making the workload heavy on the few of them. An anonymous male teacher said, "I teach two classes of about 61 pupils each. With regards to this number, it is so difficult and practically impossible for me to allocate extra time for all these children[45]". This reveals that the teacher-pupil ratio in the *Lolo* and *Mbile* government school is approximately 1:122, meaning 1 teacher for 122 pupils. This certainly has the potential to negatively affect the children's school enrolment and performance as well as the performance and consistency of teachers since the ability of a teacher to follow-up about 122 children is quite limited.

In addition, during a discussion with a group of refugee children, the irregularity of teachers was raised as one of the major challenges, which discourages most of them from being interested in school and staying in school during school hours. A 12-year-old CAR refugee child recounted: "my teacher is not regular in school; this discourages me a lot as it pushes me to go join my friends who are not going to school and stay in the village to ride bicycle.[46]" Due to the irregularity of her teacher in school, a 13-year-old female pupil preferred to go and assist her mother in selling groundnut in the market, rather than being in school. She says: "my teacher is mostly absent from school, so I always choose to go and help my mother to sell her groundnuts than waste the day doing nothing.[47] As a consequence of the inconsistency and shortage of teachers, parents also feel reluctant to send their children to school. In the words of one of the parents, "what is the need for spending the little I earn sending my children to school when they return home most of the time with almost nothing written in their books?[48]" This may in turn also lead to pupil inconsistency or drop out. It should be made mention that this problem of insufficient teachers affects nationals as well.

Parental Negligence in Terms of Follow-Up.

It can be incredibly frustrating for a teacher when parents do not support their efforts to educate their children. During interviews, an observation was made

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[45] Interview with a male teacher of one of the schools attended by CAR refugee children.
[46] Conversation with a 12-year-old Car Refugee.
[47] Conversation with a 13-year old female CAR refugee.
[48] Interview with a CAR Refugee parent.

at the level of the home where many teachers complained about lack of parental negligence in terms of follow-up. Lack of parental follow-up has a very strong negative effect on the children's interest in school and contributes to school dropout, which further leads to juvenile delinquency. Children who drop out of school tend to get involved in deviance behavior such as criminal acts, stealing, rebelliousness and a host of other troublesome behaviors almost on a daily basis. According to some teachers, refugee parents' low level of education makes them to see no need to follow up their children's education or even to accompany them to school. While the researcher was taking part in a general meeting held on the 25th of June 2019 in Lolo with refugees, UNCHR and partners, the president of refugees emphasized; "parents please get involved in your children's life, take full responsibility of their education". He encouraged parents to follow up their children by personally taking them to school every morning. He added;

> It is the parents' responsibility to teach moral and ethical values to their children. They should teach them the difference between right and wrong behaviors. Lack of social and moral values can lead children to poor interaction with others and make them less confident. They may become selfish and arrogant. They will not respect the laws of the state. Parents often neglect their children and pay more focus on working hard to earn money for themselves. However, while doing so, they forget the importance of spending quality time with their children.[49]

On several occasions, it was reported that children leave home for school but do not get to school. Some of them get distracted by those who are not in school, others prefer to go around doing menial jobs like washing dishes in restaurants, just to earn some money and rent bicycles that they will ride around the camp. They spend the whole day loitering about and at the end of school hours, they go home pretending they were in school. An interviewee from one of the organizations working with refugees in the camp said; "I always see a group of boys, riding bicycles during school hours. I'm surprised when I see these same children going home humbly after closing hours with other classmates as if they were in class."[50] Along this same line, a teacher reported that most parents are negligent when it comes to their

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[49] President of Refugees during a general meeting held on the 25th of June 2019 in Lolo with refugees.

[50] Interview with an International NGO staff working with Refugees.

children's education. In his words, "I noticed that children come back to class with undone homework, some even do it but have it all wrong because there was no one to guide them. More so, there is a group of these children who are irregular in class. They are very rude and involved in stealing."[51]

Clearly, not only some refugee children do not have access to primary education due to parental financial difficulties, some of those who have access tend to be disinterested and unenthusiastic. This certainly accounts for their very poor school performance. This issue was well captured in the words of one female parent:

> I cannot reconcile my child's performance in school and at home. One day, I tried asking her all what she claims she got correctly in class but to my greatest surprise, she became a dumb. She could not answer any of the questions correctly. Meaning she only copied all of these from her classmates, gave good ticks and forged her teacher's signature before reaching home. While monitoring her, I discovered she leaves home well dressed for school but does not get to class. She is distracted by other girls who are out of school[52].

The parent speaking above admitted that this situation has been going on for long unnoticed and her child was gradually dropping out of school because of her negligence. Certainly, good parental follow-up is an important factor when it comes to a child's education. This takes us to the logical conclusion of this article.

CONCLUSION

This article departed with the research question: how *does the status of being a 'conflict-induced refugee child' currently affects CAR Refugee children's right to primary education in terms of enrolment in the East Region of Cameroon?* Based on the analysis in this paper, it has become abundantly clear that a combination of structural, operational and relational factors (poverty and financial constraints, misery, language barrier, cultural and religious beliefs, inability to socially integrate, insufficient teachers and parental negligence) have all interacted and intermingled to negatively affect CAR refugee children's access to primary education in terms of enrolment.

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[51] Interview with a teacher of one of the schools attended by CAR refugee Children.

[52] Interview with a female CAR refugee parent.

By extension, the extent to which the majority of CAR refugee children have access to primary education in the East Region of Cameroon is still very low (less than 50%) and the girl child is relatively more disadvantaged due to cultural and religious beliefs. The findings point to the fact that the need for preventing violent conflicts and ensuring that persons forcibly displaced from one country to another (such as the CAR conflict-induced refugees) have access to solutions and fulfilling their hopes and rights such as their right to basic education and social integration in host countries have never been so pressing like now. Cameroon government has demonstrated its will to promote *basic education for all*[53]. For example, in the Preamble of Cameroon's constitution it is stated that, *the State shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of education at all levels shall be the bounden duty of the State*[54].

However, sometimes the execution of the law does not perfectly translate to the realities of the situation. As the case of Cameroon has shown, there is usually a disparity between principle and practice. The findings of this research article reinforce the argument that though there seems to be adequate national and international laws in place, creating and guaranteeing rights to refugees, the operation of these laws in practice leaves much to be desired. The level of attention given to refugee children at the international level is not the same as it is at the domestic practical level as is the case in the East Region of Cameroon and other parts of the world. For example, authors such as Yarrow Eman[55] have found that it is challenging to run education programs in refugee camps since there are people from different places with different languages, cultures, traditions and religions. Historical and political factors continue to impede the right to access education on a regional and global scale. However, the fact remains that schools are made to look beyond the needs of school communities including an understanding of other children who are poor and not part of the school community. Hence, it is important to note that the 'very low' access to education of refugee children

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[53] Karugo. A. M, Kamere.I. M, Mugo.P. *(n.d) The Education System of Cameroon.* Available at https://ir-library.ku.ac.ke/bitstream/handle/123456789/10018/the%20education%20system%20of%20cameroon..pdf? Karugo sequence=1. Accessed July 2021.

[54] Preamble of The Constitution of the Republic of Cameroon, Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972.

[55] Yarrow, Eman I. (2012). *Factors Contributing to Successful High School Completion for Resettled Refugee Students in Arizona: Student and Mentor Perspectives*. Arizona State University

is not merely due to weak organs of government or the combination of challenges unfolded in this article but it is also as a result of 'weak politics.' That is, the *exclusionary impulses* vis-à-vis the phenomenon of 'refugee as a stranger other' in many parts of the world. This no doubt works against inclusionary policies advanced in many international conventions and instruments that give more attention to the special needs of these vulnerable groups. Some authors have found out in the case of South Africa that the "unwillingness to ensure that refugees and asylum seekers' rights are protected is borne out of xenophobic views that refugee children deserve less care than the locals."[56] Hence, it has become abundantly clear in this study that, there are ambiguities and critical limits to the international solidarity policy of Refugee Protection.

Hence, in terms of policy implications, the Government of Cameroon and her national and international development partners involved in the effective management of the CAR refugee crisis in the East Region, should rethink and adapt their responses to the practical needs of refugee children. Such a policy strategy must adopt a rights-based approach to development interventions and responses should be tailored towards addressing the dual challenge faced by the refugee child: *the helplessness of being a child and the complex challenges of being a refugee.* This also implies that there must be an intersection between the top-down approach (through international and national laws and policies) and the bottom-up community-based approach which is person-*centred* and *human security oriented* ('freedom from fear', 'free from want' and 'freedom to live a life of dignity'). Such a policy and practice reorientation which puts the educational rights of the refugee child at the center of analysis must also be language, culture and gender sensitive.

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[56] Sibanda, C. A. S., & Vally, S. (2012). *The Education Rights of Migrants, Refugees and Asylum Seekers in South Africa. Report to the Foundation for Human Rights.*

From Celebration of Independence to Disintegration: The Somaliland Experience in the Post- Failed Union with Somalia

Mohamed Ahmed Barawani (Ph.D)

ABSTRACT

The state-making of Somaliland has been borne out of the experiences gained from the aborted union between the British Protectorate of Somaliland and Italian Somalia. The driving aim behind the proclamation of statehood was to reinstate Somaliland's sovereignty and independence that was lost in 1960. Somalilanders were galvanized by the euphoria of Somali nationalism in the pursuit of the greater Somali Republic in the Horn of Africa that all five Somali territories unite into one nation-state. Their zeal merely earned them destruction. Such destruction includes the tyranny and genocide which was inflicted upon the land and people for over the thirty years whilst the failed union lasted. Therefore, this article re-examines historical mistakes in the post-colonial period and the negative consequences of the union of thirty years with Somalia. It explores Somaliland's experiences of this failed merger, and Somaliland's achievements and challenges over the past thirty years since Somaliland regained its sovereignty. The article compares and contrasts how Somaliland fared during each of the thirty-year periods. The article also analyses the challenges posed by the non-recognition on political grounds that prevented Somaliland to attain its sovereign rights. Despite the critical and difficult conditions that confronted the state-making process of Somaliland, the interplay between state and non-state actors had become the means and methods to create durable peace and political stability which prevented vengeful acts, anarchy, and political turmoil in Somaliland. The historical backdrop of the unsuccessful merger, too, has become a salient factor and thriving agenda for Somaliland to prove its internal sovereignty, statehood, and a workable political system based on multiparty, competitive elections, and a check and balance of the state organs. The Republic of Somaliland has likewise become a potent regional and international player for the fate of peace, security, and regional economic integration.

INTRODUCTION

Somaliland was formed and came to being between1884–1887 through a series of international treaties between Somali clans' traditional elders and

the British Government. These treaties defined the borders of Somaliland and its size of land and sea. The country's boundaries were amply defined by, respectively, the Anglo-French Treaty of 1888, Anglo- Italian Protocol of 1894, and the Anglo-Ethiopian treaty of 1897. The Djibouti–Somaliland boundary was established by the Anglo-French agreement of February 2–9, 1888.[1]

These treaties delineated the Somaliland international boundaries with its neighboring countries. The Republic of Somaliland is bounded by the Gulf of Aden - Red Sea – to the north; Somalia to the east; the Federal Republic of Ethiopia to the south and the west; and the Republic of Djibouti to the northwest. Somaliland is positioned along the Gulf of Aden near the entrance to the Bab al-Mandeb, a major sea lane through which almost one-third of the world's shipping passes.[2] Somaliland is an area slightly larger than England and Wales combined. It is about the size of Uruguay (177,125 sq. Km) which ranks 89th in a list of 195 world nations. Somaliland is 110,000 Square Miles or 177,000 square km.[3]

However, despite Somaliland having fulfilled all standards of the international law of statehood, nonetheless, the people of Somaliland opted for, and were more determined to seek the unity of, the Somali people in this region of the Horn of Africa. During these long decades under the colonial system, Somalilanders had ambition for unifying with all Somalis in the Horn of Africa. The decision to form a union was reached at a conference of British Somaliland and Italian Somalia leaders held in Mogadishu between April 16 and 22 1960.[4]

Although, there were some prior talks as Contini stated between Somaliland and Somalia leaders on the premise of the union preparation, however, this had been poorly performed considering the foundation of this union. Somaliland and Somalia entered into a "Union" in July 1960, based on a shared ambition among the Somalis to build a "Greater Somalia", which was to unite all the Somali regions in the Horn of Africa under the blue with a white five-pointed star of Somalia's flag. Over time, the Union

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[1] G.T.M. (1937). Anglo-Ethiopian (Somaliland) Boundary Commission, 1932-5, *Empire Survey Review*, Volume 4, Issue 26, pp. 225–230.
[2] Manson, Katrina (2016). *Jostling for Djibouti*. Available at https://www.ft.com/content/8c33eefc-f6c1-11e5-803c-d27c7117d132. Accessed May 2021.
[3] Ibid 1.
[4] Saadia Touval (1963). *Somali Nationalism: International Politics and the Drive for Unity in the Horn of Africa*. Cambridge, Massachusetts: Harvard University Press.

malfunctioned.[5] On June 26, 1960, the British Protectorate of Somaliland became an independent State of Somaliland, and then Somaliland joined with neighboring Somalia, a United Nations Trust Territory under the Italian Administration, which achieved independence on July 1, 1960. Together, they formed a unitary State called the Somali Republic.[6]

Moreover, many scholars most notably Paolo Contini (1969), Saadia Touval (1963), Mary Jane Fox (2015), I.M. Lewis (1965) contend that the union was not sufficiently given attention for its arrangements and that it took place too rapidly. Another complicating factor was that nobody had any official responsibility for laying the legal foundation for the union. The tasks of the United Nations and the Italian Government in Somalia and the British Government in Somaliland were confined to prepare respective territories for independence and completing the transfer of power on the appointed dates.[7] It is interesting to note that the process of preparation for statehood in Somalia was dissimilar to Somaliland in that it was accelerated.[8] Their task was formidable. Somali leaders only had a few months to fashion the agreement, yet they were fully engaged in working out the transfer of authority from the British and the Italians in their own territories. To further complicate matters, no individual or body had any official responsibility for laying the foundation of the union.[9]

In the meantime, Touval has also further elaborated the disparity of the two countries' systems which can be the trajectory of the failure of both sides to maintain an effective and binding union. The unification of British Somaliland and the Trust Territory of Somalia created problems—economic, political, and administrative. These problems arose despite the underlying conditions in the two territories favoring unification, that is, the common language, culture, and religion, and the almost unanimous support for unification among the articulate persons of the two territories.[10] This emerging voluntary union aborted as a number of scholars testified that the

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[5] African Union (2005). *African Union Fact–finding Mission Report*. Available at https://www.americanrhetoric.com/speeches/PDFFiles/au-fact-finding-mission-to-somaliland-30-april-to-4-may-2005.pdf. Accessed May 2021.

[6] Contini, Paolo (1969). *The Somali Republic: An Experiment in Legal Integration.* London: Frank Cass and Co.

[7] Ibid 4.

[8] Fox, Mary-Jane (2015). *The Roots of Somali Political Culture.* Boulder, Colorado: First Forum Press.

[9] *Ibid*.

[10] Dualeh, Hussein A. (2002). *Search for a New Somali Identity.* Printed in the Republic of Kenya.

integration between both sides was not appropriately framed and this has instigated the refraction of the union agenda and the overall process instantly raised the dissonance between the two sides.

In this context, Somaliland and Somalia politicians are in agreement that the union took place on an occasion of excitement and commitment that Somalilanders had made for this merger to happen. Jubilation and ideology of the Somali irredentism magnified the political atmosphere without examining the equation of the power, and this was not satisfactorily engrained in this course of the union. Both the unity and the independence of the two territories were celebrated with high emotions and national pride. The first Somali nation-state was born.[11] The enthusiasm for unity was such that territories with two distinct traditions of colonial administration, historical development, official languages, and no commercial ties agreed to unite without any serious negotiations on important political and economic issues, beyond a division of cabinet seats[12] which was not implemented equitably either.

Furthermore, the advent of the merger of both countries was elusive and improvised. And certainly, it was unfortunate that there was not more official contact and co-operation between the British and Italian authorities in the two neighboring territories before their independence and unification.[13] However, Somalilanders did not get what they were expecting to attain from the unification of the two countries but this had become a contrary situation. The failure to negotiate any preconditions and to foresee the potential conflict of interest would in time come to haunt Somaliland[14]. The unification sharpened regional cleavage between Somaliland and Somalia, reflecting the difference between colonial legacies and cultural distinctions, for example between the Rahanweyn society in Somalia on one hand, and the Hawiye, Darod, Isaq, and other major clans on the other hand scattered throughout the Somali state (Somaliland and Somalia combined).[15]

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[11] Sheikh Hassan, Mohamed-Rashid (2015). *Somali History – 1960-1991: Islam, the Clan and the State in the Somali Context.* Hargeisa: Sagaljet Publications.

[12] Africa Watch (1990). *A Government at War with Its Own People: Testimonies about the Killings and the Conflict in the North*. London: Africa Watch.

[13] Lewis, I. M. (2002). *A Modern History of the Somali: Revised, Updated, and Expanded*, 4th edition. United Kingdom: Long House Publishing.

[14] Ibid., 12.

[15] Mukhtar, Mohammed H. (1997). *"Somalia: Between Self- Determination and Chaos".* In: Mending Rips in the Sky: Options for Somali Communities in the 21st Century. Lawrenceville, New Jersey: The Red Sea Press.

The former Somaliland Minister of Finance, who was also among the young Somalilanders who made the coup in 1961, told to the researcher that he met the first President of the Somali Republic, Adam Abdulla Osman, in Nairobi in January 1968 when he was the Somali Republic Ambassador to Kenya, during the aftermath of when Osman was defeated in the election with Abdirashid Ali Sharmarke in 1967. President Osman admitted the failure of the union of Somaliland and Somalia in relation to both the legal and political reconfiguration, and Osman added that the political grievances from the Somaliland people in the course of the union's poorly performance would be the future underlying cause of destruction and the disintegration of the Somali Republic.[16] Dualeh insisted what prompted the failure of the trial union was how Somalia politicians were neither conscious nor farsighted about the struggles faced by Somalilanders in the union.

Hence, if we look at the destructive consequences that this unsuccessful union brought to this context; the Africa Watch Report (1990) "A Government at War with its Own People" exposed the horrific and disastrous situation that the people from Somaliland encountered, in which gross human rights violations were constantly witnessed both by local level and international human right organizations. It is difficult to overstate the Somali government's brutality towards its own people or to measure the impact of its murderous policies. Two decades of the presidency of President Siad Barre have resulted in human rights violations on an unprecedented scale which have devastated the country.[17]

This Africa Watch report discloses how Barre's regime instantly transformed all policies and legal frameworks into instruments and behaviors hostile to international civil and political rights after the overthrow on October 21, 1969. Strict controls prohibited independent political activity and ensured that there were no legal avenues for the expression of dissent. These laws have been supplemented by a broad range of extra-legal forms of repression, implemented by such groups as the "Victory Pioneers".[18] Indeed, there were several groups of instruments that the regime used as the report indicated to oppress the people, these included the group of Victory Pioneers (Guul Wadayaal), National Security Services, the National Committee for the Eradication of Corrupt Practices in the Public, Military Court, and even

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[16] Interview with Ambassador Hussein Ali Dualeh, Hargeisa, Somaliland, 2021.
[17] Ibid., 12.
[18] *Ibid.*

Militia groups created by the regime. All such entities embodied the suppression and tyrannical actions against the people of Somaliland as regularized actions.

Africa Watch's estimated that the number of people killed by government forces, shot point-blank or killed as a result of aerial bombardment and artillery shelling, and war-related wounds, were in the vicinity of 50,000–60,000.[19] The resistance to the dictatorship was largely fueled by this inimical, untenable background in more ways than one. The terror unleashed by the regime, the abolition of the national representative institutions, and the transformation of the remaining state bodies into an instrument of oppression and spying left the extended family and the related clan network the only relatively safe haven.[20] Eventually, the article wants to further explore the motives behind the search for unification between Somaliland and Somalia, the shortcomings of this political ambition of the union, the negative consequences of this hasty union, and Somaliland experiences a post failed union with Somalia.

MERGING WITH SOMALIA ON THE DAWN OF INDEPENDENCE CELEBRATION AND THE CATASTROPHIC SITUATION

Somaliland and Somalia did not succeed to maintain a political system that can accommodate and integrate the divergence of systems and representations that parties exhibited for the interest and hope of forming a greater Somali Republic in the Horn of Africa. Somaliland people anted up high stakes hoping that all five Somali territories will unite under one state – the Greater Somali Republic. The upshot was the frustration of Somali unity, with Djibouti, eventually, opting for its separate statehood and the borders with Ethiopia and Kenya remaining intact as left by the colonial powers. The marriage between the two original parts became unworkable.[21]

The disaffection of the political system immediately flawed the merger, the celebrations, and excitement of the independence turned into a catastrophic situation and tyranny. As the Somali state disintegrated in the 1980s and finally collapsed in 1991, the resulting situation produced not an only

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[19] *Ibid*.
[20] Samater, Ibrahim M. (1997). *"Light at the End of the Tunnel: Some Reflection on the Struggle of the Somali National Movement".* In: Mending Rips in the Sky: Options for Somali Communities in the 21st Century. Lawrenceville, New Jersey: The Red Sea Press.
[21] Ibid., 20.

staggering human tragedy but also the need for a revised political theory.[22] Underlying the collapse of the state and end of the union was the collapse of a dream that bound people together and encouraged them to look forward to a future of fraternity and freedom.[23]

Moreover, the situation of the reconnoitered unification turned more impulsive and inspired Somalilanders to abrogate the voluntary merger in a ferocious manner opposing vicious cycles forcing through a flawed political dream. Somalia took power-sharing or the serious formation of the Somali Republic out of the equation. Instead to try to legitimize an 'Act of Union', it drafted and voted through an assembly it dominated 3:1 in order to keep Somaliland within a system that turned it into an underdog with no influence over events including government formation, power, and resource sharing.

The attempted coup that some Somaliland military officers carried out in 1961, a year later of this aborted union, was one of the reactions indicating contrary to what is so-called voluntary union and all the dreams that lead to it were already dead – a thing of the past. An interview with Dualeh by the researcher in Hargeisa further exposes how the scale of disappointment was on the Somaliland side immediately after 1 July 1960. He explained the objective of the coup in 1961. "We aimed to bring back Somaliland on 26 June 1960 and the political independence inherited from Britain and it was also a clear reaction from the feelings of the people we as military officers represented. Regretted how our sovereignty was lost and how our brothers and sisters in Somalia were ignoring with all top positions of government, and power-sharing".[24]

The union of Somaliland and Somalia law incorporating the proposed Act of Union previously sent to Mogadishu was not implemented or even discussed. Section 1(a) stated that 'The state of Somaliland and the state of Somalia do hereby unite and shall forever remain united in a new, independent, democratic, unitary republic the thereof shall be the Somali Republic,[25] given that pre-conditions were implemented as envisaged. Contini described that the 'Act of Union' drafted and submitted by Somaliland Parliament to

[22] Adam, Hussein M. (1997). *"Hobbes, Lock, Burke, Ibn Khaldun and Reflections on the Catastrophe in Somalia".* In: Mending Rips in the Sky: Options for Somali Communities in the 21st Century. Lawrenceville, New Jersey: The Red Sea Press.

[23] Bulhan, Hussein A. (2008). *Politics of Cain: One Hundred Years of Crises in Somali Politics and Society,* 1st edition. Bethesda, MD, USA: Tayosan International Publishing.

[24] Ibid., 16.

[25] Ibid., 6.

Somalia underlined a lot of important issues for the benefit of the union these included power-sharing, the structure and mandate of the state branches, 'citizenship' and other provisions addressing some fundamental issues of the union but the Somalia parliament overlooked it.

According to Paolo Contini's legal analysis, Somaliland and Somalia did not legitimize the union that sought to maintain the rest of Somali-speaking territories. Indeed, this bid of the union lacked mutual consent of political and legal aspects and this has undermined the two countries' merger through moral and legal grounds. This, understandably, has become a driving, valid point of argument for Somalilanders to point out that the union between two sides aborted at the onset of its preliminary stages. There were two different judicial systems, different currencies, different organizations, and conditions of service for the army, the police, and the civil service, as well as different training, outlook, and working habits between the Somalia and Somaliland states.[26]

The divergences between Somaliland and Somalia have had its implications that prevented the proper union to happen and Somaliland politicians argue that despite the limited time framework, Somaliland was prepared to enter a union that legally safeguarded its validity and legitimacy while the Act of Union has comprehensively outlined the overall course of the merger. Nevertheless, Somaliland people sacrificed their sovereignty and independence in the pursuit of forming a 'greater Somali state that unifies all Somalis. This irredentist nation in the mind was symbolized by a light blue flag at the center of which was a white five-point star, each point of the star representing each of the five Somali territories that the colonial rulers had partitioned.[27] Now this 'white five-point start' is black in the Somaliland flag which portrays dismembering or revoking the Somalia flag.

Likewise, it seems indisputable and has a clear indication that Somaliland politicians were honest and committed to the union to be materialized but on the Somalia politicians' side, it was reversed, and they could not hide their deception to obscure the political momentum. Case in point, the late President of Somaliland Mohamed H. Ibrahim Egal shared history with the people of Somaliland on what happened to him and other Somaliland politicians. He said: "One day while passing by the parliament we heard a commotion and a flurry of activity at the entrance of the parliament.

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[26] *Ibid.*

[27] Ibid., 23.

When we investigated, we were told that the house was voting for an 'Act of Union'. A copy was given to us. It was only of 2 articles: the two states and the two parliaments are joined. The 23-article 'Act of Union' we drafted and submitted to Mogadishu was thrown out to the winds.[28] Imagine, we are the leaders who took Somaliland to Mogadishu not being told of such an act. Imagine out of consternation when we realized there was no way we could reverse a prepared Somalia House shouting their approval as if the issue was theirs and theirs alone. Somaliland politicians were neither consulted nor allowed to stop the proceedings: outnumbered and outvoted.

There are clear and sufficient indications that Somalia politicians were not willing to accommodate Somaliland's desire for unity or pan-Somali ideology of the greater Somali state. When the Somaliland representatives entered the parliament, they found neither apology nor explanation. On the contrary, Somalia's ruling elite changed tactics to keep them in the dark – they used to continue their discussion in the Italian language, a language Somaliland representatives neither spoke nor understood.[29]

Bulhan further elaborated on the scale of dishonesty and how Somalia's politicians distorted the agenda of the union. First, this parliamentary session was held on a holiday. Second, the members of the Somaliland parliament were not informed as Egal demystified. Third, the agenda of the session was the Act of Union and changing the language of the parliamentary sessions from Somali into the 'Italian language' and without prior consultation with Somalilanders in any form or manner.

Somalilanders were sincere that the two parts come together in the search of the rest of Somalis. Nonetheless, Egal and other Somaliland leaders did not wind the clock back and reclaim the independence they hastily gave up for the dream of Pan-Somali unity. Caught in the euphoria for independence and unity, neither they nor the people they represented knew then that this first denial of equality and reciprocity was a harbinger of worse things to come. Yet, for the sake of preserving Somali unity, they ignored this incident at the parliament the same way they did other blatant shows of disregard to them.[30]

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[28] Retrieved from a public speech addressed by the Somaliland President at the Somaliland Parliament in 18 December 1997. Available at https://www.youtube.com/watch?v=_A2qn7uMTT0. Accessed May 2021.

[29] Ibid., 23.

[30] *Ibid.*

Although, Somalilanders were utmost of Somali nationalist course against the European colonizers and the expansionism of Abyssinia (currently Ethiopia), however, the people of Somaliland under the British Government felt that Great Britain made a deception and lied to the people of Somaliland when the British Government handed over Hawd and Reserve area to Ethiopia. In 1954 the Anglo-Ethiopian Agreement was concluded under which one-third of the territory of Somaliland was ceded to Ethiopia. When the agreement was announced in the country in January 1955, the Somali people took the news very badly. Demonstrations were organized throughout the territory, and elite nationalist parties gained public following and support that they had previously lacked.[31] The vigorous political energy and determination which surrounded the Somali unification objective represented a permanent threat in the eyes of neighbouring countries[32] and this has caused destructive and catastrophic situations.

As the literature reveals, the Somaliland traditional elders and the British Government entered agreements and treaties of protection and safeguarding the territory of Somaliland but this step to relinquish the Hawd and Reserve area to Ethiopia was enflamed Somalilanders cross. By 1885, the British had won the race to the Somali country and had signed various treaties with Somali elders in which they agreed never to cede, sell, mortgage, or otherwise give for occupation - save to the British Government - any portion of the territory presently inhabited by them, or being under their control.[33] In February 1956, Michael Mariano, one of the foremost nationalist leaders at the time, said in a broadcast over the Hargeisa Radio that what the Somalis of the Protectorate had regarded as a "great calamity" might in the long run, because of the great political awakening it had caused, be their "greatest blessing".[34]

THE OUTCOME OF THE ATTEMPTED UNION

Since the founding principles of the union failed to attain both legitimacy as well as other means of political accord, this has resulted in growing dismay

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[31] Mohamed, Jama (2002). Imperial Policies and Nationalism in the Decolonization of Somaliland, 1954-1960,
 The English Historical Review, Vol. 117 (474), pp. 1177–1203.
[32] Zoppi, Marco (2015). Greater Somalia, the never-ending dream? Contested Somali borders: the power of tradition vs. the tradition of power, *Journal of African History, Politics and Society,* Vol. 1 (1), pp. 43–64.
[33] Ibid., 31.
[34] Ibid., 4.

toward how the merger has been performed in a way that mismatched and contradicted the vision and dream of the people of Somaliland. Therefore, the consequences of the failed unification can be divided into four critical areas: Firstly, the Pan-Somali unity dream of the greater Somali state was terminated and become unattainable at the onset. Amalgamating the Somali people was both an ideological and political aspiration, preventing Ethiopia's expansionism and countering its growing hegemony in the region was among underlying principles to unify all Somalis in the Horn of Africa. Nonetheless, today, this ideology is no longer receptive to many Somalis including Somalilanders who were once a proponent of this ideology of the greater Somali nation-state because the first attempt of two countries –Somaliland and Somalia had become fruitless.

After a month of the voluntary union, Somalilanders demonstrated their public regrets and disobedience. During a visit by Prime Minister Abdirashiid Ali Sharmarke to Somaliland in August 1960, Abdilahi Sultan Tima Adde, the foremost pan-Somali nationalist poet, expressed dismay at how the Somalia leadership ignored the disparity of power between Somaliland and Somalia. He cited a poem portraying the government's disregard of Somaliland (symbolized by its main port Berbera) while Somalia (represented by Xamar, i.e. Mogadishu) enjoyed the seat of the government, including a thriving port.[35]

The second point to note is that Somaliland people got disappointed in how the situation of the union went wrong and impaired the overarching goal of the merger, lack of proper integration legally and politically, and the absence of power-sharing. Socio-political and economic alienation were experienced, and this has degenerated the overall conditions that the Somaliland people beefed for many years for their efforts to unite the Somalis. Many mistakenly think that the breakup of the union was borne on 18 May 1991, not realizing that the process of drifting away and regrets had started soon after the union in 1960. On the contrary, Somaliland's reclamation of independence on 18 May 1991 was the culmination of a process of drift and rift that started soon after independence.[36]

In this political context, there were economic sanctions and extra measures imposed on the Somaliland business communities, restraining their own-generated development. Somaliland people and their regions remained

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[35] Ibid., 23.
[36] *Ibid*.

underdeveloped with limited access to education with not even a single university. The situation turned into peripheral and severe conditions. The Siad Barre regime prohibited Somalilanders to build luxury houses or buy luxury cars as well. And, thirdly, and the most horrible experience is the level of oppression, murder and destruction that was openly perpetrated.

Civilians continued to suffer human rights violations as arbitrary arrest, detention, capital punishment, killing, torturing, raping, looting, and the use of all forms of repression and subjugation, suffocating the life out ordinary people daily. This has resulted in clan cleansing and gross human rights violations. Genocidal acts evidenced by mass graves that dry rivers uncover are in the testimony of and proof of how such crimes against humanity took place inside the regions of Somaliland. The legacy of the abortive union and the resulting civil war left behind a trail of physical destruction and social dislocation, all of which require more resources in order for the population to recover and enjoy better conditions of life.[37]

The Africa Watch Report of 1990 further illustrated that thousands of people fled from the main cities of Hargeisa, Burao, Berbera, and others, reached Ethiopia settling in refugee camps. Africa Watch estimated that more than 400, 000 people fled to Ethiopia. Other reports also pointed out that around 800,000 thousand fled either to Ethiopia or countries far beyond the boundaries of the Horn of Africa, including other African countries as well as European and North American countries such as Canada and the United States of America.

Fourthly, people suffered in varying forms and degrees the ravages of the intractable conflict, social disintegration, the harsh conditions, humanitarian crisis, and difficult, debilitating circumstances experienced. The situation was becoming imprudent and intolerable from time to time where many innocent people lost both their lives and property. Three decades of unaccountable decision-making alienated Somalis from the formal government process. Beneath its surface unity, a ferocious competition was unleashed for spoils in Somaliland regions that spawned nepotism and clannishness.[38] It reached a stage – in the late 1980s where private in the

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[37] Ibid., 5.
[38] Geshekter, Charles (1997). *"The Death of Somalia historical Perspective".* In: Mending Rips in the Sky: Options for Somali Communities in the 21st Century. Lawrenceville, New Jersey: The Red Sea Press.

army would pay bribes to his superior officers to be transferred to Somaliland areas.

THE SOMALILAND EXPERIENCE IN THE POST-FAILED UNION AND COLLAPSE OF THE SOMALI REPUBLIC

Somaliland has acquired plenty of experiences and learned lessons both in the history of the failed union, and the aftermath of the attempted unification that ultimately resulted in the whole Somali Republic's breakdown. One of the important experiences that currently reshaped Somaliland peace and political stability is how the notion of seeking a greater Somali state in the Horn of Africa has become a devastative and deceptive notion.

Therefore, seven main surrounding facts constrained the slogan of the greater Somali state in the pursuit of Somaliland experiences to revoke the utopian notion of the union: Somaliland and Somalia tried to materialize this ideal view of the union did not succeed as Somalia obstructed proper authentication of the union. The Somali irredentism or Pan-Somali nationalism instigated a lot of inter-state deadly conflicts in the region as the war between Somalis and Ethiopians in 1964 and1977, and the Somalis and Kenyan conflict of NFD in 1964.

The pride and Somali nationalism ended up tyrannical to devastation and the disadvantaged Somaliland people had become the first victims in the Somali irredentism ideology. Somalia's stateless and lawless conditions over the latter 30 years embedded such historical matters that Somali irredentism has left behind. The Somaliland state-building process, peace-building, and socio-political reconciliations entrenched a blatant sadness history in the past and it is for this context that Somaliland has become a pioneer of peace and a democratic state. The recollection of such terrifying history in the past as political negative ramifications of the union with Somalia has steadfastly stimulated decisiveness building the foundations of peace and political stability of Somaliland leading to the reinstatement of its sovereignty in 1991.

Somaliland's political system has predicated possession of the locals and comparative experiences in the past. Most of the people here in Somaliland believe that 'enough is enough' in that their efforts to form a Somali nation-state ended up in the parochial hands of Somalia political leaders whose political philosophy never adequately embraced or envisioned the Pan-

Somali nationalism. Somalilanders argue that first and foremost, Somalia's politicians were responsible for the demise of the union from 1960 and onwards. The last 30 years of lawlessness and anarchism testify to how profound the political division in Somalia is and how Somalia lacks a political culture that can be used to rescue the country when such disorder occurs.

Notwithstanding, there is the belief and realization that Somaliland has every right to retrieve its sovereignty and political independence which was misplaced in 1960. The political narrative of Somaliland is notably rooted in the experiences and lessons learned from the Somali Republic's political failures. The Somali National Movement (SNM) political foundation combined with experiences of civil wars that broke out in Somaliland after 1991. These experiences, in part, accentuated the political and security fragility of the country shoring up efforts to lay a solid foundation for peace and stability in Somaliland. The political debates and even ordinary people's conversations are all in harmony that Somaliland will not fall again into what happened in the past, and despite small pockets of conflicts between clans or sub-clans over land issues, grazing, water wells, and retaliation of blood, there had never been a full-scale war in Somaliland since in 1996.

Moreover, the people have also a belief that promoting a peaceful, democratic and inclusive political system should lead Somaliland to attain its dream of a nation-state and political pluralism. In the meantime, the politicians and the elite people in Somaliland now completely changed the narrative of the Hawd and Reserve area in Ethiopia that the British Government relinquished to Ethiopia officially in 1954. This land that the British handed over to Ethiopia was once a political benchmark in order to return it by - an agenda point of Pan-Somali nationalism and unification of the two parts.

For instance, Somaliland's constitution article (10) sub-clauses 4 and 5 state Somaliland accepts that political disputes which arise shall be settled through dialogue and peaceful means, and shall respect the territorial integrity of other countries. It shall endeavor to replace the long-standing hostility between the countries in the Horn of Africa with better understanding and closer relations.[39] Hence, this is a more explicit political notion that Somalilanders are not aspiring again to confront their erstwhile contestation over the Hawd and Reserve area because Somaliland recognized the

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[39] Republic of Somaliland (2016). *Somaliland State Constitution*. Hargeisa: State Printing Agency.

AOU/AU Cairo Declaration in 1963 reaffirmed the colonial borders to remain intact.

SOMALILAND AND THREE DECADES OF ACHIEVEMENTS

Since the Republic of Somaliland has reinstated its sovereignty on May 18 in 1991, the country has been struggling to reconstitute and revive the multiple state institutions that were destroyed during the war between SNM and the Siad Barre regime. Mohamed Farah Hirsi (Ph.D), the Executive Director of the Academy of Peace and Development (APD) points out that initially, the political settlement of Somaliland has shaped a political momentum embedded in inclusiveness, consensus building, and genuine social reconciliations. He believes that such greater cooperation between formal and informal actors was instrumental and navigated the peace and state-building processes across the political reconstruction of the country.

Restoring the political history of Somaliland as it existed before the merger with Somalia has had its disadvantageous and pragmatic political effect concerning power-sharing and constitutionalism. Both the local and international actors agree that Somaliland has made remarkable achievements and has become a miracle in East Africa. Somaliland's political system is rooted in a social contract based on the national charter of the Borama conference in 1993 and later amalgamated by the constitutional referendum which was unanimously approved in the first Somaliland one person, one vote referendum in May 2001.

According to many local, regional, and international scholars, researchers, institutions, and policymakers, the Somaliland peace-building initiative was accomplished because it was locally financing and locally determined to demonstrate genuine ownership. Reviving and reconstructing social services, economic backbones, and generating government revenues were commendable and encouraging signs for growth and development. It is also an unconcealed factor how political stability and constitution-making process concurrently envisioned and materialized.

SOMALILAND SUCCESSFUL PEACEBUILDING INITIATIVES, 1991–1997

Somaliland's peace-building approach has combined factors of indigenous, traditional, cultural, and customary instrumental triangulations. The

relationship between SNM and traditional authorities during the struggle had become a tool for reconfiguration and reconciliatory means of forming an immediate platform of dialogue and negotiations. As early as February 1991, the SNM leaders had organized a meeting between all of Somaliland's Isaq and non-Isaq clans in Berbera to negotiate an end to hostilities. Within two months of Barre's fall, all Somaliland clans had agreed to accept the political leadership of the SNM.[40]

This immediate dialogue between clans that supported SNM and clans that remained with the regime was both substantial and had some conceivable outcome that generated the subsequent meetings of peace-building, and ceasefire. As soon as the Siad Barre regime was ousted in January 1991 and SNM captured Somaliland, whereas peace-building conferences between Isaq and non-Isaq clans commenced in February 1991. The first was held in less than a month after the dictatorship fled and this dialogue and peacemaking initiative prevented any spread of conflict and hostility between Somaliland clans with the full support of the two sides.

According to Sarah Phillips, the international community spent a lot of money on the Somalia peacebuilding process where Somaliland's peace-building process was more bottom-up and home-grown indigenous initiative. Phillips stated that the Borama conference was only given $100,000. While the United States and United Nations became more entangled in the conflict, putting together intervention forces and spending a combined total of around US $4 billion on peacebuilding processes in Somalia.[41]

Nevertheless, Somaliland peace-building process can be divided into three phases in which the traditional elders with a variety of categories participated and contributed voluntarily. According to Yusuf Sha'ir who is a prominent and active poet that participated in the peacebuilding process, he categorized for the following (a) ceasefire stage, in this context, he has explained that the third party who are the elders step in to stop direct fighting and strike a ceasefire; and (b) the parties fighting to give confidence of authority to the mediating elders/committee – (c) swearing-in each clan around 25 or 50 elders to accept the mediation outcome and finally to sign the agreement. He

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[40] Phillips, Sarah (2013). *Political Settlements and State Formation: The Case of Somaliland*. Available at
https://www.dlprog.org/publications/research-papers/political-settlements-and-state-formation-the-case-of-somaliland. Accessed June 2021.
[41] I*bid*.

concluded that the mediation elders committee foresee or monitor quite the same time how the agreement is being implemented based on the parties' contractual agreement.[42]

On the other hand, Yusuf Sha'ir has illustrated that this traditional mechanism has all the tactics and strategies to defuse the tension, to scrutinize the root cause of the conflict by employing customary law drawing experience from similar events in the past, or if the conflict is new, in finding appropriate leverage and mode of operations to resolve it. Therefore, the way and approaches that Somaliland peace-building has followed also are more relevant to the international scale as Johan Galtung laid down the road to peace-building in three trajectories: peacekeeping, peacemaking; and peacebuilding (1976).

It is undeniable, looking from all angles, which the peace-building process of Somaliland succeeded due to the cooperation between traditional authorities and politicians. The literature termed this cooperation 'a hybrid political order'. In reality, it is astonishing how Somaliland survived the stateless conditions in 1991 when many parallel and paradoxical actors were operating. The interplay between state and non-state actors reshaped the peace-building atmosphere in Somaliland.

THE ROLE OF SOMALI POETRY ON PEACEBUILDING

Yusuf Sha'ir has enlightened the important role of Somali literature on peacemaking, peacekeeping, and peace-building, Yusuf Sha'ir wrote poetry and literature on peace as written in a book called *'Nabadshe'*, literally meaning 'the Peace Making' that was published in 2005. He illustrates that the poets played a vital role in peacemaking, peacekeeping or peacebuilding because he argues that Somali poetry has wisdom and features of persuasion and promotion of peace, stability, brotherhood, healing, curiosity, and voicing.

For instance, having read some of the poetry that Yusuf Sha'ir promoted the peace between two major clans in Somaliland, in particular, in Burao at Waraabeeye as well as Beer conferences in 1996, should indicate how rich the Somali literature was, how words and arguments of the poem delivered in these peace conferences contributed to the peace and brotherhood among

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[42] Interview with Yusuf Abdulle Osman better known as Yusuf Sha'ir, Hargeisa, Somaliland, 2021.

these clans. During the researcher's interview with Yusuf Sha'ir (2021) in Hargeisa, he told the researcher about a poem that he narrated at the Duruqsi peace conference in 1996 between two major clans living in Burao.

When he recited the poem to attendees of a peace council, the participants of the conference from the two hostile clans immediately started healing, crying on one another, regretting what happened and the whole atmosphere changed becoming more positive, more tranquil. He concluded that Somali literature is vibrant and contributory for the fate of peace and social reconciliations and he also emphasized that currently, the Somali literature that previously used conflict mobilizations and retaliation among the clans now has no audience.

REVIVING AND RECONSTRUCTING SOCIAL SERVICES, AND ECONOMIC BACKBONES

Somaliland succeeded to restore basic social services, improve economic backbones, and infrastructure development. Successive governments flourished by generating revenue and tax collections, starting the national budget, and sustaining the salaries of the civil servants and security divisions in, primarily, a progressive and incremental manner throughout the years. Somaliland is a state that neither relies on external budget support nor loan and there is no debt at all in Somaliland that international financial institutions offered to the government, every sector started from scratch.

Accordingly, these last thirty years can be divided into three stages (a) 1991–2000: The whole government concentration and attention focused on peacebuilding, political stability, security, reconstruction, rehabilitation, demobilization, disarmament, healing, etc. (b) 2001–2010 was a constitutional assignment period, democratization, forming multiparty political system, and experimentation of check and balance of state branches as a key component for the country's political and governance efforts. (c) 2010–2021: The country pursued a development agenda as putting national development plans in place, recovering from humanitarian care and turning to development opportunities and visions, institutionalizing and improving infrastructure for both public facilities and the private sector.

THE DEMOCRATIZATION PROCESS OF THE STATE

Somaliland succeeded to create a constitutional state that promoted political pluralism, competitive, free, fair, and transparent elections. This

constitutional democracy also safeguards civil and political rights, equality, and no racial discrimination. According to many scholars including Michael Walls (2014), Marleen Renders (2012), Rebecca Richards (2014) Hussein Adam (2008) Ibrahim Meygag Samatar (1997) Dominik Balthasar (2018), Sahara Phillips (2013), Ahmed Yusuf Farah, and I.M. Lewis (1997), Mark Bradbury (2008) argue that Somaliland state-building as a constitution-making process and democratization realized through the combination of formal state institutions and informal as traditional authorities.

Ibrahim Meygag Samatar who was a chairman of the SNM central committee has had a strong belief that Somali National Movement (SNM) as a guerilla and liberation movement against the dictatorship succeeded to rotate the leadership and held successive congresses during the war where SNM elected its leadership democratically. The SNM provided an alternative system whose hallmark was participatory democracy from top to bottom. It was thus possible for it to carry over this tradition to a national level after victory, providing avenues for dialogue and compromise while state structures were still weak, culminating in the fora for consensus-building such as the Borama conference.[43]

Samatar also argues that SNM was the most democratic liberation movement in Africa. SNM and Somaliland constitutional practices involve leadership rotation and electoral participation within relatively bottoms-up legitimacy wherein in Somalia, faction leaders held power without electoral legitimacy.[44]   SNM as a political organ gave birth to the struggle for democratic experimentation in Somaliland, and is still guiding it in more ways than one, it has learned how to forgive, how to compromise and accommodate, and how to relinquish state power when this is dictated by the principles for which it struggling for.[45]

This political philosophy of self-reliance and domestication of political activities proved sustainable and flexible in the sense that the political and electoral decisions are made through consensus and participatory manner. Somaliland's political reconstruction was driven by indigenous initiative, indigenous capital reconstruction, and indigenous political leaders.[46]

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[43] Ibid., 20.
[44] Ibid., 22.
[45] *Ibid*.
[46] Renders, Marleen (2012). *Consider Somaliland: State-Building with Traditional Leaders and Institutions*. Netherlands: Martinus Nijhoff Publishers.

Bradbury also mentioned that the traditional system was integrated into the political system. As the government became established, 'tradition' was fused with the 'modern' to create a unique political system.[47]

The question must be raised of why a traditional institution was included in the government of this aspiring state? Indeed, without the inclusion of this traditional element from the beginning of the state formation process, the territory would not have exhibited the level of peace and stability that exists today.[48] Most scholars locally and internationally argue that the *de facto* state that Somaliland accomplished, was realized through a nexus between the longstanding traditional governance and modern democratic constitutional state institutions.

In the subsequent elections since 2002 the domestic and international observers attributing Somaliland elections most peaceful and transparent polls and the last election of the joint parliamentary and the local council, the international observers testified that 31 May election was more peaceful and transparent. From what the Brenthurst Foundation's mission saw during its period and scope of observation, the 31 May 2021 Somaliland election process was free, fair, and credible.[49]

SOMALILAND'S CONTRIBUTION TO REGIONAL AND INTERNATIONAL AFFAIRS

Reinstating the sovereignty and political system of Somaliland has become an attractive, and credible partner to regional and international peace and security. In this regard, Somaliland constantly contributes to the regional and international community efforts towards the fight against terrorism, piracy, arms smuggling, human trafficking, wildlife trafficking, illegal fishing, and other crimes that take place both onshore and offshore.

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[47] Bradbury, Mark (2008). *Becoming Somaliland.* London: James Curry Publishers.

[48] Richards, Rebecca (2009). *Challenging the Ideal? Traditional Governance and the Modern State in Somaliland*. Available at https://www.researchgate.net/publication/260095566_Challenging_the_Ideal_Traditional_Governance_and_the_Modern_State_in_Somaliland. Accessed June 2021.

[49] The Brenthurst Foundation (2021). *Report of the Brenthurst Foundation: Somaliland Election Monitoring Mission*. Available at https://www.thebrenthurstfoundation.org/books-publications/report-of-the-brenthurst-foundation-somaliland-election-monitoring-mission/. Accessed July 2021.

Somaliland is located in a troubled region of the Horn of Africa disadvantaged by ethnic violent conflicts, civil wars, and the influx of refugees, droughts, poverty, locust, humanitarian crisis, terrorist groups, intra- interstate conflicts, diseases, and poor socioeconomic conditions. The Horn of Africa region is characterized by poor governance and stalling democratic practices, where authoritarian regimes and one-party systems dominate the political arena letting in contending external actors and proxy political activities to germinate fresh challenges.[50]

On the other hand, the Horn of Africa region has been subject to contestations of superpowers in the Cold War era and again the Horn of Africa region has become a battleground of multiple actors and rivalries due to its geostrategic location by the Gulf of Aden, the Red Sea. Somaliland, by default, became the focus and the main frontline state in these strategic avenues however, this contestation of multiple actors is likely to jeopardize the regional peace and political stability. The Port of Berbera and Somaliland's geopolitical location at the crossroads of West Asia, the Horn of Africa, and the Indian Ocean is likely to assume increasing strategic importance as the Indo-Pacific rivalries sharpen.[51]

In recent years, Somaliland dedicated itself to promoting regional economic integration, transnational trade, and modernizing its ports and airports. The Horn of Africa, home to the port city of Berbera, and with a population of more than 140 million people, is dynamic and ever-evolving. Despite the economic shocks of the pandemic, the region has showcased remarkable resilience, managing to grow by 0.88% in 2020. A testament to its growing consumer markets, natural commodities, and strategic location with excellent access to some of the world's major trade sea lanes and land routes, from the Suez Canal to the Strait of Malacca.[52] Historically, the strategic location of the port near the straits of the Bab-el-Mandeb, which is a key maritime

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[50] M. Barawani, Mohamed A. (2020). *Horn of Africa Conflicts Mainly Caused By External Influence*. Available at https://www.busiweek.com/horn-of-africa-conflicts-op-ed-by-external-influence/. Accessed July 2021.

[51] Gurjar, Sankalp (2021). *Reviving the Port of Berbera: Why India and the UAE can become partners in the Western Indian Ocean.* Available at https://www.indianarrative.com/economy-news/reviving-the-port-of-berbera-why-india-and-the-uae-can-become-partners-in-the-western-indian-ocean-105500.html. Accessed July 2021.

[52] DP World (2021). *Transforming Berbera into a world-class centre of trade*. Available at https://www.dpworld.com/news/blogs/transforming-berbera-into-a-world-class-centre-of-trade. Accessed July 2021.

chokepoint for international trade and global energy security, has attracted foreign powers.[53]

CHALLENGES THAT SOMALILAND EXPERIENCED OVER THE PAST THIRTY YEARS

First and foremost, misplacing the sovereignty rights of Somaliland and the denial of its *de jure* political status has undermined the economic growth, institutional development, and integration of the world system. The disavowal of the political rights of over 4.5 million persons is catastrophic and negative. For instance, Somalia constrained and sabotaged the international assistance that was intended for Somaliland. Second, one cannot dismiss that the interplay between modern state institutions, tradition/clan system, and Islamic sharia system raised a constant tension socially, legally, economically, and politically. Somaliland is steadfast toward creating a democratic state, in which it's political and legal systems are both locally contextualized and internationally integrated. Most scholars attributed this system to a "hybrid political order" which meant the cooperation or integration between formal and informal actors and systems.

On the premises of this, clan/traditional system overrides and weakens the institutional and political growth of the country whereas political appointees, civil servants, and elected bodies are all positioned in such tracing and tribal influence, and this is contrary the merit-based, competence, and qualified deserved persons who can make the country more effective and prosperous. The clan system and tribalism raise a persistent threat to formal state institutions, and no one can dismantle them unless is transformed the society into a more educated and nationalistic.[54] Hussein contends that reforming the national constitutions is indispensable if Somaliland wants to mitigate some of the institutional challenges that it currently faces.

The third point to note is that poverty, high rate of unemployment, poor socio-economic conditions, and absence of many necessary infrastructures as roads, airports, ports, and water systems, and health facilities all weakened the socio-economic growth and development of the country. The people of Somaliland have been enduring such challenges over the past thirty years because of the realization of their founding true democratic spirit,

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[53] Ibid., 51.
[54] Interview with Eng. Faisal Ali Hussein in Hargeisa, Somaliland, 2021.

independence, and safeguarding their civil, political, cultural, and economic rights.

Fourthly, failure to settle Somalia's political system and create an independent and credible democratic state made the world powers and international community as a whole to be exhausted both energy and resources. They appear to have ended up, despite the unsparing efforts, in a zero-sum game. The diversion of attention and resources constrained Somaliland's growth and development, too. The whole world is obsessed to rescue Somalia from misery, a state of shock, and anarchic conditions. On the other hand, the attempted talks between democratically elected leaders of Somaliland and transitional leaders of Somalia did not succeed and Somaliland accepted these talks for the sake of peace and security in the region. Somaliland demonstrated to the world that it has every right to reclaim and reinstate its sovereignty.

Lastly and the fifth point to mention is that the intractable conflict between clans or sub-clans over the land grappling, grazing areas, or water wells threatened peace and stability. Successive governments of Somaliland spent more resources and energy to maintain peace and stability. The creation of new settlements aimed at expansion of the clan or sub-clan territory has become the most repetitive violent conflict since Somaliland regained its sovereignty in 1991.

CONCLUSION

There is no doubt at the moment that Somaliland has sufficient experiences and a track record to comprehend how Somali nationalism, political ideology, and dreams to reunify all Somalis in the region of the Horn of Africa is nothing more than a figment of the imagination. The Somaliland experiment has proven beyond reasonable doubt that the Pan-Somali dream was not a shared goal among the Somalis in Somalia, Kenya, Ethiopia, and Djibouti as Somalilanders of 1960 envisioned.

Somaliland and Somalia were two sovereign countries at the time of the voluntary union but this history was misinterpreted, and distorted on the political ambition of the people of Somaliland. However, the steadfast political development of Somaliland is a signal that Somalilanders can determine their future in a better way. In the meantime, Somalilanders often have a discourse that the future of the people will never be compromised

again and that enough was enough as far as gambling with people's lives and existence in another wild adventure with Somalia was concerned.

Somaliland people have long given up their misguided dreams of a greater Somali state. Indeed, such a huge political transformation seemed to be more convincing and credible considering the lessons learned from the history of the union with Somalia. Somaliland proved its internal sovereignty and a political system that maintained peace and political stability. However, the quest for international recognition, and for Somaliland to realize its vision of *de jure* state should require more coherent non-partisan strategic development and greater national attention combined with the international community realization of Somaliland's inalienable rights of international recognition.

Comparing and contrasting Somaliland's thirty years of unity with Somalia (1960–1991) and thirty years (1991–2021) as a republic on its own attest to how right Somaliland people were to reclaim their statehood from the ashes of war, conflict, and state-designed under-development. Somaliland is much better in all sides of socio-economic, socio-political, education, health, governance, and infrastructure compared to the thirty years it was with the Somali Republic and the Somali Democratic Republic of Siad Barre. The majority of the people testify that Somaliland did a great success when it reclaimed its sovereignty in 1991.

In this year of 2021, Somaliland is celebrating its thirty anniversary of the restoration of a democratic system and political sovereignty that was proclaimed on 18 May 1991. Even though Somaliland has made a peaceful political settlement and progressive social resolutions, there is an increasing clan obscuration over the state and institutional development. Reconciling the state and non-state actors – a trend that still negatively impacts deepening democratic processes and institutionalization – needs to be settled and reviewed.

The majority of the people suggest that Somaliland needs holistic political and constitutional reforms after thirty years. Even some Somaliland friends are all alarmed by the clan system continually miring and obstructing the state institutions' growth and overall development of the country. The clan hegemony is committed to subordinate and undermine the formal state structures, political pluralism, and citizenship.

The Challenges and Opportunities of Good Governance in Somaliland

Muse Abdilahi Muhumed

ABSTRACT

The concept of good governance has attracted public attention for the past decades and is regarded as a significant pillar in any state to meet universally accepted standards. It is essential for effective, stable, and accountable governments. It provides its citizens at all levels to acknowledge the best alternatives for promoting good governance, while poor governments instigate corruption and bad management in all public institutions. Ineffective leadership leads all institutions to fail. This study examines the challenges and opportunities of good governance in Somaliland with special emphasis on accountability, transparency, rule of law, and the participation of the citizens in the decision-making process. The study employed a qualitative method of data collection and analyzed it. The data emerged from both secondary and primary sources. The major findings of the study show that implementation of good governance principles is the crucial issue to be taken towards the prevention of poor leadership, corruption, nepotism, and unfair job recruitment systems happen in Somaliland which are current factors paralyzing the governance systems.

INTRODUCTION

Since the end of 1980, the issue of good government is dominating the interactional discussion about development and international assistance to Africa. How to improve the Africa governance system and what the international community can do promote good governance, thereby improving the overall development conditions in Africa. Good governance can contribute to a revival of African economies and a renewal of African states.[1]

Normally, there is no good governance without a functioning system of public administration, it is known that good governance is an approach to any government committed to creating a system instituted in justice and peace for protecting the human right of the citizens and individuals. The system of public administration is the link between political decisions and the people

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[1] Wohlmuth, Karl (1999). *Good Governance and Economic Development.* Germany: Lit Verlag.

governed. According to the United Nations, good governance is measured by the eight factors: participation, rule of law, transparency, responsiveness, consensus-oriented, equity and inclusiveness, effectiveness and efficiency, and accountability. However, this issue has been one of the targets of the Millennium Development Goals (MDGs) and an agenda for poverty mitigation and sustainable development. It is perhaps the single most important factor in eradicating poverty and promoting development throughout world countries if a political commitment is obtained.[2]

Fortunately, good governance represents one of the most important requirements to achieve development in all societies, especially in developing countries. These countries are now in a dire need of making some serious reforms in their political, economic, social, and administrative structures in order to be able to provide the necessary services for their citizens and help them fulfill their aspirations.[3] Furthermore, it is clearly understood that governance is a system for managing the affairs of the state and society transparently. It is about power relationship, and accountability that allows the citizens and other stakeholders to have their say, and how decision-makers are held accountable.[4] The concept of governance combines ideas about political authority and the management of economic and social resources, as well as the capacity of governments to formulate sound policies to perform their functions in an effective, efficient, and equitable manner.[5] In this regard, achieving economic and social development, good governance is assumed to play a key role especially in mobilizing human and capital resources.

Since 1991, Somaliland has had a functioning government that made effort to stabilization of its people and built with government institutions and conducted several elections that revived its integrity for peace and state-building process. Notably, Somaliland performed key benchmarks of good governance namely, rule of law, government effectiveness, political stability, public participation, accountability, transparency, and control of corruption. But there are still challenges to fully implement the good governance

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[2] Anwar Muktar (2007). *Meeting the Challenges of Good Governance: Democratic Transition and Consolidation in the Harari people National Regional State.* Addis Ababa: Unpublished MA Thesis Addis Ababa University.

[3] Afolabi, Oluwaseun O. (2013). The Rate of Youth Unemployment and Its Effects on National Security, *Cultural and Religious Studies*, Vol. 1 (1), pp. 8–20.

[4] Adejumobi, Said (20070). *Africa and the Challenges of Democracy and Good Governance in the 21st Century.* Addis Ababa, Ethiopia.

[5] Smith, B. C. (2007). *Good Governance and Development*. New York: Palgrave Macmillan.

principles. However, Somaliland has committed itself to draft the first good governance policy. As part of the second national development plan, the government planned and has been striving to realize and strengthen the implementation of good governance and to address the bottlenecks in its implementation processes among other measures. However, the government is still facing many challenges in the effort to put the principles of good governance into practice. Hence, reinforcing good governance and a democratic system is crucial and paves the way to economic and social development.[6]

The establishment document for Somaliland Good Governance Commission in 2010 stated that there has been an increasing recognition throughout the public and private sector that corruption and bad governance are serious impediments to operative government, economic growth and stability, and urgently good governance system led by policies are required at all levels of the public and private sector. Poor governance exists in the public sector and most of the public institutions are very weak to deliver effective services. There is a gap of policies as stated in the GGC studies in good governance declaring that most of the public institutions don't have clear terms of references about their mandate and functional structure. Weaknesses in public service policy and management are one of the hindering factors of public institutions' development.[7]

This study aims to bring the attention of the people and the government to the challenges and opportunities of a good governance system. The government does not meet the requirement of society because of bad administration and corruption. The study indicated that the status of good governance in Somaliland is poor. Because of this reason, citizens are dissatisfied with the service delivered by the government. Furthermore, the study found some opportunities including; democracy, peaceful elections, as well as the existence of a constitution on the ground. Thus this study recommended that the government should involve the citizens during different phases of the development projects and the government should have to deliver the demand-driven service for the citizens. Moreover, recommendations include that citizens should be prepared for a platform that they could directly participate in decision making in the country and in particular in every organization, also

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[6] GGACC (2021). Development of the National Good governance Strategy (2021–2023) for the Somaliland Good Governance Commission. Hargeisa: Somaliland.

[7] GGACC (2010). The Establishment Document of Good Governance Commission of Somaliland. Hargeisa: Somaliland.

to adopt rule of law, such as complete application of the constitution and human right protection through building and delegating some authorities to the human right institutions.

CHARACTERISTICS OF GOOD GOVERNANCE

The United Nations Development Programs (UNDP)[8] highlighted good governance as the good exercise of a nation's affairs at all levels. There are eight characteristics of good governance including participatory, the rule of law, accountable, transparent, responsive, consensus-oriented, effective and efficient, equitable, and inclusive. It assures that corruption is diminished, the views of minorities are taken into account, and that the voices of the most vulnerable in society are heard in decision-making.[9]

GOOD GOVERNANCE AND LEADERSHIP IN SOMALILAND

Leadership and good governance are two concepts that are closely connected and are critical for the achievement of results. It is often said that no country can develop beyond the level of its leadership. Leadership does not have a universal definition because it is applied to every facet of life. Leadership and leading activity are obtainable in the home, at work, religious settings, and invariably where there are groups of people in all life situations. Thus, it could be a process of social influence, which maximizes the efforts of others, towards the achievement of a goal.[10]

Currently, governance is a concept that greatly discussed, is now attracted greater attention within and amongst countries, and as the number of democratic administrations is continuously increasing, good governance has become a key standard to judge a nation's credibility as well as respect on

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[8] UNDP (1997). *Governance for Sustainable Human Development: An Integrated Paper on the Highlights of Four Regional Consultation Workshops on Governance for Sustainable Human Development*. Makati City, The Philippines: United Nations Development Programme.

[9] UNESCAP (n.d.). *What is Good Governance?* Bangkok: United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). Available at https://pdf4pro.com/view/what-is-good-governance-un-escap-2788d3.html. Accessed June 2021.

[10] Sharon, Nicholas, O. O. (2016). Good Governance and Leadership: Pathway to Sustainable National Development in Nigeria, *Journal of Public Administration and Governance,* Vol. 6, No. 1, pp. 35–49.

international scales.[11] It was noted that good governance is an essential prerequisite for any country's development and to make the state and the political system workable and suitable for the people.[12] Generally, a good governance system can be implemented if there is sound and clean leadership in any country around the world. If there is a corrupt leadership, governance practice would be poor and the citizens are not allowed to choose their leaders in transparent and participatory manners.

Somaliland has been running its affairs without any external assistance in the past 30 years since it regained independence in 1991 shortly after the war with Somalia ended. The success of development and democratic governance depends on both a robust state and an active, capable and healthy civil society. Only a strong and capable civil society can play a collaborative rather than competitive role, be an interlocutor with governments and other partners, and also play a watchdog role in the development process. Civic engagement is especially key to the work in strengthening responsive, responsible, and more accountable governance institutions and practices.[13]

According to the Somaliland National Corruption Perception Survey in 2013, about 76.6% of the people surveyed believed that corruption is common in public institutions and became customary and accepted as an informal part of everyday life. In this case, winning the people's trust is a challenge for the leaders. Somaliland leaders have severally times addressed the challenges of good governance to restore people's trust and confidence in the system. Building the trust in governance through the people is essential not just for obtaining resources but also for making government work effectively but now the trust between the citizens and the state institutions is waning.[14]

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[11] Charles T. Iruonagbe, Daniel E. Gberevbie, Francis O. Iyoha, & Matthew E. Egharevba (2015). Cost of Governance in Nigeria: In Whose Interest? *International Journal of Social, Education, Economics and Management Engineering,* Vol: 9 No: 1, pp. 245–252.

[12] Abrham Daniel (2014). *The Challenges and Opportunities of Good Governance in Ghana*. Available at http://213.55.95.56/bitstream/handle/123456789/241/Abrham%20Daniel.pdf?sequence=1&isAllowed=y. Accessed June 2021.

[13] UNDP (2010). A users' guide to civil society assessments. Available at https://www.undp.org/publications/users-guide-civil-society-assessments. Accessed June 2021.

[14] GGACC (2013). *National Corruption Perception Survey, 2013 (Round 1). Available at* https://ameppa.org/wp-content/uploads/2018/02/corruption-final-report-undp-booklet-final-design.pdf. Accessed May 2021.

Lack of commitment from Somaliland leadership, corruption, and bad governance are found almost everywhere which increased the level of unemployment poverty rate of the local people. Somaliland citizens expect to see a leader once in their life that promotes good governance and combats corruption. The opportunity is that all policies required to promote governance are available but economic funds and the political commitment are still low. If good governance is to be introduced, the country's leadership needs to appoint officials running the government offices with their professional experience even if they are selected on clan-based politics.[15] This will allow Somaliland to build a state and democratize it. Although the institutions and the structures are in place the mentality of the people and the poor implementation of the legal framework in safeguarding against corruption and mal-administration remain a challenge.

According to the Freedom House Report on Somaliland published that there are few institutional safeguards against corruption and nepotism. The report declared that Somaliland took some actions to combat corruption, but the Good Governance Commission (GGC) created in 2010 has been ineffective. This is the reality that there are opportunities in strengthening the implementation of sound good governance principles in Somaliland if the people, government, and all other stakeholders combine efforts to make the Supreme Audit Institutions work against corruption and bad governance.[16]

STATE OF GOOD GOVERNANCE IN SOMALILAND

Good governance, democracy, and the rule of law are critical to security, stability, and development. Somaliland has succeeded in building democratic institutions and managed to maintain peace and security in a troubled region. The government and the people of Somaliland recognize that good governance is good for the improvement of the social, economic, and political development in the country. While considering the importance of creating good governance and free from all kinds of corruption, it is vital to promote a state with effective, efficient, transparent, and accountable public sectors that guarantee the fairness and inclusiveness of their services.

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[15] Jeeh, Muse (2017). *Winning the People's Trust: The Challenge for Somaliland Leaders*. Available at https://hornaffairs.com/2017/12/26/winning-peoples-trust-challenge-somaliland-leaders/. Accessed May 2021.

[16] Freedom House (2021). *Somaliland: Freedom in the World 2021 Country Report*. Available at https://freedomhouse.org/country/somaliland/freedom-world/2021. Accessed June 2021.

When building society, a rule of law and the principle of accountability must be maintained by the government. These are the reasons why Somaliland's National Development Plans and objectives are in line with Somaliland's Vision 2030 that is aimed to ensure the development of Somaliland as a prosperous, harmonious, stable, and industrialized state by the year 2030. This can only be achieved if good governance systems are improved and adopted by the public institutions. The Government of the Republic of Somaliland has therefore developed the National Strategy of Good Governance to guarantee public institutions which are accountable, transparent, and participatory.[17]

For this purpose, effective, stable, and accountable governments are essential in serving their citizens through the promotion of good governance. The participants in this study acknowledged that the best alternative for enhancing good governance is the political commitment from the top state leadership. However, they have stated that different components of the governance principles do exist in Somaliland as their oversight is mandated by the good governance commission act.[18]

According to the interviews, the current situation of Good Governance indicates that the existence of the principles is in place but not implemented yet. They have responded that most of the government ministries and agencies have acted but do not apply. This has made most of the government organizations not to be effective and efficient as needed or expected by the citizens because of bad governance. One of the participants reacted to the implementation of good governance in Somaliland and saying "local community participates in some of the government activities, but the most important thing to participate in the budget preparation which is not shared to the people. Some others assured that accountability has to be promoted by the government. The right thing is that the government officials being accountable for their actions as this is will increase the political commitment for the good governance principles to be carried out in the government offices.

In this situation, both the people and the government don't comprehend good governance which is one of the existing challenges that faced the controlling

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[17] Ibid. 6.
[18] UNDP (2012). The establishment act of Somaliland Good Governance Commission. Available at www.unpo.org/article/15101. Accessed May, 2021.

agencies empowered to enforce a good governance system due to poor funds to conduct mass awareness campaigns for teaching the people on good governance. Additionally, the practice of Good Governance in Somaliland is poor due to the lack of implementation of laws; the supreme audit institutions are not cooperating to implement good governance. What is required is to merge the political accountability and the willingness of the government to combat bad administration and promote the components of good governance.

CHALLENGES AND OPPORTUNITIES OF SOMALILAND GOOD GOVERNANCE

Challenges against the Good Governance Implementation

Somaliland has had a functioning government in the past 30 years and hence implemented a governance structure but needs to overcome the challenges hindering the implementation of good governance throughout Somaliland. It is generally agreed that good governance is a prerequisite for the country to attain economic growth, social justice, investment, and development. An effective good governance policy, laws, and practices underline social and economic development, equitable social justice provision, and prudent use of development aid to pull the people and the country out of poverty.

For this purpose, the Good Governance Commission (GGC) must be fully mandated to lead the governance sector to build strong and effective institutions capable of policies and initiate a comprehensive response towards fighting corruption. Comprehending such a concept, the interviewees underlined that good governance is a method in which the government is committed to creating a system formed in justice, peace, and harmony that protects individual's human rights and civil liberties. However, they have said that there are still are challenges for its implementation in Somaliland.

The government's willingness is little, although it has established the Good Governance Commission with little power. Mostly lack of financial or limited financial, human resources and legal complication can be underlined as one of the major challenges associated with widespread corruption and lack of meritocracy in official appointments of the government. In addition to that, the respondents in the study highlighted that the largest challenge hindering the implementation of the good governance system is because of the right people are not involved.

According to the interviewees, the challenges also included poor public awareness to combat corruption and improving good governance, tribalism or clan favor, poor salaries of the government staff, inappropriate legal framework (absence), overlap and institutional conflict of the mandate are some of the challenges that do prevent Somaliland to implement good governance. The sound implementation of good governance reform is a primary issue in Somaliland to done unless the governance system would be worsening. The challenges raised include: a) Absence of Clearly Defined Mandates of the Public Institutions, b) Poor decentralizations, c) Corruptions and Misuse of Resources, d) Inadequacy of Systems and Policies in Institutionalizations, e) Inadequacy of Civic Education, and, f) Poor political commitment on reforming the good governance system.

OPPORTUNITIES OF GOOD GOVERNANCE IN SOMALILAND

The political context can give the government to consolidate democratic rule to implement good governance and empower its supreme audit institutions with exciting media and strong public dialogue. As a result of these and other political achievements, there are opportunities that the participants recognized to be a facilitating factor to the implementation of good governance in the country. According to the views of the respondents, a political commitment is one of the most important issues highlighted to enable the Supreme Audit Institutions to implement interventions in the public institutions. The government commitment to creating a culture of good governance and willingness to promote good governance and fight against corruption is the most useful opportunity which the respondents perceived as enabling factor. Some efforts taken by the government is the establishment of the Good Governance Commission (GGC) that can support the institutional building and their structures in order to lead them the governance principles.

The other opportunity is the public demand on the Good Governance Commission's work in the respondents have underlined as an extreme demand for good governance and tired about the frustrating situation of governance systems and how it affected the socio-economic and psychosocial of Somaliland. Additionally, the public elections taken by Somaliland are opportunities for good governance as far as democratic principles can be matched with good governance principles.

The participants in this study debated about the opportunities of good governance in the country; the majority of them mentioned as the first opportunity as the existence of Good Governance Commission but simply need to be empowered. They also added; dispute resolution mechanisms at the local level, representative local councils. The commitment of national leaders is fatal for this issue while existing laws are implemented for achieving good governance and finally, government institutions should act uniformly. Others have also reaffirmed the need for a political commitment that could ensure the implementation of good governance and capacitate the governmental bodies or agencies entrusted for operation.

Having the existence of the supreme audit institutions, whose work is related to good governance, the opportunity can be the provision of the political commitment for those institutions with finding a solution to the financial challenges. This is increasing the community's participation in local activities. There is also an opportunity to attain a political commitment in the transfer of power. Furthermore, the strength of every component of good governance could be an opportunity for the good governance of the country.

OVERCOMING CHALLENGES AND WAYS FORWARD

Notwithstanding the development reached by Somaliland, many challenges are facing the implementation of Good Governance in the country as viewed by the interviewed participants and officials from the concerned institutions. The study exposed that the practice of good governance is very poor except for the election process that Somaliland has been maintaining in the past twenty years. It is essential to note that the existence of the supreme audit institutions mandated to promote good governance. The challenges that need to be tackled are included by poverty and the poor political commitment of the government to reform the public administration. Democracy should be strengthened and participation should be enhanced. This will give chance for the citizens to be organized for a plate form that they could directly participate in the decision-making of the country, as well as encouraging the complete application of the constitution in order to protect human rights through building and delegating some authorities for the human right institutions.

On the other hand, the study has made emphasis that the government has the opportunity to empower the public supreme Audit Institutions; while many have said that the only opportunity is the current existence of the National

Good Governance Commission (GGC). Others have also said that the job of the parliament in promoting accountability has to be strengthened as well as obtaining the judicial independence that would instigate the proper accountability and implementing the rule of law and check and balance system in governance structures. The good governance principles, like transparency and accountability, should be extended to civil society in their action and decision, accountability of rules and decision making to the public and that of public sector officials to the society, while the participants also indicated that the government should provide relevant, accurate and timely information to the community and should be responsive in giving feedback to the community. The way forward, participants agreed that a sound political commitment has to be carried to improve conditions of good governance politically, economically, and socially in Somaliland.

CONCLUSION

In Somaliland, succeeding the development and democratic governance depends on capable leadership in the public institutions in collaboration with capable civil society that can play the implementation of the good governance principles. This also increases the participation of decision marking in the development projects, where now they only vote and participate in general elections. The last time they participated in government decisions was when they elected leadership, but apart from that, they don't participate in any other activity. Thus the study found out that the execution of good governance is still poor in Somaliland.

The government should set up a national good governance strategy and substantially increase funding for good governance by reforming institutions to increase accountability in the employment market that can be used to develop the institutional building. The government organs and concerned bodies should seek and encourage transparency, accountability, and rule of law in different government institutions to reduce and at least reduce corruption, nepotism, and tribalism to promote a good governance system. The government of Somaliland, civil society, non-state actors, supreme audit institutions, and the other stakeholders' commitment, participation in the challenge of corruption day and night must be in advance to assure good governance in Somaliland.

To implement sound good governance in Somaliland, different government organizations should empower economic, social, and political development

in a networked way, by making healthy communication from top to bottom accordingly in a hierarchy of the power distribution. All stakeholders must labor on the challenges of good governance by providing different training, research, advocacy, consulting on opportunities and challenging issues of good governance and giving support in the form of material as well as non-material to diminish challenges and to exercise opportunities more by ensuring accountability, rule of law, participation and transparency of different government organs.

ABOUT THE INSTITUTE

The Institute for Peace and Conflict Studies (IPCS) is a higher learning and research institution based in and operating within the institutional framework of the University of Hargeisa, Somaliland. The IPCS was established by the University of Hargeisa in collaboration with the Center for Justice and Peacebuilding of the Eastern Mennonite University in the United States in February 2008, in response to the long-recognized call for an in-depth multidisciplinary approach to understanding and addressing the conflict and violence that has engulfed many parts of the Horn of Africa. The mission of the IPCS is to provide interested scholars, institute members, and students with opportunities to engage in intensive study and research on Somaliland and Somali-inhabited regions in the Horn of Africa on an interdisciplinary basis.

ABOUT THE JOURNAL

The Somaliland Peace and Development Journal (SPDJ) is an annual peer-reviewed academic journal published by the Institute for Peace and Conflict Studies of the University of Hargeisa. The journal's core mission is to enhance understanding of peace, conflict management, and development through research and publication. In its holistic multidisciplinary approach to research, the journal aims to increase the capacity of people to analyze and better understand the fundamental causes of social, economic, political, and environmental challenges through the facilitation of healthy and intellectual discussion. Towards this goal, the journal foster the dialogue between academics, practitioners, and policymakers inside and outside of Somaliland on several issues related to peace, security, and development. Furthermore, the journal serves as a vehicle for broader dissemination of research findings to inform policymaking. Towards this holistic objective, the journal focuses on the following thematic areas:

· peace and conflict
· governance and security
· geopolitical and geostrategic issues
· migration
· political violence
· inter-clan strife
· education, conflict, and peacebuilding
· cultural learning of policymaking processes
· environmental and climate change
· media and conflict

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