

# To Be or Not to Be: Rethinking the Possible Repercussions of Somaliland's International Statehood Recognition

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**Abstract:** After the fall of President Siyad Barre in 1991, the northern region of what used to constitute Somalia declared independence from the rest of the country as the Republic of Somaliland. Although Somaliland is not internationally recognized as a sovereign state, it has survived for over two decades and currently constitutes the most peaceful and secure area of Somalia. Notwithstanding its accomplishments in state building and good governance, however, the international community has been highly reluctant to extend Somaliland international recognition, while at the same time showering the dysfunctional Somali Federal Institutions with aid and complete recognition in all international forums. Diplomats, politicians, and academics discussing Somaliland's status usually raise a number of issues that should be considered before the territory is to be extended formal recognition. This article seeks to examine many of those issues and discuss their validity in order to illuminate the highly complex situation surrounding Somaliland's international recognition.

## Introduction

Shortly after the fall of the country's dictator president Siyad Barre in 1991, the northern region of what used to constitute Somalia declared independence from the rest of the country as the Republic of Somaliland.<sup>1</sup> Although Somaliland is not internationally recognized as a sovereign state, it has now survived for over two decades, and it currently constitutes arguably the most peaceful and secure area of Somalia. In fact, the government of Somaliland has in the past two decades managed to accomplish much in terms of building governance and providing security for its population, and its achievements in locally engineered state-building stand in stark contrast to Somalia's internationally funded governance structures. Notwithstanding Somaliland's achievements in state building, however, the international community has been highly reluctant to recognize the territory's claims to independence.

To put it another way, the inability or lack of interest of the international community in dealing with the complex political situation in Somalia is very clearly reflected in the status of Somaliland. African governments and the African Union (AU), coupled with the United Kingdom, the United States, and other Western donors have for years supported and provided international recognition to the Transitional Federal Institutions of Somalia, notwithstanding their abysmal record of ineptitude, corruption, and lack of popular legitimacy in the country. Yet, the same countries and international organizations still do not extend recognition to the only part of Somalia that actually boasts a legitimate and democratically elected government and has managed to remain largely peaceful since 1991.

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<http://www.africa.ufl.edu/asq/v14/v14i4a2.pdf>

It is almost impossible to find any discussion of Somaliland's independence that does not at least touch upon the questions of whether it would be good or bad to formally recognize Somaliland as an independent state, and what consequences this may have for other secessionist movements around Africa and the world. In fact, one could argue that the potential consequences of Somaliland's formal recognition, more so than the legal merits of its right to statehood, are at the core of Somaliland's recognition debate. Questions of setting a bad example or precedent for the rest of Africa, contributing to the balkanization of Somalia and adverse repercussions for the security and political stability of the region, and the economic viability of such a small state are amongst the key issues debated by diplomats, politicians, and scholars in discussing Somaliland's formal recognition. With this in mind, it is the purpose of this article to analyze such debates and questions in order to illuminate on the complexities that govern Somaliland's lacking international recognition. This article will first outline a brief background on events in Somalia since 1991 and then turn to a discussion of the arguments in favor of and against extending Somaliland formal recognition.

### **Somalia since 1991**

As Major General Mohamed Siyad Barre's regime was overthrown in January 1991, armed conflict raged across the whole of southern Somalia. Clan-based militias fought each other for control of territory and resources and the post-Barre war, which may have begun as a struggle for control of the government, quickly turned into predatory looting and banditry by various militias. In 1992, a massive famine occurred in Somalia, and in March 1993 the US and the UN intervened to alleviate the famine and also assist the war-ravaged country. However, after the infamous and highly publicized 1993 "Black Hawk Down" incident in which Somali militias downed two US helicopters and killed eighteen soldiers, the US had had enough of Somalia and withdrew its troops from the country in March 1994. The UN followed suit soon after and the country was left at the mercy of its own warring parties and clan supported militias.<sup>2</sup> Since 1995, armed conflict has continued to plague south and central Somalia, but the nature of the conflict has changed. From 1995 to 2006 the majority of armed conflicts in the country occurred locally, pitting subclans against one another, and the duration and intensity of these conflicts was diverse.<sup>3</sup>

Although Somalia has been without a functional central government for the past twenty years, there have been international efforts to create one. There were thirteen international conferences on Somalia between 1993 and 2003, and each conference was tasked with developing or forming a central Somali government.<sup>4</sup> At the 2000 Djibouti conference on Somalia held in the town of Arta delegates did manage to develop a Transitional National Government (TNG) of Somalia, but this first "national" government had difficulties gaining basic support in Mogadishu where it literally controlled only a few streets, and it never established any meaningful authority.

After the collapse of the TNG, there was another international conference on Somalia, the 2004 Nairobi conference, and it resulted in the formation of the Transitional Federal Government (TFG) of Somalia. Until August 2012, when its mandate ended, the TFG remained the internationally backed government of Somalia. Since the September 2012 presidential elections a new president and prime minister and a new (and no longer transitional) Federal Government have headed Somalia. However, although this new installment of a Federal Government in Mogadishu may be seen as a step in the direction of

finally building a permanent Somali government, it is important to note that the new president was not elected by the people (in a popular vote) but by the new Somali parliamentarians, who in turn were also not elected by a popular vote, but by a selected group of elders from Somali clans.<sup>5</sup> In fact, the very survival of this government, much like that of the TFG before it, is still heavily dependent on international funding and military support.

From the late 1990s onwards much of south Somalia experienced slight improvements in local systems of governance. In certain areas local polities, generally comprised of Sharia courts, sprung up and provided some amount of law and order to the population.<sup>6</sup> By late 2005, almost a dozen Sharia courts were operating in Mogadishu and they formed a loose coalition known as the Union of Islamic Courts (UIC), which by June 2006 defeated Mogadishu's warlords, who had effectively reigned over the city since the early 1990s.<sup>7</sup> For the first time since the collapse of the Somali state, an organized group managed to unite Mogadishu, and bring a large degree of peace and security to its population. However, the success of the UIC was perceived as a threat by the TFG and Ethiopia, both of whom claimed that the UIC's leadership included Muslim terrorists implicated in bombings in Ethiopia and Kenya, a claim reiterated by the US.<sup>8</sup> The rule of the UIC, which had for the first time since the late 1980s brought relatively centralized political governance to south Somalia, was brought to an end by the 2006 US supported Ethiopian invasion.<sup>9</sup>

The 2006 Ethiopian invasion of Somalia seemed a success when UIC troops retreated from direct battle, but the Ethiopians soon became bogged down in intense street fighting in Mogadishu. Once Ethiopian troops withdrew in 2009 the TFG quickly lost control of south Somalia. What sprung up in dominance after the fall of the UIC and currently is in control of parts of southern Somalia is the loosely affiliated Al-Shabaab group. The US and other Western governments have designated this affiliation of militias and clan-based groups as a terrorist group by because of its links to Al-Qaeda.<sup>10</sup>

Currently fighting Al-Shabaab in Somalia is the African Union Mission in Somalia (AMISOM) military force, which is made up of contingents of African troops mostly from Uganda, Kenya, Burundi, and most recently Ethiopia.<sup>11</sup> AMISOM forces are the main military force backing the current Federal Government of Somalia, and in effect constitute the "army" of Somalia. Although AMISOM troops have managed to force Al-Shabaab out of Mogadishu, given Al-Shabaab's suicide bombing operations within Mogadishu and Somalia, and its highly publicized attack on Nairobi's Westgate Mall, the fight for Somalia seems far from over.<sup>12</sup>

### **Developments in Somaliland since 1991**

The Republic of Somaliland, roughly the size of England and Wales, faced grave obstacles upon its declaration of independence in May 1991. Although by declaring independence Somaliland managed to avoid getting dragged into a protracted conflict raging in the south, it still had considerable problems of its own. Somaliland's territory was devastated by a decade of insurgency and war; it lacked revenues, financial institutions, social services, and direct international support; and half of its population was displaced or living in refugee camps.<sup>13</sup>

In order to understand much of the rationale for Somaliland's aspirations towards international recognition and its view that the country deserves recognition, we need to understand the stark contrast between Somaliland and Somalia in terms of internal state-

building developments. The road to peace in Somaliland was paved by many peace and reconciliation conferences and clan elder meetings. Such conferences were concerned with constitutional issues and aimed at agreeing on a framework for power sharing amongst Somaliland's clans, creating mechanisms for the participation of clan elders in government, structuring institutions of government, and establishing ways of maintaining security.<sup>14</sup> At one such conference, the 1993 Borama Conference, Somaliland's elders and politicians established the three main branches of the country's government: an executive comprised of a president, vice-president, and council ministers; a bicameral parliament comprised of elected representatives and a council of elders; and an independent judiciary.<sup>15</sup>

Somaliland did experience a flare up of hostilities and local conflict in late 1994 and early 1995, but the government has on the whole managed to provide for a large degree of security. The innovative blend of utilizing state and non-state actors in local governance has managed to maintain security in Somaliland and allow the government to focus and intervene only on issues of direct threat to the stability and integrity of the country as a whole.<sup>16</sup> This is in stark contrast to the situation in most of south and central Somalia, where notwithstanding AMISOM's recent success against Al-Shabaab, security and governance in the past two decades has been very local, community/clan based, and highly fragile.

Somalilanders believe they have earned a right to international recognition because of their significant achievement in governance and democratization.<sup>17</sup> Somaliland boasts most attributes of a democratic state: a constitution that enables a peaceful transition of government (most notably when President Egal died in 2002 and the presidency was legally conferred to his vice-president Kahin), and guards civil liberties; a government in which the executive and legislative branches have been controlled by different political parties; active civic organizations; and a relatively free and independent media.<sup>18</sup> Independent observers have reported favorably on the election processes in Somaliland in 2005 and 2010, and these elections have served to further institutionalize Somaliland's separation from Somalia and highlight the gap between Somaliland's democratically elected governments and Somalia's non-democratically elected TFG, and now Federal Government.<sup>19</sup> The government of Somaliland draws its legitimacy from the people, and this is greatly aided by the fact that the government administers none of the very limited amounts of aid reaching Somaliland. This in turn forced Somaliland's political elites to develop accountable and representative institutions.<sup>20</sup>

It should be noted, however, that the state-building process in Somaliland is not without issues: there are problems in aligning the goals and objectives of the elected representatives and non-elected elders in the bicameral parliament, issues with the 2010 presidential elections (which include charges of vote rigging and problems with the transfer of power), problems of media freedom and journalist intimidation, and disputes with the neighboring government of Puntland (a semi-autonomous region which considers itself part of a federal Somalia) over the bordering regions of Sool and Sanaag.<sup>21</sup> Nevertheless, for such a young democracy with a very troubled past, Somaliland has set reasonably firm foundations for statehood. Although the country is still faced with international isolation, its example as a stable democracy that has survived for over twenty years, and a bottom-up locally engineered system of governance that highlights the ability of Somali people to govern themselves effectively makes calls for its international recognition ever more relevant.

## Arguing Against Extending Somaliland Formal International Recognition

### *Sanctity of Colonial Borders in Africa*

In his book *Contested States in World Politics*, the international relations scholar Deon Geldenhuys discusses Somaliland's recognition and asks why the international community has so far not recognized its claims to statehood. The issues he raises will form the main focus of this analytical discussion as they offer, in addition to other relevant literature, a broad analysis of the complex situation surrounding Somaliland's international recognition.

Perhaps the most pertinent issue influencing Somaliland's recognition in the context of African politics is the "dogmatic commitment to the sanctity of inherited colonial borders and hence a deep-seated antipathy to secession," coupled with an "almost pathological fear of setting precedents that would encourage disaffected ethnic minorities to break away from existing states."<sup>22</sup> This "precedent" issue is also highlighted by the former US ambassador to Ethiopia, David H. Shinn who observed that "presumably, the African Union is reluctant to recognize Somaliland for fear that it would increase pressure by other groups in Africa to support changes in borders inherited at independence. The fact that Somaliland does not fit in the same category seems to be of little importance."<sup>23</sup>

The point of territorial integrity or sanctity of borders received upon independence is crucial in Somaliland's fight for international recognition. The first Pan-African international organization, the Organization of African Unity (today known as the African Union) enshrined in its founding charter provisions against the re-drawing of borders inherited at independence out of concern for possible future colonial interference, but also to "shore up the stability of newly independent, multi-ethnic states whose inherited frontiers routinely divided nations, tribes and clans, sowing the seeds of potential secessionist movements across the continent."<sup>24</sup> This reluctance to meddle in territorial borders of its member states has been passed on to the AU, whose Constitutive Act in Article 4 requires all members to respect "borders existing on achievement of independence."

The Somaliland government's policy document on international recognition concludes that "the state of Somaliland and its people existed as a sovereign international nation until the Act of Union, at which time Somaliland sought unification with Southern Somalia."<sup>25</sup> For four full days in June 1960 Somaliland was a sovereign and independent state that received international recognition from thirty-five other states including the US (which sent a congratulatory message) and the UK (which signed several bilateral agreements with Somaliland).<sup>26</sup> Therefore, it would appear that when Somaliland seceded from Somalia and requested international recognition of its original colonial borders it was respecting Somalia's territorial integrity and borders inherited at independence, and remains in conformity with Article 4 of the African Union Constitutive Act.<sup>27</sup>

Somaliland's secession stands in a considerable contrast to other relatively recent secessionist cases, such as those of South Sudan, Eritrea, or Kosovo. These states lack a history of existing as internationally recognized sovereign states prior to their recent independence, and all three were embroiled in civil wars with their "parent states" prior to their secession and international recognition. South Sudan, for example, formally seceded from Sudan after a referendum in 2011, but this was only achieved after a long and devastating civil war. The liberation struggle and Sudan's civil war have been fought for over two decades, and the South's independence was won by military means and only after that diplomacy. In terms of setting a dangerous precedent, one could argue that South Sudan's case highlights that secession can be won after decades long insurgency, rebellion,

and outright civil war, and that the secessionist party will be rewarded as long as it can “stick to its guns” long enough.

Eritrea’s example is similar as its independence was also preceded by an armed struggle against the “parent state,” and it too was allowed to hold a referendum on secession. Eritrea was in the late 1800s administered by the Italians, since the early 1940 the British, and in 1952 was allowed to join a federation with Ethiopia.<sup>28</sup> Its federation with Ethiopia formally ended in 1962 when its legislative assembly voted for its own dissolution and full reunification with Ethiopia. Eritrea, like Somaliland, was a colonial construct, but unlike Somaliland, it did not actually exist as an independent and sovereign state until its secession from Ethiopia in 1993. Again, while not in Africa, Kosovo constitutes yet another example of a territory that never existed as an independent and sovereign state prior to its armed conflict with “parent state” Serbia. Kosovo’s international recognition has proven more contentious than those of Eritrea and South Sudan, as it directly resulted from foreign interference (NATO’s bombing of Serbia). Many countries around the world still do not recognize Kosovo as an independent and sovereign state.

There are some key differences between the above noted cases of secession and international recognition and that of Somaliland. Somaliland has apparently existed as an independent and internationally recognized sovereign state even if for only four days. In layman terms that may seem irrelevant, but in terms of legal discussions it may be highly relevant specifically because it has the potential to render the “dangerous precedent” issue inapplicable in Somaliland’s case. Furthermore, Somaliland has not actually waged a civil war against a “parent state.” It simply declared independence from it at a time when the authority of that state had collapsed and disappeared, and it has not been able to reconstitute and revive itself since. This has had an important repercussion for Somaliland’s ability to seek formal dissolution of its union with Somalia (see below).

With the above examples in mind, it becomes difficult to argue that Somaliland’s case poses a dangerous precedent for the AU. Since the joining of Somaliland and Somalia was a voluntary union, Somaliland’s secession and request for recognition of its internationally recognized pre-union borders hardly presents a precedent in itself. There are many cases of voluntary dissolutions of unions between sovereign states. In 1989, Senegal opted to terminate its seven-year merger with Gambia as the Senegambia Federation, and, as already noted, in 1993 Eritrea formally seceded from Ethiopia.<sup>29</sup> To this could be added the cases of Egypt and Syria and their union in the United Arab Republic from 1958 to 1961 (when Syria seceded), and the brief union between Senegal and French Sudan which formed the Mali Federation from 1959 to 1960, when it fell apart and both countries received separate international recognition.<sup>30</sup> Therefore, Somaliland’s secession from its union with Somalia (or its dissolution of that union), although perhaps involuntary from Somalia’s perspective, can be seen as not dismembering the latter, but rather as restoring a previously sovereign state to its earlier internationally recognized status.<sup>31</sup>

An important point, however, should be made about the nature of Somaliland’s secession. Critics of Somaliland’s secession may rightfully state that the dissolution of the unions mentioned above was done through popular referendums or bilateral agreements between states; i.e., there was a consultation process between members before one state decided to terminate the union. This is a valid and important point as it can be argued that union dissolution can only be legitimated by popular vote or member state agreement. In the case of Somalia, however, it is unclear who Somaliland should have approached to discuss dissolution of the union in 1991. Somalia has in the past been poorly positioned to

engage in talks regarding either independence or significant autonomy for Somaliland, as it lacked any form of government between 1991 and 2000 and was thus unable to express an opinion on Somaliland's declared withdrawal from the union.<sup>32</sup> The current internationally recognized Somali Federal Government is still struggling to establish its authority inside the country (and outside Mogadishu) and depends heavily on AMISOM troops and international funding. In the words of one scholar "there is no effective parent state" from which Somaliland could apply for secession.<sup>33</sup> From Somaliland's perspective it would perhaps be difficult to accept a dissolution negotiation with the Somali Federal Government as an equal partner when the latter has problems pacifying its capital, not to mention the rest of the country.<sup>34</sup> And even if it did negotiate, how could anyone know if the Federal Government's views were representative of the views of the Somali population they are supposed to represent. After all, the Federal Government is not a democratically elected government of Somalia.

Finally, another factor that appears to weaken the "dangerous precedent" argument in Somaliland's case is the recommendation of the AU's own Somaliland fact-finding mission. In 2005 the AU sent a fact-finding mission to Somaliland headed by then deputy chairperson of the AU Commission, Patrick Mazimhaka. This mission produced a four page unpublished document in which it recommended:

The fact that the "union between Somaliland and Somalia was never ratified" and also malfunctioned when it went into action from 1960 to 1990, makes Somaliland's search for recognition historically unique and self-justified in African political history. Objectively viewed, the case should not be linked to the notion of "opening a Pandora's box". As such, the AU should find a special method of dealing with this outstanding case.<sup>35</sup>

The mission further added that "the AU should be disposed to judge the case of Somaliland from an objective historical viewpoint and a moral angle vis-à-vis the aspirations of the people."<sup>36</sup>

The argument that recognizing Somaliland would somehow make a dangerous precedent in African politics is a complex one, but perhaps it is not as strong as it may seem at first. State secession is a highly contentious and controversial issues in African politics, and rightly so. The borders European colonial power left to most African states upon independence have created many problems for Africans over the past half century, and it often appears difficult to reconcile local self-determination aspirations of ethnically heterogeneous peoples with the territorial integrity of many African states. However, dealing with this problem with a "blanket" solution as the AU has done so far will not necessarily make it go away.

Somaliland's secession seems rather unique in that its history is different from that of many other secession movements. Somaliland, unlike South Sudan, Eritrea, or Kosovo, has actually existed previously as an independent state, and it appears to only be seeking a return to that status. Even the AU's fact finding mission sent to report on the situation in Somaliland and its independence aspirations has recommended that the AU not use the "Pandora's box" analogy as an alibi in not dealing with Somaliland's status.

### *Security Problems in the Region*

The second important reason why Somaliland may not be receiving international recognition is because if recognized it could become a destabilizing influence on the region. There are three factors for discussion here:

- a) Somaliland's territorial sovereignty is internally contested and the government does not control all of the territory it lays claim to (especially in the east towards Puntland).
- b) The two Somali states could be fierce rivals thereby jeopardizing regional peace and stability, and a consolidated Somalia could in the future try and lay claim to Somaliland with forcible means.
- c) Recognition of Somaliland's independence could antagonize Al-Shabaab, which is committed to Somali unity, and could view Somaliland's recognition as outside meddling in Somali affairs.<sup>37</sup>

As far as Somaliland's territorial sovereignty is concerned, it is internally contested, and there are problems with Puntland in the Sool, Sanaag, and Ceyn regions in the east of Somaliland.<sup>38</sup> However, as Herbst observes, there are few African states that exercise effective control over all their territory.<sup>39</sup> Or, to paraphrase Jackson and Rosberg, there are many African states that are empirically weak, yet are still extended juridical statehood.<sup>40</sup> The situation with regard to Somaliland's eastern regions is complex and the dynamics of local politics are difficult to guess at. It is entirely possible that recognizing Somaliland can contribute to a worsening border security situation between Somaliland and Puntland, but it is also possible that Somaliland's recognition will give it greater resources, authority, and international credibility in policing its borders and managing border disputes with its neighbors.

That Somalia and Somaliland could become fierce rivals in the future and thereby threaten regional peace and stability is based on several premises; namely that Somalia will develop centralized state-like features sometime soon and put an end to its political anarchy, that this united Somalia will be on bad terms with Somaliland, and finally that this united Somalia will indeed seek to annex Somaliland forcibly. First, how long it will take Somalia to develop a workable system of governance with centralized or federal national political authority is anyone's guess. Even if such a system of governance does come about, would it not (following over twenty years of destruction and conflict) perhaps be more concerned with rebuilding, reconciliation, and social questions rather than another round of fighting? It is possible that politicians in a new unified Somalia could use Somaliland's independent status as an example of foreign interference (balkanizing Somalia) and attempt a war in order to "unify" these two Somali territories, but such an act would very probably risk international condemnation and sanctions. While it is known that the Somaliland question is highly contentious in Somalia, attitudes do change, and it is possible that the future newly unified Somalia will accept Somaliland as a sovereign neighbor rather than seek fighting or annexing it.<sup>41</sup>

The third point is indeed a troubling one, especially as Al-Shabaab is a terrorist organization which could wreck considerable havoc on Somaliland, as it has in the recent past in Uganda and Kenya, and continues to do so in southern Somalia. Indeed, Somaliland's Foreign Minister Abdullahi Duale has acknowledged this much in a 2010 meeting with US Assistant Secretary Johnnie Carson, where Duale confirmed that Al-

Shabaab and related extremists “remain a ‘real threat’ to Somaliland, which they [the Somaliland government] do not take lightly.”<sup>42</sup> Since 2012, AMISOM and Ethiopia’s (AMISOM-independent) military operations in Somalia (before Ethiopia formally joined AMISOM in January 2014) have significantly diminished the ability of Al-Shabaab to control large swaths of Somali territory and receive funding and arms, and there was even talk of the Islamist grouping moving its base of operations closer to Somaliland.<sup>43</sup>

Al-Shabaab’s threat is a serious concern for any government in the Horn of Africa and it is possible that Somaliland’s recognition could provoke the group into launching activities in Somaliland. However, so far the Somaliland government has managed to keep Al-Shabaab activities at bay. A counterargument could also be proposed that if recognized, and with due foreign aid and development investment, Somaliland could bolster its internal security, establish better border controls, and police its territory sufficiently to prevent large scale terrorist acts. International recognition could allow the government of Somaliland to enter various intelligence sharing schemes and enhance its capabilities of fighting terrorist threats in the country. While the threat of antagonizing Al-Shabaab is a serious one, it is questionable whether the right of a people for self-determination should be held hostage by the potential of antagonizing a terrorist organization.

### *Questionable Popular Support for Somaliland’s Independence*

A third reason often invoked for withholding Somaliland international recognition is the questionable domestic popular support for independence.<sup>44</sup> The Somali National Movement (SNM) liberated Somaliland, or the north of Somalia, from Barre’s brutal rule. The SNM was founded by Issaq expatriates (Issaq are the predominant clan in Somaliland) and remained essentially an Issaq organization.<sup>45</sup> When the SNM handed power over to the Somaliland transitional government, it too was dominated mostly by Issaq clan members. This is important because the Issaq were especially targeted in the 1980s by Barre and his repressive regime, and suffered extensively. As a result it is understandable that it is the Issaq of all the Somaliland clans who are the least willing to re-unite with Somalia and the loudest advocates for independence. However, other minority clans in Somaliland may not be as enthusiastic about Somaliland’s independence as the Issaq. As Bradbury argues, “among many Gadabursi, Harti and ‘Iise, attachment to Somaliland is much weaker. Indeed, many non-Issaq view it as an Issaq ‘project’ from which they feel politically and economically excluded.”<sup>46</sup>

In Somaliland’s 2001 referendum on independence, two thirds of the territory’s eligible voters cast their votes, and with a 97 percent majority voted in favor of independence.<sup>47</sup> However, in the regions with the greatest opposition to the referendum, such as the Las Anod district of Sool region, voter turnout was only 31 percent.<sup>48</sup> The low turnout should not necessarily be a worrying issue in itself; what it demonstrates is that in a democracy people are allowed to express their opinions or withhold their support for certain policies. A major hallmark of democracy is the freedom of a division of opinions, and elections in stronger democracies than Somaliland’s are also marked by great divergences of opinions; one simply needs to look at Ireland or France’s referendums on joining certain European Union policies to understand this.

In fact, what is arguably more worrying than minority voter support for the independence referendum in Somaliland is an oppressive culture towards public discussions of possible union with Somalia. At the internationally sponsored conference on Somalia in Djibouti in 2000, Somaliland “not only refused to participate in the conference,

but its Parliament passed a law that prohibited representatives of the government or private citizens to attend, declaring attendance a treasonable offense."<sup>49</sup> This ban on participation in international conferences on Somalia was only overturned in early February 2012 in order to allow Somaliland to participate in the UK hosted London Conference on Somalia.<sup>50</sup> Among many Issaq, Somaliland's independence is sacrosanct and the right to debate independence publicly in the country is actually prevented by emergency laws.<sup>51</sup> Leaders who might be willing to discuss such issues risk the wrath of the electorate and possible treason charges.<sup>52</sup> Such stifling laws and public attitudes are not compatible with democracy and this is a real danger for free speech and democratic development in Somaliland.

The issue of questionable popular support for independence among Somaliland's minority clans is troubling especially with its possible implications for domestic political developments and governance. However, this issue per se need not negatively influence Somaliland's international recognition. Every democratic country has minorities, and they do not need to always see eye to eye with the majority. What is important, on the other hand, is that the majority of Somaliland's people respect the right of minorities to express their opinion and indeed disapproval of certain policies without experiencing physical harm, intimidation, and political marginalization (whether this is actually happening remains questionable).

### *Undermining the AU and Somali Government's Efforts in Somalia, and the Questionable Economic Viability of Somaliland*

There are two more often cited reasons why international recognition for Somaliland is lacking: that such recognition undermines the efforts of the AU and the Federal Government in rebuilding Somalia, and that it is questionable how economically viable Somaliland as an independent state is.<sup>53</sup> It can be argued that to undermine the efforts of the AU and Somalia's Federal Government in rebuilding the country is not a difficult feat. Al-Shabaab has been doing so for years now, and up until September 2012 the Transitional Federal Government (TFG) and its predecessor, the Transitional National Government (TNG), had done it to themselves countless times. While Al-Shabaab has been undermining these rebuilding efforts through gaining actual popular support, conducting terrorist activity, or outright military conflict, the TFG and TNG had done it through corruption, mismanagement, and a distinctive lack of popular support in the country. Somaliland's role here has so far been non-existent.

With over sixteen internationally funded conferences on Somalia and over twenty years of trying to bring about any kind of political unity and reconciliation, not to mention the countless millions of dollars in aid and development funding, Somalia has arguably had its fair share of opportunities to rebuild itself.<sup>54</sup> Somaliland's international recognition cannot change that record, and there is little evidence that Somaliland's lobbying for international recognition has adversely affected Somalia's state building efforts.

Economic viability is always an issue with state secession, especially with small states. Somaliland is poor, underdeveloped and one of the most resource scarce countries in the world, and as such may constitute another "economic basket-case" forever dependent on foreign aid.<sup>55</sup> However, while Somaliland has so far managed to avoid being an economic basket-case dependent on foreign aid, even if it were, would that prohibit it from gaining recognition? Looking at it from this perspective, one could argue that many African or Asian states should never have been granted independence or recognition. There are several independent and sovereign African states that rely to a great extent on foreign aid to fill

their budgets, and this can hardly be invoked as a criterion for state recognition. For example, Uganda's budget in 2006 was half made up of foreign aid, and who knows how much aid the country has actually received since independence.<sup>56</sup>

On the other hand, with some 98 percent of the budget coming from oil revenues South Sudan's dependence on a single commodity is notorious, and with only sixty kilometers of paved roads, does it not also constitute a poor and underdeveloped state, an "economic basket-case" which for the foreseeable future will to a large extent depend on foreign aid for its survival.<sup>57</sup> As Spears has observed, "is a community which has been oppressed by its own government and which might be judged economically unviable less worthy of statehood than a similarly oppressed group which has a thriving industrial base?"<sup>58</sup>

Somaliland has, notwithstanding immense difficulties, managed to survive for over twenty years now. Its record of self-reliance over this period suggests that the view of its economic unviability is exaggerated. There is no doubt that Somaliland's budget is limited and not adequate to meet the developmental challenges the county faces or will face in the future, but with very small and limited levels of foreign aid a basic system of public administration has been formed in the country, security has been established, private and public infrastructure is being rebuilt, and thousands of returnees have been absorbed into society.<sup>59</sup> While still poor, Somaliland's performance compares favorably with that of many wealthier neighbors, and oil exploration activities in the region might potentially unearth Somaliland's so-far unknown wealth in resources.<sup>60</sup>

Economic viability is not the only, or main, presiding issue for international recognition of a state. As Adam has argued, "few states in Africa are economically 'viable' in the strict sense of the term. Political rather than economic viability criteria were used to recognize most of the states that seceded since 1989."<sup>61</sup> It is political viability, namely the ability for local and national political governance, and the ability to provide basic public goods that are also important in determining the statehood viability of an aspiring political entity. Economic viability, although very important, should not be invoked as an argument against Somaliland's recognition, especially because Somaliland seems to have managed to survive to date largely through self-funding and remittances, and without any significant injections of foreign aid.

## **Arguing in Favor of Extending Somaliland Formal Recognition**

### *Rewarding Somaliland for its Efforts in State-building*

One argument that favors Somaliland's international recognition is that if such recognition is extended it will satisfy Somaliland's national pride and reward its efforts in state building and democratization.<sup>62</sup> Somaliland has come a long way in the past twenty years, and its achievement in nation building and governance are impressive. As one observer concluded "since withdrawing from the union, the Republic of Somaliland has emerged as the most stable polity within the territory of the Somali Republic and since 1997 it has been one of the most stable areas in the Horn of Africa."<sup>63</sup> This is no small achievement considering Somaliland borders one of the most dangerous places in the world, the archetypal synonym for a "failed state."<sup>64</sup>

Perhaps Somaliland's success in state building and governance can best be understood when contrasted with Somalia's failures. This is another reason why recognizing Somaliland may even be good for Somalia. As the argument goes, Somaliland's recognition could have positive consequences for the south because it would change the incentive structures for

Mogadishu (which receives lavish international attention and some \$ 750 million annually in aid) and force it to pull its act together.<sup>65</sup> While it is questionable whether Somaliland's recognition would be an incentive for Somalia, it is possible that Somalia's elites could receive less support from international donors, which could in turn influence the peace making and state building dynamics in the south.

### ***Recognition Would Strengthen Regional Security***

Another argument cited in favor of extending Somaliland international recognition is that it would strengthen the state and bolster regional security.<sup>66</sup> As already noted, international recognition has the potential to improve Somaliland's abilities and capacities in border control, anti-piracy activities, and fighting crime and terrorism. Currently "non-recognition means that Somaliland to a large extent stands outside the mechanisms established by the international system for regulating the flows of people, money and goods across national frontiers."<sup>67</sup> This has the potential to really hurt Somalilanders as they miss out on possible revenues from cross-border trade, and only "enjoy" the negative cross-border transactions such as smuggling, crime, and terrorism.

The terrorism issue is very sensitive for Somalilanders as they recognize the potential in their young population for radicalization. In a 2011 interview, the vice-president for academic affairs at the University of Hargeisa, Abdirahman Ahmed Hussei, observed an increasing trend of Islamization among students, partly because "people have become more observant, which is a consequence of the war and the extent today of political, economic, and social insecurity. Religion becomes a refuge in this environment."<sup>68</sup> International recognition could bolster development in Somaliland, which could have a beneficial effect on youth employment and social status, thereby influencing world-views and diminishing the prospects of religious radicalization.

On the other hand, there is also a potential for outside deliberate destabilizing activities, as radical elements from Somalia attempt to terrorize the newly recognized government in Somaliland. Although this could be triggered by international recognition, there is evidence that Somaliland's democratic governance and respect for female rights and empowerment are already under attack by radical religious elements from Somalia.<sup>69</sup> The argument here is that this is exactly why recognizing Somaliland would greatly aid the government in maintaining security and also would provide the region with a first constitutional Muslim democracy that is, according to US military officers, a proven partner in the war on terror.<sup>70</sup> As one ambassador of an African state argued back in 2006 "given the imperative of the regional counter-terrorism strategy, I cannot see how Somaliland would be overlooked."<sup>71</sup>

### ***No Return To Union With Somalia For The Majority Of Somaliland's Population***

A third argument for Somaliland's international recognition is that there is "no realistic way of persuading them [Somaliland] to rejoin Somalia short of launching a war."<sup>72</sup> Considering that the majority of Somaliland's population was born after 1991 and Somaliland's declaration of independence, and that they do not have any memory or identity as citizens of a unified Somalia, it is difficult to imagine an incentive for them to join a union with the south. Add to this the still very grave material and security conditions in the south of Somalia, and it is understandable why Somalilanders may not be interested in re-joining Somalia.

Unfortunately, it has been over twenty years since northerners and especially Issaq were able to freely own property, hold political office, and conduct business in Somalia. A

legitimate reason why most Issaq do not wish to rejoin the union with Somalia is because “the opportunities for people in Somaliland to regain a financial and political foothold in the south are slim.”<sup>73</sup> As Bradbury concluded:

Northerners have not only lost physical assets in the south from looting, but also rights to social protection, economic rights and rights of access and ownership. In a reconstituted Somalia, with Mogadishu as its capital, Isaacs and others who have fled or were chased out of the south are likely to feel more marginalised than they were before the war.<sup>74</sup>

Moreover, the political elites of Somaliland are firmly against reverting back to any unity with Somalia; a fact highlighted by several confidential US embassy cables. For example, in 2004 US embassy officials met with a prominent London based Somalilander who was a “premier advocate for recognition.” This person, Dr. Omar Duhod, in discussing the Somali Peace Talks in Nairobi stated that “if Somaliland is forced to go back to Somalia, there would be civil war” and added that the Somalis negotiating in Nairobi “are those that committed atrocities.”<sup>75</sup> Similar arguments were raised six months later in a meeting between Somaliland’s Foreign Minister Edna Ismail Aden and US Ambassador Ragsdale. When the US Ambassador asked Foreign Minister Aden if there was a way Somaliland could work with Abdillahi Yusuf, then president of the TFG, Foreign Minister Aden replied that this was not possible because Yusuf was an individual who had committed atrocities against Somaliland, and “will never have the support of Somaliland’s people.”<sup>76</sup> In 2007, at a meeting between US embassy officials and Somaliland citizens discussing Somaliland developments and recognition, US officials were told that “Somalilanders will never go back to Somalia after what happened to them under Siyad Barre” and that they would rather die fighting than become part of Somalia: “with or without recognition, they will never agree to go back to Somalia.”<sup>77</sup> During a subsequent meeting with Djibouti’s Minister of Communication an embassy official was told that while Somalilanders wish their southern neighbor well, “there is no going back, ever.”<sup>78</sup>

It appears that such views have not changed and Somaliland’s leadership is still adamant that the territory will not re-join Somalia. In May 2012 Somaliland’s then Foreign Minister Mohamed A. Omar stated in front of an audience of UK members of parliament and diplomats that “while we will never allow Somaliland to return to unity with Somalia, we wish our neighbor well, and stand ready to offer her advice and discuss matters of mutual bilateral interest on a basis of mutual respect and from our vantage point as a sovereign, separate entity.”<sup>79</sup> Such sentiments have also been echoed in September 2013 by Somaliland’s new Foreign Minister Mohamed Behi Yonis.<sup>80</sup>

### ***International Recognition Would Bolster Much Needed Foreign Aid and Investment***

Somaliland’s economy and development would be greatly aided by foreign investment and aid, which is currently not forthcoming in sufficient amounts. Foreign investment and aid have the capacity to strengthen the governance structures in the country and allow Somalilanders to rebuild much-needed infrastructure and engage more freely in international trade. International recognition would also allow the government to enter trade agreements and engage in international financial markets, which could further bolster government funding. However, an issue to be mindful of is that one of the reasons why Somaliland has achieved so much, especially in contrast to Somalia, is because its institutions and businesses have been homegrown and locally funded. Too much aid

coupled with poor administration of the aid sector and government spending could have a negative effect on the country (as seen from Somalia's case) as they could negatively influence government accountability and local ownership of governance. Unfortunately this is a trap for any developing country and can only be mitigated by professional and personal integrity of Somaliland's leaders, accountable and transparent practices and a strong regulatory framework, and governance that is in tune with the needs of the people.

### *Without Recognition Somaliland Might Worsen*

Connected to this question of development and foreign funding is the argument that if Somaliland does not receive international recognition, the economic situation in the country might deteriorate. Youth unemployment in Somaliland is already a serious problem. One Somaliland politician noted that between 60 and 70 percent of an increasingly globalized, youthful population is unemployed, with more than half of the youth without opportunities to go further in their studies or find a job; a situation he characterizes as "a time-bomb."<sup>81</sup> This is where the potential for religious radicalization and crime comes in. If Somaliland's youths do not see a chance for prosperity by legitimate means, they might resolve to activities that endanger their communities, the state, and by extension, the region. Moreover, local government officials and politicians should not be the only ones worried about youth unemployment in Somaliland. As one prominent Somaliland businessman stated "a lack of jobs goes hand in hand with a lack of hope, which creates terrorism and gets us back to square one. The West cannot worry about terrorism and then not recognise Somaliland."<sup>82</sup>

### **Conclusion**

This article has outlined and analyzed some of the most cited arguments against and in favor of extending Somaliland international recognition. This has been done in order to highlight the grave complexity that surrounds any discussion of international statehood recognition. In addition to legal arguments that form the basis of any discussion of state sovereignty and secession, it is also important to take into consideration economic, societal, and political issues. Apart from the legal validity of Somaliland's secession, other important issues influencing its international recognition include the possible repercussions of formally recognizing its statehood. It has not been the aim of this article to advocate for Somaliland's international recognition, but rather to expose the general ambiguity of the key arguments cited against extending Somaliland recognition.

The primary argument against Somaliland's recognition, namely the sanctity of colonial borders and how Somaliland's recognition could pose a dangerous precedent for the AU, seems rather questionable. Somaliland's borders are not in violation of Somalia's sovereign territory and are in conformity with Article 4 of the AU's Constitutive Act. On the other hand, Somaliland's situation is far more complex than that of a regional liberation struggle attempting to secede from a state that has mistreated its population. This is attested to by the AU's own fact-finding mission, which urged the Union to treat Somaliland's secession as "unique and self-justified in African political history."<sup>83</sup>

Amongst other issues the article has argued that extending Somaliland international recognition may serve to bolster, rather than diminish, its capacity to police its borders, fight piracy, maintain regional security, and act as a partner in the war on terror. As for the question of Somaliland's economic viability as an independent state, an argument has been made that one need only look at other African states in the neighborhood, or other

secessionist states around the world to see that economic viability is hardly a determining issue when debating state recognition. Somaliland has over the past twenty years achieved considerable things with a very small budget, and considering how much money has been wasted on Somalia's governance and peace building exercises, Somaliland stands out as an exemplary cost-effective actor with abilities to fund itself and even maintain certain levels of governance regardless of its poverty and economic hardship.

An important argument in favor of extending the territory international recognition is that once accepted as a peer amongst the club of nations, Somaliland would be able to access international funding and greater levels of development aid which have the potential to foster greater development and economic activity, thereby contributing to the stabilization of its troubled neighborhood. Although aid and investment alone cannot guarantee greater development and prosperity, coupled with a locally owned and accountable style of governance and administration, they can allow Somalilanders a better future. Perhaps most importantly, international recognition can aid Somaliland in providing hope and employment opportunities for its youthful population; a population which can be a driver of both positive and negative developments depending on their options for a dignified existence.

## Notes

- 1 Somaliland's territory is relatively equal to the size of England and Wales, encompassing an area roughly 137,600 square kilometers bordering the Red Sea and Gulf of Aden, Djibouti, Ethiopia, south Somalia, and Puntland. Its permanent population is estimated between 2.5 and 3.75 million; see ICG 2006, p. 11; Eggers 2007, p. 218.
- 2 Clarke and Gosende 2003, pp. 143-45.
- 3 Menkhaus 2006.
- 4 Bradbury 2008, p. 49.
- 5 BBC 2012b; Al Jazeera 2012; United Nations 2013, para 2.
- 6 These courts generally administer Islamic Law (Sharia), and in some instances offer the parties a choice between the application of Sharia or Somali customary law, the Xeer; see Menkhaus 2006, pp. 85-86, and Johnson and Vriens 2011.
- 7 Mwangi 2010, p. 90.
- 8 Lewis 2008, p. 88.
- 9 In addition to providing logistical and intelligence support, in 2007, the US also actually bombed UIC positions in Somalia; see Reynolds 2007.
- 10 Al-Shabaab formally joined Al-Qaeda in 2012; see BBC 2012a; Al Jazeera 2011.
- 11 Ethiopian troops were operating in Somalia since October 2011, but only joined the AMISOM banner in January 2014; see AMISOM 2014.
- 12 Al Jazeera 2014.
- 13 Bradbury 2008, p. 77.
- 14 Ibid., p. 96.
- 15 Ibid., pp. 98-99.
- 16 Hagmann and Hoehne 2009, p. 49.
- 17 In a 2001 policy document Somaliland's Government explained why it did not engage

- with Somalia's representatives in negotiations at the 2000 Arta conference in Djibouti by explicitly stating that Somaliland "could only cooperate with a counterpart who had attained the same level of stability and legality, and who was conducting the affairs of his area through constitutional institutions and a system of justice based on established laws." See Somaliland Government 2001, p. 43.
- 18 Bradbury 2008, p. 218; Somaliland Times 2002; Hagmann and Hoehne 2009, p. 52.
  - 19 Bradbury 2008, p. 218; Kibble 2007; Walls and Kibble 2011.
  - 20 Eubank 2012, p. 468.
  - 21 For the press, see Williams 2013; CPJ 2013.
  - 22 Geldenhuys 2009, p. 143.
  - 23 Shinn 2002, p. 6.
  - 24 ICG 2006, p. 13.
  - 25 Somaliland Government 2001, p. 48.
  - 26 Shinn 2002, p. 6; ICG 2006, p. 4, note 12.
  - 27 ICG 2006, p. 16.
  - 28 Erlich 1983, pp. 1-9.
  - 29 ICG 2006, p. 13.
  - 30 Roethke 2011, p. 44, note 54; Eggers 2007, p. 220.
  - 31 Roethke 2011, p. 44.
  - 32 ICG 2006, p. 16.
  - 33 Clapham et. al. 2011, p. 9.
  - 34 There have been high-level negotiations between Somalia and Somaliland mediated by Turkey since 2013, but so far it is uncertain what result if any they have yielded; see for example AllAfrica 2014.
  - 35 African Union 2005.
  - 36 Ibid.
  - 37 Geldenhuys 2009, p. 143; Clapham et. al. 2011, p. 10.
  - 38 Relations between Somaliland and Puntland remain strained over these disputed territories and were not helped by the January 2012 announcement of Dhulbahante clan leaders and politicians from Sool, Sanaag and Ceyn that they were forming a new administration, called the "Khaatumo State"; see United Nations 2012, p. 5, para. 22.
  - 39 Quoted in Bradbury 2008, p. 249.
  - 40 Jackson and Rosberg 1982.
  - 41 In November 2005, Somalia's Prime Minister Ali Mohamed Geedi stated in an interview with the BBC that his government would not object to Somaliland's international recognition. He also stated in a subsequent interview that his administration would engage Somaliland in dialogue. Geedi was almost immediately roundly condemned for a treasonable offence; see ICG 2006, p. 19; Djibnews 2005; Samatar 2005.
  - 42 United States 2010, point 8.
  - 43 There were reports that Al-Shabaab was moving its base of operations to Puntland, which would have brought it much closer to Somaliland's borders; see Bayoumy 2012.
  - 44 Geldenhuys 2009, p. 143.
  - 45 Bradbury 2008, p. 66.
  - 46 Ibid., p. 251.
  - 47 Shinn 2002, p. 2.

- 48 Ibid.
- 49 Ibid.
- 50 United Nations 2012, p. 5, para. 23.
- 51 Bradbury 2008, p. 251.
- 52 ICG 2006, p. 19.
- 53 Geldenhuys 2009, p. 143; Clapham et. al. 2011, p. 10.
- 54 Walls 2009, p. 372.
- 55 Geldenhuys 2009, p. 143.
- 56 Mwenda 2006, p. 2.
- 57 CIA Factbook 2014.
- 58 Spears 2003, p. 91.
- 59 Bradbury 2008, p. 253.
- 60 Somaliland Times 2013, 2014.
- 61 Adam 1994, p. 37.
- 62 Clapham et. al. 2011, p. 11.
- 63 Bradbury 2008, p. 245.
- 64 Fund for Peace 2013.
- 65 Clapham et. al. 2011, p. 11.
- 66 Ibid.
- 67 Ibid., p. 18.
- 68 Quoted in *ibid.*, p. 21.
- 69 ICG 2006, p. 20; Somaliland Press 2011.
- 70 ICG 2006, p. 21.
- 71 Ibid.
- 72 Clapham et. al. 2011, p. 12.
- 73 Bradbury 2008, p. 252.
- 74 Ibid.
- 75 United States 2004a, point 4.
- 76 United States 2004b, point 4.
- 77 United States 2007, point 3.
- 78 Ibid., point 5.
- 79 Somaliland Ministry of Foreign Affairs and International Cooperation 2012.
- 80 Yonis 2013.
- 81 Quoted in Clapham et. al. 2011, p. 13.
- 82 Ibid., p. 24.
- 83 African Union 2005.

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