



Anglo Somaliland Resources Lt

Rt. Hon. Grant Shapps, MP  
Minister of State  
The Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AA

26 October 2015

*Dear Minister of State,*

Anglo Somaliland Resources Ltd. is a registered UK company, with offices in the UK and with the majority of its directors being members of the UK Somaliland community.

In August, I wrote expressing concerns about the conduct of officials in the UN Somalia-Eritrea Monitoring Group (SEMG).

You replied that the Foreign Office weren't privy to the UN Somalia-Eritrea Monitoring Group's investigations until they are presented as a Report to the UN Security Council and so you could not comment on individual cases.

The SEMG have recently published a Report which is now public, which reinforces our concern about the independence, integrity and conduct of those compiling the Report.

Anglo Somaliland Resources (ASR) has entered into an agreement with the Government of Somaliland to promote and market fishing opportunities in Somaliland.

The UN Somalia-Eritrea Monitoring Group emailed us and asked if they could have a copy of the contract.

We responded that as the contract was a contract with the Government of Somaliland we considered it would be courteous if the SEMG asked the Government of Somaliland for a copy of the contract.



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The SEMG made absolutely no attempt to contact the Government of Somaliland to ask them for a copy of the contract, rather, the SEMG emailed us, copying practically everyone in the machinery of Governance of the FCO and the UN, accusing us of not cooperating with their enquiries, which was most certainly not the case.

We immediately sent the SEMG by email a copy of the contract and that email we copied to all the officials in the Foreign Office to whom the SEMG had sent their original email.

We were absolutely confident that there was nothing that we had done and nothing in our Agreement with the Government of Somaliland which would give a scintilla of a suggestion that we were in any way involved in potential acts "that threatened the peace, security and stability of Somalia".

There was clearly nothing in our relationship with Somaliland which in any way violated the arms and charcoal embargos relating to Somalia or in any misappropriated financial resources or obstructed humanitarian assistance in relation to Somalia.

However, given the somewhat bizarre conduct of the investigators from the Somalia-Eritrea Monitoring Group, we said in our email that if they had any concerns arising from our contract, it would be helpful if they could write to the company's solicitors setting out those concerns in detail.

I am sorry to have to report that we did not have so much as the courtesy of an acknowledgement of our email and at no time has the SEMG raised any questions or issues with our solicitors.

In short, we heard nothing more from the SEMG.

The next we knew was that the investigators in the SEMG had clearly given copies of our contract to journalists in Nairobi where they also are based.

We know this to be the case because a journalist got in touch with our solicitors requesting personal telephone numbers of the directors. However, the only people who knew that this particular firm of solicitors were acting for us were the SEMG. They had not been involved in negotiating our agreement with the Government of Somaliland or in any way.



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So it is clear that the investigators felt it appropriate before they had published any Report and without in any way giving us an opportunity to comment, or respond to any concerns that they might have, they felt it appropriate to give a copy of our contract to journalists.

They then published their Report which is simply factually wrong.

Their Report states that they are concerned that ASR has been granted "exclusivity" and this could rise to tension with local fishermen and with others, and they decided to publish the first page of the contract as part of the report.

It is difficult to understand if the UN Monitoring Group had any concerns about our contract with the Government of Somaliland, that they did not raise those concerns with us in detail and give us an opportunity to respond. Quite apart from their then having the greatest opportunity of getting their Report factually correct, if they were choosing, as they have done, to criticise a UK company, basic principles of "natural justice" would suggest that a UN Agency should, before it publicly criticises a company, put those criticisms to the company concerned, and provide an opportunity for the company to respond.

That would have been particularly helpful here as the Monitoring Group have completely misunderstood the nature of the contract and the nature of the relationship between ASR and the Government of Somaliland.

The Monitoring Group seem to think that ASR have been granted some exclusive rights over Somaliland's fisheries.

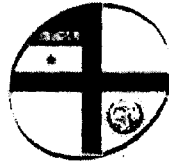
This is not the case.

This has never been the case.

This in no way has ever been the intention of either the Government of Somaliland or ourselves.

What we are and have always been involved in is a marketing exercise.

The Government of Somaliland want to attract responsible fishing companies to fish in Somaliland's waters.



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What ASR is doing, is helping to promote Somaliland and seek to attract international fishing companies to do just that.

If one looks at the Agreement between ASR and the Government of Somaliland it is clear that in the opening citations it makes clear that it is the Government of Somaliland that wishes to grant licences to permit commercial fishing of its territorial waters for the purposes of its regulation and good government and very clearly under paragraph 5 of that opening citation, "the company will be permitted to and intends to grant sub licences".

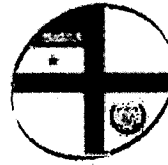
This is further reinforced by paragraph 3 of the Agreement, which states that "the company shall be entitled to grant sub licences to commercial fishing companies internationally, but then goes on very clearly in the very next sub clause to make it clear that "the company shall not grant a sub licence to any putative sub licensee save with the express written consent of the Republic . . . "

So the only right which the Government of Somaliland has granted to us is the right to grant sub licences in the above circumstances and a clear understanding and agreement that they would not enter into a similar marketing agreement with any other company.

There is nothing in this Agreement or what ASR are doing which could in any way cause "resentment among local fishermen and coastal communities". The licensing and regulation of local fishermen and coastal communities is and will continue to be entirely a matter for the Government of Somaliland and Ministry of Fisheries and Marine Resources.

Likewise, it will be entirely a matter for the Ministry of Fisheries and Marine Resources as to what licences and issued and on what terms so it will be entirely and solely for the Ministry to determine issues such as the total allowable catches, fish quotas, etc.

If the Monitoring Group had taken the trouble to get in touch with us and/or the Government of Somaliland, we could have explained this to them, and moreover, we could have demonstrated that the only activity with which we have been engaged since signing this Agreement with the Government of Somaliland, is to market and promote Somaliland's fisheries.



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It would also appear from the Report that the SEMG do not recognise the Government of Somaliland and consider any actions of the Government of Somaliland to be "illegal".

Somaliland has existed now within secure and defined borders as an independent state for nearly a quarter of a century with a functioning system of Government, a President, a bicameral Parliament, regular elections and indeed, frequent changes of political control.

Somaliland's boundaries are based entirely on the Treaty agreed boundaries of the British Somali Protectorate and when Somaliland was granted independence in 1960 it was granted independence as a de jure entity, prior to for a while joining with Somalia, and in that regard it is entirely analogous with the relationship between Gambia and Senegal.

Somaliland arguably has a much stronger case to be considered a de jure state than countries such as Eritrea, Kosovo, or South Sudan.

It does thus seem somewhat strange that this particular group of investigators working for a UN Agency, should feel it appropriate to take it upon themselves to declare Somaliland "illegal".

Given that the UK and Somaliland have had a strong and longstanding relationship and given that the UK is helping Somaliland improve investment and economic development, and given that the UK has given money to Somaliland to help with the development of infrastructure and in numerous other ways, we cannot believe that the SEMG and this UN Group reflect the views and position of the UK Government.

As a company, we take compliance with the law very seriously, whether it be UK law or international law, and thus we have considerable respect for the UN which is why we draw to your attention our concerns about the conduct of this particular investigatory group, and the only reasonable conclusion that one can draw from their conduct is either lack of independence, or that they were determined to prejudge the issues.

So that there can be no misunderstanding as to this company's position,

- We have placed exchanges of emails that we have had with journalists arising from this matter on our website.



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- We are posting a complete copy of the contract between ourselves and the Government of Somaliland on our website so that it cannot be misrepresented, and
- We will place a copy of this letter also on our website.

Rt. Hon. Sir Tony Baldry