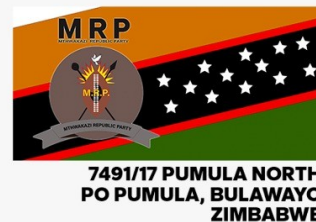


MTHWAKAZI REPUBLIC PARTY

 <https://mthwakazirepublicparty.org>
 mrp.pres@proton.me / mqoekamoyo@proton.me
 MQONDISI MOYO
 @MQONDISIMOYOMRP
 +27 78 935 3725 OR +263 78 410 3677



MTHWAKAZI REPUBLIC PARTY

Office of the President

WRITTEN QUESTIONS ON THE DOCTRINE OF INHERITED BORDERS

10 August 2026

Addressed to:

H.E. the Chairperson of the African Union Commission, Addis Ababa
The Chairperson of the Assembly of the African Union
The Department of International Relations and Cooperation, Republic of South Africa
The Executive Secretary, Southern African Development Community, Gaborone

I. Purpose

These questions are submitted by the Mthwakazi Republic Party. They seek a reasoned statement of doctrine. They do not seek recognition, and no part of this submission should be read as a request for recognition. They ask the African Union and its members to identify the legal test they apply when a people asserts a claim to sovereign status, and to apply that test consistently.

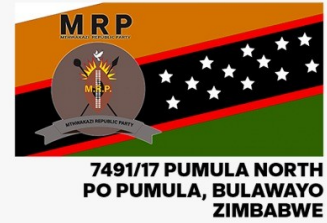
II. The positions of record

1. On 26 December 2025 the Chairperson of the African Union Commission rejected any initiative aimed at recognising Somaliland as an independent entity, invoking respect for the intangibility of borders inherited at independence as affirmed by the Organisation of African Unity in 1964.
2. On 6 January 2026 the Peace and Security Council, at ministerial level, condemned the recognition and resolved that no actor has the authority or standing to alter the territorial configuration of a member state.
3. At its 39th Ordinary Session, held in Addis Ababa on 14 and 15 February 2026, the Assembly of the Union adopted the Declaration on the Preservation of the Sovereignty, Territorial Integrity, Unity, and Stability of the Federal Republic of Somalia, Assembly/AU/Decl.2(XXXIX). By paragraph 3 of that Declaration the Assembly “FULLY ENDORSE[D]” the communiqué of 6 January 2026 and the Chairperson’s statement of 26 December 2025. The Declaration further reaffirms Article 4(b) of the Constitutive Act and the Cairo principle of inherited borders, condemns and rejects the recognition, and holds any such recognition to be null, void and without legal effect under international law. These questions are accordingly addressed to a doctrine promulgated by the Assembly of Heads of State and Government, and not to a position taken by the Commission alone.
4. The Commission restated that position on 19 April 2026.
5. The member-state pages published across African Union domains describe the Somali Republic as having been formed on 1 July 1960 by the unification of the former Italian trust territory and “the State of Somaliland,” being the former British protectorate. That text remains published as at the date of this submission.



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6. The General Assembly, by resolution 1418 (XIV) of 5 December 1959, fixed 1 July 1960 as the date of independence for the trust territory. The British protectorate became independent on 26 June 1960. The union followed on 1 July 1960.

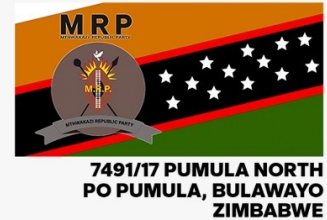
III. Questions

1. Does the principle of intangibility of inherited borders attach only to the borders of the composite state existing at the conclusion of decolonisation, or does it also attach to the borders and sovereign status of political entities that existed immediately before entry into a voluntary union?
2. On what date, and by operation of what legal instrument, does the African Union consider that the entity its own publications describe as the State of Somaliland ceased to possess statehood?
3. Does the African Union stand by the description of that entity published on its member-state pages? If it does not, will it correct the text and state the correct historical account? If it does, how is that description reconciled with the position that the territory has never been anything other than an integral part of the Federal Republic of Somalia?
4. Where a union was created by the consent of the entities joining it, does the African Union hold that such consent is irrevocable in perpetuity? If so, on what legal authority does that conclusion rest?
5. The Cairo resolution of 1964 was adopted by the states then in existence. On what basis is it held to bind peoples who were not represented at Cairo and who have never given consent to the borders it protects?
6. Where a territory was incorporated into a colonial state by military conquest and subsequent annexation by a chartered company, without plebiscite, treaty of union or any recorded act of consent by its population, does the African Union hold that the resulting border enjoys the same protection as a border created by voluntary union?
7. Has the African Union at any time examined the legal character of the incorporation of the territory of the Matabele nation into Southern Rhodesia following the war of 1893? If such an examination exists, will the Union produce it? If none exists, will the Union state that no such examination has been undertaken?
8. Does the Union's doctrine admit of any circumstance in which the conduct of a state towards a population within its borders bears upon the durability of that state's territorial claim? If it does, what is the threshold, what body determines it, and by what procedure is it invoked? If it does not, will the Union state plainly that territorial integrity is absolute and that no conduct whatever can qualify it?
9. To the Republic of South Africa: Pretoria treats the pre-union territorial status of Western Sahara as determinative of the Sahrawi claim. By what principle is historical territorial status determinative in that case, immaterial in the case of Somaliland, and unexamined in the case of Mthwakazi?
10. To the Southern African Development Community: does the Community hold that the events in Matabeleland and the Midlands between 1983 and 1987, and the circumstances in which the accord of 22 December 1987 was concluded, are wholly irrelevant to any question concerning the territorial



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arrangement in Zimbabwe? If they are relevant, to what question are they relevant, and before which body may that question be raised?

11. Does Assembly/AU/Decl.2(XXXIX), and in particular its reaffirmation of Article 4(b) of the Constitutive Act, its reaffirmation of the Cairo principle of inherited borders, and its full endorsement of PSC/MIN/COMM.1324 (2026), adopted at the 1324th meeting of the Peace and Security Council on 6 January 2026, state a rule of general application governing all claims to sovereign status in Africa, or is the Declaration confined to the particular circumstances of Somalia? If it states a general rule, what is the legal test by which that rule applies to territories incorporated by conquest rather than by voluntary union? If it is confined to Somalia, what rule does the African Union apply elsewhere?

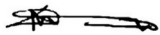
IV. Request

A reasoned written reply is requested within sixty days of receipt. Should no reply be received, that fact will be recorded and published, together with the date of transmission and the recipients.

The Mthwakazi Republic Party places on record that it does not assert that the history of Somaliland is the history of Mthwakazi. It asserts that the questions above are prior questions, that they are the same questions in both cases, and that no African institution has yet answered them.

Mqondisi Moyo

President, Mthwakazi Republic Party



Mqondisi Moyo

President, Mthwakazi Republic Party (MRP)

Email: mrp.pres@proton.me

Website: <http://mthwakazirepublicparty.org>

Phone: +27 78 935 3725



Annex — Documentary references

African Union member-state page, Federal Republic of Somalia: organs.au.int/en/member-states/somalia; achpr.au.int/en/member-states/somalia; aprm.au.int/en/member-states/somalia; saro.au.int/en/member-states/somalia.

Chairperson of the AU Commission, statement of 26 December 2025: au.int.

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