

**FACTORS HINDERING AU/IGAD'S RECOGNITION OF
SOMALILAND AS AN INDEPENDENT STATE**

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DECLARATION

This thesis is my original work and has not been submitted for a degree to any other University.


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This thesis has been submitted for examination with our approval as University supervisors.


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DEDICATION

To the Somali people in the Horn of Africa sub-region and beyond!

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First of all, I would like to thank Almighty (the Creator of the Universe and all living and non-living creatures inside it) for giving me the strength, the well-being, the time and the energy to carry out the study. I would also like to thank my family, my beloved wife, Amira, my three daughters (Rashiqqa, Ruwaida and one-month old Rayyan who was born in the last month of the study) and my two sons (Luqman and Abdulmajid) for their patience and motivation as well as their tolerance during the countless, sleepless and busy days and nights of undertaking the study.

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Abstract

Ever-since Somaliland has declared its independence and reverted to its colonial borders twenty years ago, the international community has turned its back on Somalilanders. The overall objective of the research was to explore factors hindering the AU/IGAD's recognition of Somaliland. In order to attain the overall objective of the study, extensive literature has been reviewed. Both opponents and proponents of the Somaliland independence have been interviewed. Two specific and gender-based focus group discussions have also been conducted. Valuable information has been extracted from various diplomats, politicians, and senior government officials in the Horn of Africa. Confidential diplomatic cables have also been obtained, digested and cross-checked with other reliable sources. Analysis of the information reveals that a combination of legal, external and internal factors have mainly been responsible for the non-recognition of Somaliland. The study not only details the factors behind the non-recognition of this young exemplary nation but also provides interesting scholarly debates on the legality, the sovereignty and the independence of Somaliland and Somalia as well as various confidential diplomatic cables on the Horn of Africa region. The findings of the study imply that with the current capacity gaps and constraints of the Somaliland Government particularly Ministry of Foreign Affairs in terms of diplomacy, foreign policy, international law, international relations, geopolitical analysis, mass communication, advocacy and lobby, as well as financial constraints, it is highly unlikely that Somaliland will obtain international de jure recognition in the near future.

List of Abbreviations

AMISOM	African Mission for Somalia
AU	African Union
A/S	Assistant Secretary-USA
BSP	British Somaliland Protectorate
EAC	East African Community
EU	European Union
FCO	Foreign and Common Wealth Office- UK
GB	Great Britain
GODJ	Government of Djibouti
HMG	Heavy Machine Gun-UK government
ICJ	International Court of Justice-UN
IGAD	Inter-Governmental Organization on Development
LDC	Least Developed Countries
LOC	Letter of Credit
MOD	Marehan Ogaden and Dhulbahanti-Somali clans
MOFA	Ministry of Foreign Affairs
MOFAIC	Ministry of Foreign Affairs and International Cooperation-Somaliland
NFD	North-eastern Frontier Districts
NUF	National United Front
OAU	Organization of African Unity
SDR	Somali Democratic Republic
SL	Somaliland
SNL	Somali National League-Somaliland
SONYO	Somaliland National Youth Organization
SYL	Somali Youth League-Somalia
SNM	Somali National Movement
SPM	Somali Patriotic Movement-Somalia
SSDF	Somali Salvation Democratic Front-Somalia
TFG	Transitional Federal Government-Somalia
TNG	Transitional National Government-Somalia
UIC	Union of Islamic Courts-Somalia
UK	United Kingdom
UN	United Nations
UNDP	UN Development Programme
UNPOS	UN Political Office for Somalia
USA	United States of America
USSR	United States of Soviet Republics
UAR	United Arab Republic-(Egypt and Syria)
USC	United Somali Congress- Somalia
USP	United Somali Party
WB	World Bank

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Chapter One

Introduction to the Study

1.1 Introduction

Ever-since Somaliland has declared its independence and reverted to its colonial borders, there has been on-going debate among scholars whether or not Somaliland should be recognized as an independent and sovereign state. Although there is a third perspective which will be explained later, the recognition of Somaliland is approached from two divergent and legal perspectives or arguments. The first argument which totally disregards the historical reality of Somaliland and Somalia is based on Somali domestic law, which according to Somalilanders has been enacted by Somalia (the South) and imposed on Somaliland (the North). This argument which favours Somali unity claims that declaration of Somaliland independence violates Somalia's territorial integrity and sovereignty and hence concludes that the declaration of Somaliland is unilateral and unjustified in domestic law. Although waning, it is in accordance with the contemporary African territorial order. It is however against political reality on the ground and the principle of self-determination for the people of Somaliland.

However, the second perspective based on the international law, totally discards the domestic law but takes into account the present and the past historical reality of Somaliland and Somalia. According to this perspective, the declaration of Somaliland independence dissolved Somali Democratic Republic and revived the two independent states (the North and the South) of which the Somali Republic consisted of before the 1960 union. In a simpler term, it is the act of withdrawal from voluntary and the failed 1960 union of Somaliland and Somalia. According to this argument, before the 1960 union, Somaliland has been sovereign, independent and internationally recognised state and has never been a part of Somalia. Hence, it concludes that the declaration of Somaliland conforms to the AU charter in general

and the principle of uti-possidetis in particular and has nothing to do with Somali's territorial integrity and sovereignty. Hence no approval is required from Somalia in order to validate the Somaliland independence and therefore Somaliland should be granted outright de jure recognition.

The third and newly emerging perspective is also based on international law particularly in the context of state failure and affectivity of de-facto states. Although the law of self-determination and the law of secession under the international law are deficient and not well-developed, this perspective argues that if the state has failed for a long time (usually five years), and was unable to offer security and other services to its citizens, the people in that territory should have the right to secede. The recognition of the emerging de-fact states should be based if they can offer the services which the failed state was unable to deliver.

The literatures reviewed mostly fall under one of the above categories. In my rough estimation, twenty percent (20%) of literature falls under the first category while sixty per cent (60%) and twenty percent (20%) fall under the second and third arguments respectively. Over seventy scholarly documents consisting of text books, articles, policy documents, PhD thesis and research reports have been reviewed for the study. Although adequate literature has been committed to the subject matter, none of the scholars has seriously examined the factors hindering Somaliland's recognition by its immediate neighbours and the African continent. The scholars have not given a detailed account on how the diverging interests of African powers drag on or complicate the recognition of Somaliland. Finally, no attention was given to the Somaliland internal capacity (be it diplomacy, advocacy, lobby, leadership and finance etc.) in order to aggressively assert their case in pursuit of recognition. The proposed study will therefore focus on the main factors which hinder Somaliland's recognition by the African Union and IGAD regional body as well as its member countries. It will also examine how the diverging interests of African powers drag on the recognition of

Somaliland. In addition, it will assess the Somaliland internal capacity to advocate for the recognition of Somaliland including challenges and constraints.

The research consists of five chapters. The first chapter is the introduction to the study. It covers statement of the problem, objectives, literature review, justification, theoretical framework, hypotheses and research methodology. The second chapter is the historical background of the Somalis, divided into pre-colonial period (before 1884) colonial period (1884-1960), post-colonial period further divided into three periods; the democratic era (1960-1969), the military regime (1969-1991) and the war-torn Somalia (1991-2011). The chapter also covers the historical background of Somaliland and the cause of Somaliland separation including its post war nation-building. The third chapter is the case study which discusses the factor hindering the recognition of Somaliland. The fourth chapter is the critical analysis of the data. Finally chapter five concludes the research.

1.2 Statement of the Research Problem

Twenty years have passed since the declaration of the Somaliland independence without international de jure recognition. Many scholars confirmed that Somaliland fulfilled all the Montevideo recognition criteria of statehood in the international law and called for the recognition of Somaliland (Shinn 2002, Bryden 2002, Farley 2011, Gorka 2011 and Eggers 2007) among many others. In 2001, Somaliland sponsored a constitutional referendum in which ninety seven point seven percent (97.7%) of Somalilanders who cast votes, voted in favour of the constitution which reiterated the sovereignty and the independence of Somaliland.

Whereas Somalia slid into chaos and anarchy, Somaliland has succeeded in consolidating peace and stability, and has forged unique democratic institutions through popular participatory process. Rounds of multi-party municipal, presidential and parliamentary elections were held which international observers described as free and fair.

Clapham et al (2011) describes that "...Somaliland displays assets of statehood in far greater measure than many African states which are recognised."¹ AU fact-finding mission sent to Somaliland in 2005 also reports that "the union between Somaliland and Somalia was never ratified and also malfunctioned when it went into action from 1960 to 1990"². It adds that this situation "makes Somaliland's search for recognition historically unique and self-justified in African political history and the AU should find a special method of dealing with this outstanding case."³

Western powers defer the Somaliland case to AU. "We do not want to get ahead of the continental organization on an issue of such importance," said Assistant Secretary of State Jendayi E. Frazer in an e-mailed response to questions"⁴. Although the report of the AU fact-finding mission ruled out the AU concerns and recommended AU to find a special method of dealing with Somaliland, IGAD and AU have not so far taken any action and no country has recognized Somaliland, one of the most democratic nations in Africa, which is believed to be exemplary to African and IGAD countries.

International non-recognition of Somaliland has seriously affected and will continue to affect over three and half million people, an estimated population of Somaliland. It violates the rights of the Somaliland people to self-determination who decided their destiny. In general, the non-recognition held Somaliland nation in prison. It has also contributed to the increasing poverty and brain drain since the Somaliland government was denied access to bilateral and multilateral funds. Such funds would have been essential in investing in the productive sectors; and in creating employment opportunities to promote economic growth

¹ Brenthurst Foundation, 'African Game Changer? The consequences of Somaliland's International (Non) Recognition,' *Study report*, (Johannesburg, Brenthurst Foundation and E Oppenheimer & Son, 2011), p.10.

² "Resume: AU Fact Finding mission to Somaliland (30 April to 4 May 2005', African Union Commission, in D. Shin, Remarks Made at the Somaliland Convention, (Crystal City, Virginia, 2006).

³ Ibid.

⁴ S.Tyson, *US Debating Shift of Support in Somali Conflict* (Washington, *Washington Post*, 2007), p.1.

and development. Limited employment opportunities force its citizens to migrate out of country in search of better lives. “People are leaving this country in thousands.”⁵ Many of them die in the dessert and the oceans when trying to cross to Europe or Middle East. The non-recognition has also trumped the businesses. The Bank of Somaliland can’t issue a letter of credit (LOC) to facilitate business transactions. Due to the lack of Somaliland representation in its trade partner countries, the business people risk and sometimes lose their capital when buying commodities in the traditional way. They are also denied to travel to many countries for businesses on the pretext of invalid passports. Its citizens have been persuaded by the terrorists to carry out suicidal attack in the county in 2008 in which 29 were killed and over sixty others injured. The study will explore factors hindering AU/IGAD’s recognition of Somaliland. This qualitative research will ascertain the facts and the policies as well as positions adopted by IGAD member countries in general and IGAD/AU as an organization in particular.

1.3 Objectives of the Study

The overall objective of the study is to explore factors, constraints and challenges hindering AU/IGADs diplomatic recognition to the Republic of Somaliland.

Specific objectives

- ❖ To examine the legal, political and socio-economics factors hindering international recognition of Somaliland by IGAD/AU.
- ❖ To analyse how the diverging conflict of interests among the world powers as an obstacle to Somaliland recognition.
- ❖ To assess Somaliland’s limited financial and diplomatic capacity in pursuit of recognition.

⁵ Interview with Somaliland President in S. Baldauf, *Somaliland elections: Why the World Ignores Horn of Africa’s Oasis of Stability*, (South Africa, *The Christian Science Monitor*, 2010), p.3.

1.4 Literature Review

1.4.1 Somaliland

Schlee describes that “the republic of Somaliland is located on the eastern Horn of Africa and copies the same land colonized by the British prior to 1960”⁶. Pham argues that “from 1884 until 1960, Somaliland existed within the current border as the protectorate of the British Somaliland”⁷. Eggers also highlights that “Somaliland population of 3.5 million, scattered across an estimated areas of 137,600 square kilometers is represented by men...”⁸. Shinn points out that “thirty five countries recognized Somaliland. The US secretary of state Christian Herter, sent a congratulatory message and UK signed several bilateral agreements”⁹.

Jhazbhay argues that “Somaliland decided shortly after independence to form a union with the South. [...] The partnership was decidedly biased in favor of the south”¹⁰. Kreuter narrates that “in 1969, however, General Mohamed Siad Barre engineered a successful coup and became president, effectively end democratic rule.”¹¹ Pham observes that “with the collapse of Somalia, the Somalilanders reasserted their independence and created a functional government, complete with all accoutrements of modern statehood save a la international recognition”¹².

Eggers also observes that “since early 1990s, Somaliland has been a state within a state; a political entity which had emerged out of a previously recognized territorial third

⁶S. Gunther, *Redrawing the Map of the Horn: The politics of Difference* in A. Eggers, *Where is a State a State? The Case for Recognition of Somaliland*, (Boston, International & Contemporary Law Review, 2007), p.212.

⁷ Pham P. (2007), ‘Somaliland: On the Road to Independent Statehood,’ Michael S. Ansari Africa Center, pp. 2 at: <http://www.somaliland.org/2007/12/13>.

⁸A. Eggers, *Where is a State a State? The Case for Recognition of Somaliland*, (Boston, International & Contemporary Law Review, 2007), p.213.

⁹D. Shinn ‘Somaliland: *The Little Country that Could*’ *African Notes*, (Washington, CFSS2002), p.1.

¹⁰I. Jhazbhay ‘As a Success Story, Somaliland is Africa’s Best-Kept Secret’ 2002, pp.2. available at: www.nuradeen.com/achives/CurrentIssues/Somaliland.htm

¹¹A. Kreuter, ‘*Notes: Self-Determination, Sovereignty, and the Failure of States: Somaliland and the Case for Justified Secession*,’ (Minnesota, Minnesota Journal of International Law, 2010), p.376.

¹² Pham P. Somaliland: On the Road to Independent Statehood, op. cit. pp.1

world but which lacked formal recognition from the international community.”¹³ Fisher narrates that “the self-proclaimed Republic of Somaliland has become one of the Africa’s success stories-but such success outside world has been reluctant to help because on one knows what to do with it”¹⁴. Simanowitz contrasts Somaliland and Somalia and describes that:

“Whilst neighbouring Somalia has all but ceased to function as an administrative, judicial and territorial entity, Somaliland has taken important steps towards creating a stable working democracy in one of the poorest and most dangerous regions of the world”¹⁵.

Huliaras (2002) observes that “and no other area in Africa is closer to secession than northern region of Somalia –an area whose boundaries largely correspond to the former British Protectorate of Somaliland”¹⁶. Huliaras adds that “the majority of the people of Somaliland have developed a sense of identity distinct from the rest of Somalia; a sense of identity mainly based on kinship and shared historical experiences”.¹⁷ Spears (2003) argues that “...Selective recognition of some “states within states” such as Somaliland does offer promising approaches to more effective governance and more viable and coherent states.”¹⁸

1.4.2 Scholarly debate on Somaliland recognition

Bryden argues that “critics tend to dismiss Somaliland’s momentary encounter with statehood in June 1960 as a pit stop on to the road to Somali unity.”¹⁹ McMullen also argues that “northerners can in no way claim that the 1960 merger with the south was a shotgun

¹³ I. Spears, *Reflections on Somaliland and Africa Territorial Order*, Review of African Political Economy, (London, ROAPE Publications, (2003), p.1.

¹⁴ I. Fisher, *An Oasis of Peace in Somalia Seeks Freedom*, (New York, New York Times, 1999), p.A.1.

¹⁵ S. Simanowitz, *Democracy Comes of Age in Somaliland*, (London, Contemp, Rev 2005), p.336.

¹⁶ A. Huliaras, *The Viability of Somaliland : Internal Constraints and Regional Geopolitics*, Journal of Contemporary African Studies, (London, Carfax Publishing 2002), p.1.

¹⁷ A. Huliaras, *The Viability of Somaliland : Internal Constraints and Regional Geopolitics*, op. cit.

¹⁸ I. Spears, *Reflections on Somaliland and Africa Territorial Order* op. cit.

¹⁹ M. Bryden, *The Banana Test’: is Somaliland ready for recognition?* (Addis-Ababa, Annalesd’Ethiopia, 2003), pp.342-343

wedding-by all accounts unification was widely popular.”²⁰ Anthony J. Carrol and B. Rajagopal (1993) also contend that the act of union between Somaliland and Somalia falls short of standards set for valid international treaty by Vienna Convention on the law of treaties.²¹ Furthermore, Keble reports that “A court judgment by a British judge in Mogadishu in 1962 after the two former colonies united, laid doubt on the complete legality in international law of union of Somalia and Somaliland”²².

However, Kreuter (2011) argues that if even the 1960 union was accepted to be invalid due to lack of popular plebiscite, “ this argument overlooks the decade following the unification in which both north and south existed together relatively stable and vibrant democracy.”²³ On the other hand, Shinn (2002) contends that “Somaliland merger with Somalia was not easy and problems developed almost immediately.”²⁴ He took an example of the 1961 failed coup attempt in Somaliland that “one of its goals was to secede from the Somali Republic and establish an independent government”²⁵

Eggers (2007) argues that “the territory of Somaliland easily meets the criteria set forth by the Montevideo Convention. Somaliland has a population estimated to be 3.5 million which re-affirmed the support for sovereignty in 2001 constitutional referendum.”²⁶ Eggers argues that “Somaliland has operated as an independent state for fifteen years and it meets international legal standards for statehood is in fact a state”²⁷ Similarly Gorka concludes that

²⁰ M. Ronald, *Somaliland: The next Eritrea?* In *Low Intensity and Law enforcement*, (London, Winter, 2003), p.427.

²¹ A. Carrol and B. Rajagopal, *The Case for the Independent Statehood of Somaliland*, (USA, American University Journal of Law and Politics, 1993), p.662.

²² S. Kibble, *Somaliland: Surviving Without Recognition; Somalia Recognized But Failing?* (London, SAGE Publications, 2001), p.13.

²³ A. Kreuter, 'Notes: Self-Determination, Sovereignty, and the Failure of States: Somaliland and the Case for Justified Secession,' (Minnesota, Minnesota Journal of International Law, 2011), p.376.

²⁴ D. Shinn, *Somaliland: The little Country that Could: African Notes*, (Washington CSIS, 2002), p.1.

²⁵ Ibid.

²⁶ A. Eggers, *Where is a State a State? The Case for Recognition of Somaliland*, (Boston, International & Contemporary Law Review, 2007), p.218.

²⁷ A. Eggers, *Where is a State a State? The Case for Recognition of Somaliland*, op. cit. p.222

“the enclave meets the Montevideo convention yet international recognition is additional element of statehood and the latter will take place once the legal uncertainty is resolved.”²⁸

Farley argues that “...Somaliland not only has the capacity to enter into foreign relations, it in fact enters into foreign relations.”²⁹

Nevertheless, Kreuter contends that “it is one thing to suggest that a region satisfies theoretical requirements of statehood, but quite another to argue that this constitutes a legal basis for independence”³⁰. He cautions that “such a precedent would be disastrous to the idea of state sovereignty”³¹

“People have the right, according to international law to self-determination through secession if they suffered from violations of these on a genocidal scale”³². [...] “The people of Somaliland suffered in extremis from these violations, including acts of genocide by Siyad Barre regime”³³ Spears confirms that “the brutality with which the Siad Barre regime attacked centers in Somaliland has been well-documented (African watch 1990).”³⁴ Jhazbhay argues that:

“When the southerner Siyad Barre took power in a coup, he brutally crushed northern opposition. This included flattening Somaliland capital of Hargeisa using a combination of artillery, South African mercenaries and bomber aircraft that took off from the airport on the skirts of the city. On the outskirts of the capital, lie a number of UN-acknowledged mass graves as testimony to Southern brutality.”³⁵

²⁸H. Gorka, *Somaliland-a Walk on Thin Ice*, (Berlin, KAS International Reports, 2011), p.97.

²⁹B. Farley, *Calling a State a State*, op. cit. p.808.

³⁰A. Kreuter, *Notes: Self-Determination, Sovereignty, and the Failure of States: Somaliland and the Case for Justified Secession*, op. cit. p.381.

³¹Ibid.

³² Somaliland, *Demand for International Recognition*, A policy document of the Government of the Republic of Somaliland, (Hargeisa, Ministry of Information, Republic of Somaliland. 2001), p.5.

³³Somaliland, *Demand for International Recognition*, A policy document of the Government of the Republic of Somaliland, op. cit.

³⁴I. Spears, *Reflections on Somaliland and Africa Territorial Order*, Review of African Political Economy, ROAPE Publications, 2003), p.1.

³⁵I. Jhazbhay 'As a Success Story, Somaliland is Africa's Best-Kept Secret, op. cit.

Assessing the situation of Somaliland during Barre regime, Salih and Wohlgemuth (1994) noted that “curtailment of freedom of movement, arrests, detention, summary executions, rape and torture became the rule rather than the exception both rural and urban areas.”³⁶Gorka also argues that “lastly, the gross human rights violations of the dictator and resulting ethnic cleansing against the Isaaq among others, gives them the right to self-determination and hence separation.”³⁷ Furthermore, Herbst argues that “in any event, all but unnoticed by the international community, 50,000 were killed and approximately 500,000 of the population of 2 million became refugees in neighbouring Ethiopia.”³⁸

However, Kreuter argues that “ despite the severity of the human rights abuses perpetrated against the Isaaq, it is unclear whether they are sufficiently significant to support an argument in favour of justified unilateral secession.”³⁹ But Vitantonio questions that “given the atrocities, the people of Somaliland have experienced and united against; shouldn’t they also have the right to self-determination and independence.”⁴⁰

Fisher observes that “the people [Somaliland] created unusual parliament mixing democracy with the traditional leadership of elders and clans. And Somaliland is blessed with peace.”⁴¹Baldauf observes that:

“Somaliland is an oddity in the conflict-prone Horn of Africa. A multiparty democracy, a secular Muslim country with no tolerance for extremists, a thriving free market with precious little foreign aid and a strict law and order state with no patience for piracy-Somaliland is exactly the kind of country the Western world loves to embrace.”⁴²

³⁶M. Salih and L. Wohlgemuth, *Crisis Management and the Politics of Reconciliation in Somalia*, (*Uppsala, Uppsala Forum*, 1994), p.86.

³⁷H. Gorka, *Somaliland-a Walk on Thin Ice*, (Berlin, KAS International Reports, 2011), p.85.

³⁸J. Herbst, *In Africa, What Does It Take to Be a Country*’ (Washington, The Washington Post, 2004), p.1.

³⁹A. Kreuter, ‘Notes: Self-Determination, Sovereignty, and the Failure of States: Somaliland and the Case for Justified Secession, op. cit. p.388.

⁴¹I. Fisher, *An Oasis of Peace in Somalia Seeks Freedom*, op. cit.

⁴²S. Baldauf, ‘In Somalia’s Break-away Corner, an Oasis of Stability, (Johannesburg The Christian Science Monitor, 2009), p.1.

Bryden also observes that “although weak, Somaliland’s democratic experiment is characterized by vigorous political pluralism, exceptional press freedom and reasonable respect of human rights.”⁴³ Vitantonio affirms that “with the revised 2001 constitution, Somaliland has transitioned into truly democratic government based on multiparty versus multi-clan politics.”⁴⁴ Baldauf argues that “in theory, Somaliland’s experience –blending traditional sources of clan authority with elected governance –could serve as model for Somali itself as it has been for the neighbouring state of Puntland.”⁴⁵ Farley also observes that “over its nearly twenty years of self-rule, Somaliland government has transitioned from clan based system to a representative democracy.”⁴⁶ Aboa-Bradwel argues that if recognized, “Somaliland can consolidate its fledgling democracy and by giving economic development to its people.”⁴⁷ Baldauf therefore concludes that “with a more stable economy and democracy as well as social system, Somaliland should be granted independence.”⁴⁸ Aboa-Bradwel also concludes that “Achieving statehood status will also allow Somaliland to serve effectively as democratic inspiration to African States and to Muslim nations all over the world.”⁴⁹

Bengali contends that “no country has recognized Somaliland’s independence. However, the argument has always been that to do so would further destabilize Somalia, even as Somalia seems to be destabilizing well enough on its own.”⁵⁰ Gorka argues that “may be international acceptance will promote Somaliland so it could act a role model in re-

⁴³M. Bryden, *The Banana Test*: is Somaliland ready for recognition? op. cit.

⁴⁴Vitantonio M.J.(2007), ‘Somaliland Independence: Should Its Efforts be Recognised,’ Maxwell Air Force Base, Alabama, Research Report, p.13.

⁴⁵ S. Baldauf, *In Somalia’s Break-away Corner, an Oasis of Stability* op. cit. p 3.

⁴⁶ B. Farley, *Calling a State a State* (Emroy, *Emroy International Law Review 2011*), p. 807.

⁴⁷S. Aboa-Bradwel *Unsung African Marvel: The Case for Somaliland Recognition In Jama M.J (Eds) Somaliland: The Way Forward, Achieving its Rightful International Status, (Pisa, Ponte Invisibile, 2011), pp.31-41.*

⁴⁸S. Baldauf, *In Somalia’s Break-away Corner, an Oasis of Stability*, op. cit. p,13

⁴⁹ S. Aboa-Bradwel *Unsung African Marvel: The Case for Somaliland Recognition op. cit. p.45.*

⁵⁰ S. Bengali, *In Breakaway Somaliland, a Bid to be Stable Regional Citizen,* (Johannesburg McClatchy Newspaper, 2009), p.1

establishing Somalia or other parts of the region.”⁵¹ She concludes that “if Somaliland is not granted independence, then the question remains how one could find a solution that satisfies both Somaliland and Somalia to prevent further fighting or even war.”⁵² Also Omar concludes that “an internationally recognized Somaliland would contribute to stability, security and prosperity of the Horn and as well as helping to defeat evils such as piracy in the Indian Ocean.”⁵³

Bengali observes that “...Somaliland is trying to be a good citizen, hosting tens of thousands of refugees from southern Somalia and lately trying and imprisoning pirates which few governments anywhere have been eager to do so.”⁵⁴ Bengali argues that “the would be pirates washed ashore in Somaliland , where police and scrappy coast guard, which patrols a 600 mile coastline with two speedboats and a tiny fleet of motorized skiffs chased them down.”⁵⁵ Benjamin concludes that

“On balance, then recognizing Somaliland is likely to contribute to international security and stability by preserving the Republic of Somaliland’s bulwark against piracy and terrorism without encouraging either ethnic separation or legitimization of Al-Qaida affiliates.”⁵⁶

Omar argues that “having entered voluntarily into an unhappy union, Somaliland must be allowed to withdraw as others have before⁵⁷. Farley argues that “in this way, Somaliland is more like Croatia and Syria in that the two states enjoyed independent statehood before subsumption within another states.”⁵⁸He adds that “Somaliland’s re-

⁵¹ H. Gorka, *Somaliland-a Walk on Thin Ice*, op. cit. P.98.

⁵² *Ibid*.

⁵³ M. Omer, “Recognizing Somaliland: Political, Legal and Historical Perspectives,” in Jerna M.J. (eds.), *Somaliland: The way forward, Achieving its rightful international status*, (Pisa Ponte Invisibile, 2011), pp.19-30.

⁵⁴ S. Bengali, *In Breakaway Somaliland, a Bid to be Stable Regional Citizen*, op. cit. p.2.

⁵⁶ B. Farley, *Calling a State a State*, op.cit. p.807.

⁵⁷ M. Omer, “Recognizing Somaliland: Political, Legal and Historical Perspectives,” op. cit. p.24.

⁵⁸ B. Farley, *Calling a State a State* op. cit. p.815.

emergence as an independent state following dissolution of the Republic of Somalia follows the pattern laid down by both Yugoslavia and the UAR. Its secession is therefore in line with modern state practice.”⁵⁹

Farley (2011) argues that “there exists no metropolitan state to recognize the re-emergence of Somaliland and Somalia. Moreover, following Yugoslavia’s example, no such recognition is needed for Somaliland and Somalia’s independence to be valid”⁶⁰. Farley concludes that “moreover, because Somaliland regained its independence in the context of dissolution and in adherence to *uti possidetis*, its recognition would neither set a new precedent nor justify tribal fragmentation of African states.”⁶¹ However, Kreuter argues that:

“The future of Somaliland’s attempts to secede from Somalia therefore seems bleak. Though it is relatively stable, no country recognizes it as independent of Somalia. Nor is it of any help that the current principles of international law that speak to Somaliland’s situation- the legal basis for statehood, the right to self-determination, justifications for secession, the strong respect for the integrity of national borders- establish a high threshold for secession. Under international law, Somaliland likely lacks justification to secede.”⁶²

Nevertheless, Kreuter also argues that the only way that Somaliland can succeed is through the application of the proposed international law in the context of state failure. He confirms that:

“Somaliland has demonstrated the ability to govern itself which Somalia has not. Under the proposed test, Somaliland can justifiably secede from Somalia. Because it can provide the basic functions of a government that Somalia can’t, and Somalia has failed a long enough to create a power vacuum. Therefore, an independent state of Somaliland would not impinge upon Somali sovereignty.”⁶³

⁵⁹ Ibid.

⁶⁰ Ibid., p.817.

⁶¹ Ibid., p.819.

⁶² A. Kreuter, *Notes: Self-Determination, Sovereignty, and the Failure of States: Somaliland and the Case for Justified Secession*, op. cit. p.392.

⁶³ Ibid., p.396.

1.4.3 Factors Hindering Recognition of Somaliland

Jhazbhay (2006) argues that "...Ethiopia's need not to push its luck in antagonizing Arab League Powers, given economic interdependence that ties Addis-Ababa to the Persian Gulf. Recognition of Somaliland would likely trigger such as a backlash"⁶⁴Jhazbhay concludes that "Ethiopia, therefore will not want to initiate any major diplomatic moves, such as recognizing Somaliland that will prematurely foreclose greater East-Northeast Africa's integration options."⁶⁵ Shinn points out that "Somalia would immediately attribute nefarious motives to Ethiopian recognition of Somaliland, arguing that it wishes to balkanize Somalia and weaken Somali unity"⁶⁶. The Economist (2001) contends that "Ethiopia has a sizable Somali population within southern region. Ethiopia would be too worried about the effect of Somaliland's independence might have on its lawless Somali clans."⁶⁷

Huliaras argues that "Neighbouring Djibouti considers Somaliland's existence a threat to its own security"⁶⁸. He concludes that "...it is clear that Djibouti regards Somaliland's de-facto independence with particular scepticism and clearly dismisses any possibility for de- jure recognition"⁶⁹. Shinn contends that "Djibouti continues to have a complex set of financial and commercial links with TNG. Its commitment to the preservation of Somali unity suggests that it wants to prevent the emergence of a viable and independent Somaliland"⁷⁰. Shinn adds that "...They [Somaliland officials] suspect that Djibouti fears competition from the port of Berbera once it is fully rehabilitated."⁷¹

⁶⁴ I. Jhazbhay, *Somaliland: Post War Nation-Building and International Relations, 1991-2006*, PhD Thesis, (Johannesburg University of the Witwatersrand, 2006).

⁶⁵ I. Jhazbhay, *Somaliland: Post War Nation-Building and International Relations*, op. cit.

⁶⁶ D. Shinn, *Somaliland: The little Country that Could: ' African Notes*, op. cit. p.4.

⁶⁷ Economist (2001) In A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics,* *Journal of Contemporary African Studies*,(London, Carfax Publishing, 2002), p.170.

⁶⁸ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics,* op. cit. p.169.

⁶⁹ Ibid.

⁷⁰ D. Shinn, *Somaliland: The little Country that Could: ' African Notes*, op. cit.

⁷¹ Ibid.

Huliaras argues that “Eritrea is also strongly opposed to Somaliland’s secession and has even tried to undermine its stability [...] Asmara would not want to be portrayed as working for secessionism and is “conservative on the issue of [Somaliland] as any other state.”⁷²

Shinn also argues that “presumably AU is reluctant to recognize Somaliland for the fear that it would increase pressure by other groups in Africa to support changes in borders inherited at independence.[...] and it is here that Somaliland has had no success.”⁷³ Doornbos (2002) postulates that “the position of OAU on these matters is well-known: no deviation whatsoever from amalgam of ex-colonial boundaries and state system in Africa is to be entertained.”⁷⁴

Shillinger observes that “... for the resistance from AU to recognize the original Somaliland national boundary, it is the fear that the habit may spread to other countries further sub dividing and isolating rather than unifying the continent.”⁷⁵ The Brenthurst Foundation argues that

“Until now a combination of narrow-self-interests and lack of appropriate diplomatic method on Hargeisa’s part trumped the reality of Somaliland self-determination, even though the secession of southern Sudan in 2011 would seem to place its claims on the right side of the history.”⁷⁶

Huliaras argues that “...many states in the world especially the members of the OAU and of the Arab league as well as most western power, with the partial exception of Britain

⁷² A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*, op. cit. p.169.

⁷³ D. Shinn, *Somaliland: The little Country that Could: African Notes*, op. cit. p.6.

⁷⁴ M. Doornbos, ‘Somalia: Alternative Political Scenarios for Reconstruction’, (*African Affairs*, Royal African Society 2002) p.106.

⁷⁵ K. Shillinger, *Recognizing Somaliland: Forward Step in Countering Terrorism?* (Johansburg, *RUSI Journal* 2002), p.46.

⁷⁶ Brenthurst Foundation (2011) ‘African Game Changer, The consequence of Somaliland (Non) Recognition’, op. cit. p.24.

regard the country's juridical sovereignty as a setting a dangerous precedent."⁷⁷ Farley argues that "however deterrence to rump Somalia's claim has not alone prevented AU action. A number of African states have an interest in delaying resolution of Somaliland question. For example Egypt has an interest in..."⁷⁸

Huliaras also argues that "like the OAU, Arab states are against Somaliland's independence which they fear could create a dangerous precedent."⁷⁹ He adds that "...since they both [Egypt and Libya] are concerned that independent Somaliland would pave the way for dividing warring Sudan into two independent countries"⁸⁰. Swain (1997) argues that "Moreover, Egypt would prefer to see re-united Somali acting a leverage for the uninterrupted flow of Nile waters from Ethiopia."⁸¹ Huliaras concludes that "finally, certain Arab governments fear that an independent Somaliland may facilitate Israel's influence in an area considered as the 'soft underbelly' of the Arab world"⁸². Shinn observes that "in more recent years, Egypt has been a supporter of the Somali unity and strong Somali state that can serve as a counterweight to Ethiopia. [...] Consequently Egypt supports the Arta process, opposes an independent Somaliland"⁸³

Huliaras contends that "...US policy in the region, at least during the Clinton era, focused on the establishment of stable, central authority in Somalia. [...] Somalia was vulnerable to the dangers of terrorism and Islamic fundamentalism"⁸⁴. Gibbs (2000) asserts that "... The US non-recognition policy towards Somaliland resulted in part from poor relations with Somaliland government and the principle US oil company with interests in the

⁷⁷ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*, op. cit. p.175.

⁷⁸ B. Farley, *Calling a State a State*, op. cit. p.811.

⁷⁹ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*, op. cit. p.170.

⁸⁰ Ibid.

⁸¹ Swain (1997) in A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*, op. cit. p.169.

⁸² A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*, op. cit. p.170.

⁸³ D. Shinn, *Somaliland: The little Country that Could: African Notes*, op. cit. p.4.

⁸⁴ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*, op. cit. p.170.

region, Conoco,”⁸⁵. “The US does not want to be blamed for opening up a veritable Pandora’s box by backing a secessionist attempt to redraw colonial era boundaries in Africa which could cause a ripple effect across the continent, better to let the African Union to make the call.”⁸⁶

Huliaras contends that “In Western Europe, Italy is strongly opposed to the recognition of Somaliland. Through intensive diplomatic efforts in 1990s, Rome has sought to ensure that the centre of power in Somalia remained in Mogadishu.”⁸⁷ He adds that “virtually no western country has officially mentioned the possibility of re-drawing international borders in the region.”⁸⁸Huliaras also argues that “a British unilateral recognition of independence of Somaliland would threaten to jeopardize its relations with other commonwealth nations, many of them OAU members”⁸⁹ He concludes that “In Short, Somaliland will not overcome the international systemic bias against secession.”⁹⁰

1.5 Justification of the Study

Two years have passed when the independence of Somaliland was proclaimed on 18th May 2001. During The Grand Burao conference in which all Somaliland clans participated and in which the independence was declared, the recognition of Somaliland was reportedly never discussed intensively nor was it priority one as it is today. No formidable challenges towards gaining international recognition have been foreseen. To appease the Somaliland public or citizens, the successive Somaliland governments with the exception of Igal who publicly announced that the world turned its back on Somaliland, have persistently been claiming that

⁸⁵ Gibbs (2000) in A. Huliaras, ‘*Viability of Somaliland: Internal Constraints and Regional Geopolitics*,’ op. cit. p.172.

⁸⁶ USA (2007) USA State Department position In Pham J. P (2007) ‘Somaliland: On the Road to Independent Statehood’ op. cit.

⁸⁷ A. Huliaras, ‘*Viability of Somaliland: Internal Constraints and Regional Geopolitics*,’ op. cit. p.171.

⁸⁸ Ibid.

⁸⁹ Ibid., pp.171-172.

⁹⁰ Ibid.

they had convinced the world to recognise Somaliland and that recognition was imminent. However, they have never presented to their citizens any formidable challenges in this regard nor did they come up with coherent, coordinated and well-formulated diplomacy strategy or advocacy strategy to win the hearts and the minds of international community in general and Somalis in particular.

Nevertheless, Somaliland's track records in reconciliation, peace building, demobilization, maintaining peace and security, law and order, good governance as well as forging democratic institutions are unprecedented achievements and are in stark contrast to chaos in Somalia. Despite those achievements and having all accoutrements of modern states, the international communities, international and regional organizations such as UN and AU and IGAD have not recognized the independence of Somaliland even after fulfilling all Montevideo criteria of state recognition. Instead, they recognised the AMISON-protected TFG of the lawless Somalia, which only controls few districts inside Mogadishu, as representing the whole of Somalia, including this democratic nation of Somaliland. Little is known of why they had done this irony.

The study will be justified on the following grounds: First, the study will contribute to the existing body of academic knowledge by revealing all possible factors, reasons and justifications hindering Somaliland's recognition by AU/IGAD and the UN to some extent. It will also contribute to the body of academic knowledge by presenting the findings of how diverging interests of African powers contribute to the AU's inaction on the recognition of Somaliland as well as the Somaliland internal capacity as a stumbling block to the recognition itself. Secondly, it will inform the factors hindering the recognition to Somaliland citizens and other interested parties who have been eager to hear why the international communities ignored Somaliland and did not recognize it as they had done in 1960 before the merger with Somalia. This will possibly help the citizens to measure and evaluate the

performance of Somaliland government in pursuit of recognition. It will direct the Somaliland people and its Diaspora how they could play an active role in the advocacy of the recognition of Somaliland. Furthermore, it will also contribute to policy change by proposing policy options to the government of Somaliland. The findings of the study could contribute to be the foundations for new coherent, coordinated and well-formulated recognition policies, diplomatic and advocacy strategies which may be developed in the near future which will in turn address recognition challenges, and influence decisions makers of AU and its member countries. Finally, the study will contribute to regional stabilization by proposing options for resolving Somaliland and Somalia impasse.

1.6 Theoretical Framework

The theory of realism can best explain lack of Somaliland recognition by other countries. The assumptions of this theory include that different countries pursue their national interest and use power and other means to dominate others in order to survive. What does this mean for Somaliland recognition? This means if the world powers have compelling security, political and economic interests, they could have granted a diplomatic recognition to Somaliland. The powerful countries also weigh their interests in Somaliland against their interests elsewhere, and avoid forgoing major interests at the expenses of a minor interest.

For example, the USA became very much interested in Somaliland in 2007 because of the biggest military base in the Horn of Africa and wanted to give diplomatic recognition to Somaliland in exchange of using the military base and the strategic port of Berbera along the Red Sea. "The Pentagon's view is that "Somaliland should be independent," another defence official said. "We should build up the parts that are functional and box in" Somalia's unstable regions, particularly around Mogadishu"⁹¹. However, the conflict between the state

⁹¹ S. Tyson, 'US Debating Shift of Support in Somali Conflict' (Washington, *Washington Post* 2007), p.1.

department and defence department prevented such recognition because USA State Department had an opposite view. Tyson describes that:

“The official U.S. government position is that the United States should withhold recognition from Somaliland because the African Union has yet to recognize it. "We do not want to get ahead of the continental organization on an issue of such importance," said Assistant Secretary of State Jendayi E. Frazer in an e-mailed response to questions⁹².

1.7 Hypotheses

The study will test the following hypotheses:

- ❖ Legal, political and socio-economic factors hinder IGAD/AU's recognition of Somaliland;
- ❖ Diverging conflict of interests among world powers become an obstacle to recognition;
- ❖ Somaliland's internal diplomatic capacity gaps block its pursuit of recognition.

1.8 Research Methodology

In this study, both secondary and primary data were collected to test the hypothesis and to achieve research objectives. Variety of primary and secondary data collection methods and tools mostly qualitative ones were employed.

The secondary data and information have been collected analysed. These included scholarly or academic (published or online) article and reports, text books and other policy documents regarding Somaliland international relations. These reports, articles, text books and policy documents have been analysed and gaps identified. Internet has been used as a tool for finding relevant information. Resource centres or libraries of University of Nairobi and others have been useful in accessing various literatures.

⁹² Ibid.

In terms of primary data collection, Semi-structured questionnaire with Hargeisa and Nairobi-based senior diplomats and ambassadors of IGAD countries such as Ethiopia, Kenya, Eritrea, Somalia, Uganda, Djibouti, Sudan and Somaliland have been conducted.

The Arab league member countries (Egypt and Sudan), UNPOS AU/IGAD, USA, UK Italy and EU representatives in Nairobi have been selected for an interview. Other key informants (senior civil servants, ministers, vice ministers and director generals as well as parliamentarians) of various IGAD countries particularly Somaliland and Somalia have been interviewed. Independent political analysts and lawyers, and other resource persons or experts on Somaliland, Somalia and Horn of Africa region were also interviewed using semi-structured questionnaires. Two gender-based focus group discussions with representatives from different regions of Somaliland have been conducted to deeply understand their opinions of the independence of Somaliland. Such discussion included the possible options for solving the current Somalia and Somaliland stalemate (impasse). Data collection methods were more qualitative and participatory complemented by quantitative methods where necessary.

Few constraints were likely to potentially limit the scope of the research. Interviewing some of the diplomats/ambassadors from different countries was difficult because of their availability. Some of the embassies in Nairobi also declined to be interviewed. Secondly, sharing confidential policy documents were somehow challenging. Thirdly, distance and geographical distribution of the required interviewees could create an obstacle to data collection. The research required travel to AU and IGAD headquarters as well as Somaliland. Finally, shortage of time was of the challenges in carrying out the study. In order to overcome some of the constraints and challenges, the following strategies have been employed. As much as possible, if ambassadors were unavailable, the political officer or attaché in charge of Somalia or any important figure at the embassies ministries have been interviewed. And

where possible, foreign policy documents have been collected to crosscheck the information provided. Other independent foreign policy analysts or experts have also been interviewed to investigate the country specific interests and disinterests in Somalia and Somaliland. The new technology such as emails and telephone calls, have been used to interview several diplomats and AU officials across the continent. However, the researcher has managed to travel to Somaliland to access additional information. Wikileaks' publications were also very useful in accessing confidential information and essential correspondences among diplomats, presidents and prime ministers. Finally every effort has been made to overcome the time constraints.

CHAPTER TWO SOMALILAND'S PURSUIT OF RECOGNITION: AN OVERVIEW

2.0 Introduction:

Chapter one established the foundation of the research project and introduced various sub topics of the research. The chapter one also set the foundation for three important legal arguments on the declaration of the independence of Somaliland. The first argument which favours Somali unity claims that declaration of Somaliland independence violates Somalia's territorial integrity and sovereignty and hence concludes that the declaration of Somaliland is unilateral and unjustified in domestic law. Second argument claims that the declaration of Somaliland is the act of withdrawal from voluntary and the failed 1960 union of Somaliland and Somalia. Hence, it concludes that the declaration of Somaliland conforms to the AU charter in general and the principle of uti-possidetis in particular and has nothing to do with Somali's territorial integrity and sovereignty. The third legal argument calls for the recognition of emerging de-facto states once the parent failed to provide any services to its citizen for period of time usually five years.

Chapter two will investigate the history and origin of the Somalia people before, during and the colonial period. It will also analyse the various stages of the Somali nation after decolonization. It will focus on the democratic era, the military regime and the collapse of the Somali central government and ensuing civil war. Finally, the chapter two will also discuss the interesting development of Somaliland. more specially it highlight the formation of Somaliland, the root causes of separation from Somalia, and nation-building as well as democratic transition and development.

2.1 History and origin of Somalis

Numerous historical perspectives differ on the origins of the Somalis. Burton describes that

“The Somal, therefore, by their own traditions, as well as their strongly marked physical peculiarities, their customs, and their geographical position, may be determined to be a half-caste tribe, an offshoot of the great Galla race, approximated, like the originally Negro-Egyptian, to the Caucasian type by a steady influx of pure Asiatic blood.”⁹³

According to Arab historical sources the ancestors of the Somali people migrated south from the shores of the Red Sea into the Cushitic-speaking Oromo region from approximately the 10th century. Lewis describes that

“Certainly the evidence at present leaves no doubt that the the gradual expansions over the last ten centuries of the Hamitic Somali from the shores of Gulf of Aden to the plains of northern Kenya is one of the most sustained, and in its effects, far-reaching movements of population in the history of North-East Africa.”⁹⁴

According to northern oral history, the Somalis are a hybrid group originating in the marriages of two Arab patriarchs to local Dir women, whose descendants migrated from the Gulf of Aden towards Northern Kenya in the tenth century.

However, most contemporary scholars argue that the ancestors of the Somalis came from an area between southern Ethiopia and northern Kenya. It is now widely believed that the Somalis originated in the lake regions of present day southern Ethiopia, Kenya, Uganda and Malawi, as a sub-group of the Cushitic peoples. From that area Somalis migrated northwards until they reached the Red Sea and occupied most of the Horn of Africa in the 1st

⁹³ Burton R (1885) *First Footsteps in East Africa , or Exploration of Harar*
Available <http://burtoniana.org/books/1856-First%20Footsteps%20in%20East%20Africa/1856-FirstFootstepsVer2.htm#CHAPTERIV>

⁹⁴ Lewis I.M (2002) *A Modern History of Somali, Revised, Updated and Expanded*; 4th Ed, Woolnough, Irthlingborough, p.18.

Century AD. This brought them into contact with Persian and Arab immigrants who had established a series of settlements along the coast. From the eighth to the tenth centuries, Persian and Arab traders were already engaged in lucrative commerce from enclaves along the Red Sea and Indian Ocean as far south as the coast of present-day Kenya.

In the sixteenth century, Saylac became the most important town on the Gulf of Aden, the main outlet for trade of ostrich feathers, gold, coffee, civet, and Ethiopian slaves bound for India, China, and the Middle East. Later it became the centre of Muslim culture and learning, and was famous for its mosques and schools before finally becoming the capital of the medieval state of Adal. For the first time in the Somali history, centralized state systems emerged in the fifteenth century onward. Adal was the most important of the centralized state system in medieval times. At the height of its power and prosperity in the sixteenth century, Adal state extended from Saylac, the capital, through the fertile valleys of the Jigjiga and the *Harer plateau to the Ethiopian highlands*. Adal's conflicts with the expansionist Ethiopians also contributed to its fame.

In the middle of 16th century, the Islamic cultural centre and trade was shifted to Berbera due to the repeated Ethiopian excursions into Saylac. Berbera became the northern hub of Islamic influence in the Horn of Africa. By the middle of the sixteenth century, Saylac and Berbera had become dependencies of the Sharifs of Mocha (present-day Yemen) and in the seventeenth century passed to the Ottoman Turks, who exercised authority over them through locally recruited Somali governors.

In the South Somalia, Merca, Baraawe and Mogadishu were very important Somali coastal towns in medieval times. Out of the three towns, Mogadishu became the largest and most prosperous where outsiders such as Arabian and Persian immigrants intermingled with Somalis and developed a distinctive hybrid culture. Mogadishu's history reportedly dates back at least to the ninth century. Ibnu Batuta, the well-known Arab traveller, who visited the

Somali coast in 1331 described Mogadishu as a very large city where merchants exported locally made excellent cloth to Egypt and other countries. Mogadishu became Somalia's most important city in eighteenth and nineteenth centuries. The Omanis exercised an indirect authority over the Banadir coast until when European colonization commenced in 1884. Having few Askaris (police) and a Muslim judge (Qadi) on the ground, the Omanis collected a token annual tribute to maintain the administration of the coastal areas.

On behalf of declining Ottoman, the Mukha Sharifs (Yemen) Empire feebly ruled the northern coast starting in the middle of the eighteenth century. Like the Omanis, they collected a token yearly tribute through a native governor. It was reported that when Lieutenant Richard Burton of the British India navy frequently visited the northern Somali coast during 1854-55, he found a Somali governor, Haaji Shermaarke Ali Saalih of the Isaaq clan-family, effectively administering Saylac and adjacent regions.

In middle of the nineteenth century two tiny kingdoms under the leadership of Majeerteen Sultanate of Boqor Ismaan Mahamuud, and Yuusuf Ali Keenadiid of Hobyo (Obbia) emerged in Bari regions of Somalia. Boqor Ismaan Mahamuud's kingdom gained economic advantages in two ways. First it benefited from British subsidies in exchange of protection of the periodically shipwrecked British naval crews on the Somali coast. Secondly it benefited from the trade of Gum-Arabic, livestock, and ostrich feathers. However, the Italian colonial rule absorbed both kingdoms into its southern Somalia colony in the last quarter of the nineteenth century.

2.2 Somalis Under the Colonial Period

By the end of the 19th century and during European scramble for Africa, the Somali territories in the Horn of Africa have been partitioned into five namely; British Somaliland Protectorate, Italian and UN trusteeship of Somalia, French Somaliland (Djibouti), Ogaden (region 5 in Ethiopia) and Northern Front District (NFD present-day North-eastern Kenya).

Great Britain established a naval base in Aden in 1839. "Initially, British interest in the Somali coast was mainly motivated by concerns for the security of trade and communication with India. Prompted by the looting of wrecked ships they concluded treaties with Somali groups."⁹⁵ Due to the abundance of livestock and other livestock products, Britain realised that northern Somali coast would be an important source of meat for its strategically important naval base at the port of Aden in present-day Yemen. Hence it occupied the northern Somali coast after signing several protection treaties with the majority of Somali clans in the British Somaliland Protectorate. Another reason for Britain's interest in Somaliland was to check and limit France's expansion to the east of the Red Sea and its possible dominance over the area. "However, due to the opening of Suez Canal in 1869 led to a great change in the geo-political evaluation of the region as the Red Sea became a major avenue of trade with India and Far East, so that its shores acquired considerable strategic importance."⁹⁶

After its eviction from Egypt by Britain, France desired an outpost and cooling station along the Red Sea to strengthen links with its Indo-China colonies. Fredrick describes that "in the climate of acute Anglo-French rivalry, France needed a base and coaling station along the route to Madagascar and Indochina , and was combined with an interest in developing trade."⁹⁷ For that reason, France established a trading centre and naval station in Obock in 1862 which was later was relocated to Djibouti in 1892 after it signed a treaty with the Issa Somalis in 1885. Italy, although inexperienced at imperial power games, sought to

⁹⁵ T. Friedrike, *Collapsing Expectation, National Identity and Disintegration of the State in Somalia*, (Edinburgh, University of Edinburgh, n.d) pp. 30.
http://www.cas.ed.ac.uk/data/assets/pdf_file/0018/27342/No_078_Collapsing_Expectation-National_Identity_and_Distingr.pdf

⁹⁶ T. Friedrike, *Collapsing Expectation, National Identity and Disintegration of the State in Somalia*, op cit.

⁹⁷ Ibid.

secure unoccupied territory to colonize avoiding direct confrontation with another colonial power and thus occupied the Banaadir coast.

“Motivated by aspirations for imperial grandeur and “a by-product of the rise of Italian nationalism,”⁹⁸ and in competition with the Germans in the East Africa, the Italians were attracted to the Somali coast only in 1880s. Shortly after taking over the Benadir Coast, the Italian government expressed its intention to extend its control over the other Somali territories. “Italy further pursued its expansion and conquered the Majerteen territory in 1927. Once well established in the region-in Somalia and Eretria- Italy’s colonial ambitions grew further”⁹⁹. This further motivated Italy to plan the invasion of Ethiopia in the late 1920’s in order to create East African Empire as its own favoured colony. Once in full control of Eritrea and southern Somalia, Italy prepared its colonies of Somalia and Eretria for the invasion of Ethiopia which consequently brought about important socio-economic changes. “During the period preceding Italy’s invasion of Ethiopia, Somalia witnessed an unprecedented, albeit brief period of economic prosperity”¹⁰⁰. In completion with the European Imperialists for the partition of the Somali-inhabited territories, Ethiopian Emperor, Menelik II annexed the Ogaden and Haud areas and Muslim Emirates of Harar.

Britain pursued a policy of minimal control of the coastal areas in the north Somali peninsula. “These agreements which granted British control over the Haud and Italian control over the Ogaden, frustrated Ethiopia’s imperial ambitions.”¹⁰¹ According to Jacquin, the Haud area was eventually ceded to Ethiopia in 1897 because The Great Britain was only willing to incur the minimum possible costs which could allow it to maintain the Somaliland

⁹⁸ T. Saadia, Somali Nationalism, in T. Friedrike, Collapsing Expectation, National Identity and Disintegration of the State in Somalia, op cit.

⁹⁹ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, A Critique of Ethno-Interpretation, (London, London School of Economics, n.d.), p.205.

¹⁰⁰ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation, op. cit.

¹⁰¹ Ibid., p.205.

protectorate. The Haud was an essential grazing area for the pastoralists. Its loss was a big blow to Somaliland. However, in its negotiation with Menilek over the frontier between Ethiopian and Somaliland, Great Britain succeeded in Ethiopian's recognition of Somaliland in the treaty while avoiding Ethiopia's possessions of Haud. The Anglo-Ethiopian Treaty of 1897 also called Anglo-Ethiopian Agreement of 1897 was negotiated and signed on May 14, 1897 by Great Britain and Ethiopia to demarcate the border between Ethiopia and colonial British Somaliland.

When Italy took control of the Ogaden region as per the agreement with Britain, the new Italian colony of Somali territories consisted of the former colony of Somalia and the Ogaden both of which remained under Italian administration until 4th August 1940. Nevertheless the situation has changed, when Italy after declaring war upon the Allies, invaded and occupied British Somaliland Protectorate forcing British troops to withdraw. "On 16th August 1940, the British personnel, civilian and military, evacuated the protectorate by boat and abandoned their territory to the incoming Italian troops. But Italian occupation was short-lived; seven months later, in March 1941, the British recaptured Somaliland."¹⁰² Britain not only captured Somaliland Protectorate but also freed Italy from Ethiopia. Emperor Haile Selassie took over his empire with the exception of Haud and Ogaden which had been put under British military administration as bulwark against any aggression from French forces in Djibouti. For the second time, all the Somali inhabited territories except Djibouti were united and administered under one flag by the British military administration. Italy was the first to unite the same territories for seven months when it temporarily occupied British Somaliland Protectorate.

¹⁰² Ibid., p.207.

All Somali territories being under the British administration, Somali political parties emerged. The Somali Youth Club later renamed as Somali Youth League which pioneered the cause of a greater Somalia had been founded in Mogadishu in May 1934. The Somali National League (SNL) was founded in British Somaliland Protectorate. The attempt to unite the two parties failed. A third party, the National United Front (NUF) which aimed to recover the Haud and to gain the independence of Somaliland was founded in 1955 in British Somaliland Protectorate. NUF was instrumental in putting pressure on Great Britain to grant protectorate's greater autonomy and later independence.

In 1946, Great Britain proposed the unification of all Somali-inhabited territories under one administration. United States, USSR and Italy completely rejected the British proposal. British returned Ogaden region to Ethiopia In 1948. The UN General Assembly passed a resolution in November 1949, which put Italian Somaliland under ten years of UN trusteeship and it was decided that Italy would administer the trusteeship at end of which it would be granted independence.

With the introduction of civilian rule, the British Somaliland reverted to its previous status of protectorate in 1948. "Britain continued to administer the remaining territories until 1954, when Haud and the reserved areas were handed over to Ethiopia in respect of the 1897, 1942 and 1944 Anglo-Ethiopian agreements."¹⁰³ "Haud and Reserve areas consisted of "25,000 square miles (65,000 square kilometres) of Somaliland's grazing lands to the south and southwest of Somaliland border with Ethiopia"¹⁰⁴ was ceded to Ethiopia. However, Britain's transfer of Haud and Reserved areas to Ethiopia led to increased demands for early independence. Although Somaliland's political parties challenged the legality of the transfer at the international court of justice of United Nations, yet it was refuted by United Nations.

¹⁰³ Ibid., p.209.

¹⁰⁴ Somaliland, Demand for International Recognition, Policy Document of the Government of the Republic of Somaliland, Ministry of Information, (Hargeisa, Ministry of Information, 2001), p.14.

The increased pressure of Somaliland political parties finally led Britain to grant independence to the protectorate.

2.3 Independence and Unification

On 26 June 1960, British Somaliland was granted independence. Five days later, UN-trusteeship of Italian Somaliland became independent. The two united on 1st July to form Somali Democratic Republic. The major challenge after the merger was how to integrate two separate entities with different legal, educational and administrative systems. Jacquin observes that “the union was far from being harmonious, pan-Somali nationalism rapidly emerged as the dominant legitimizing principle of Somali politics.”¹⁰⁵

2.3.1 Early period (1960-1969)

Farah describes that “from independence in 1960 until the military coup of 1969, Somalia had an elected parliamentary system of government composed of three branches: the legislative, the executive and an independent judiciary.”¹⁰⁶ Somalia’s legislative Assembly elected Aden Abdulla Osman as provincial president of the republic and on July 22nd, the first government of the republic was formed with Abdirashid Ali Sharmake as prime minister and the government included ministers from the two parts of the republic.

The unification of all Somali territories including those under Kenya, Ethiopia and French Somaliland became part and parcel of the united Somalia’s politics and foreign policies. Jacquin describes that “Somalia openly incorporated in the July 1960 constitution its irredentist policy. And gave further symbolic expression to its claim by including in its

¹⁰⁵ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, A Critique of Ethno-Interpretation*, op. cit. p.211.

¹⁰⁶ A. Farah. *Civil-Military Relations in Somaliland and Northeast Somalia, Political actors in Somalia’s Emerging De-Facto Entities*, (Nairobi, Conference on Civil-Military Relations, 1999), p. 5.

flag a five pointed star whose arms each represented the territories inhabited by Somalis.”¹⁰⁷ With reference to the principle of self-determination, Somalia demanded that the Somali-inhabited territories in Kenya and Ethiopia to be ceded to Somalia. For this reason, Somalia rejected the principle of *uti possidetis* adopted by the OAU in 1963 and enshrined its charter.

For the first four years after independence, Somalia’s Pan-Somali Nationalism policy focused its efforts on the incorporation of NDF into Somalia and how it would influence Great Britain to allow NDF to join Somalia. “From 1960 to 1964, the issue of the Northern Frontier Districts (NFD) in Kenya dominated the Somali’s nationalist agenda”¹⁰⁸. Due to Britain’s earlier proposal of the Greater Somalia in 1946, Somalia envisaged that Great Britain would allow NFD merger with Somalia as it did British Somaliland Protectorate. However, GB decided to keep the NFD under the Kenyan territory against the will of the NFD people which had been decided in the 1962 referendum. This was also in total defiance of Somalia’s demands. One explanation given why GB did so was to avoid alienating the Christian-led Ethiopia, its war ally which reportedly viewed Somali unification as a threat to its security. In addition to its increased strength, Somalia would have surrounded or circled more than half of Ethiopian landmass all the way from northeast to its southern border. As result, Somalia cut off its diplomatic relations with United Kingdom in protest of its decision in 1963.

So what were the sources of Pan-Somali Nationalism? The historians and other scholars have argued about the roots of pan-Somali nationalism. Some argue that Somali nationalism has emanated from its distinctive ethnic identity as people sharing common religion, common language and common culture. Others have argued that the Pan-Somali

¹⁰⁷ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit.

¹⁰⁸ Ibid.

Nationalism was a recent development with the encouragement and support of the European colonizers on one hand and in response to their occupation and oppression on the other. In the latter case, the imperialists were regarded as infidels and crusaders who were ethnically, culturally and religion wise different from Somalis, from whom Somali territories should be freed. According to Touval, “three factors contributed to the development of national consciousness among the Somalis; resentment against their respective colonial governments, religious antagonism and the deliberate encouragement of Somali national feelings by the various governments from time to time.”¹⁰⁹

Farah observes that “The vibrant democracy practiced in those flourishing and formative years, along with the distinguishing economic and cultural homogeneity of Somalis society, impressed critical observers enough to that they described the Somali Republic as a “model democracy in Africa.””¹¹⁰

However, the exemplary Africa democracy has not sustained itself and started to fade after the first years of the independence. Jacquin affirms that “the Somali political system entered a major crisis of confidence; politicians were increasingly accused of corruption thus undermining the legitimacy of national assembly.”¹¹¹ Farah also describes that “the model democracy” run out of steam and mutated into a predatory state governed by corrupt civilian officials blatantly abusing their power of personal and political gain.”¹¹² Again Farah describes that

¹⁰⁹ T. Saaidi, Somali Nationalism, in T. Friedrike, *Collapsing Expectation, National Identity and Disintegration of the State in Somalia*, op cit. p.214.

¹¹⁰ A. Farah, *Civil-Military Relations in Somaliland and Northeast Somalia, Political actors in Somalia's Emerging De-Facto Entities*, op. cit. p.5.

¹¹¹ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. pp. 217.

¹¹² A. Farah, *Civil-Military Relations in Somaliland and Northeast Somalia, Political actors in Somalia's Emerging De-Facto Entities*, op. cit.

“The proliferation of political parties over the years signalled a general disintegration of civilian institutions of government in the Somalia republic. In the second election of 1964, the number of political parties increased to twenty four, fielding a total of 793 candidates for the 123 parliamentary seats. During the last election in 1969, the number of parties dramatically multiplied to sixty two with 1002 candidates in the running.”¹¹³

In addition, even with substantial international foreign assistance, Somalia’s economy was declining significantly. Jacquin describes that “during 1964-1969 period, Somalia was in fact one of the largest recipients of foreign aid: ‘about 85 percent of her total development expenditure up to the end of the 1969’ was extremely financed.”¹¹⁴

As the country economic situation worsened, public dissatisfaction increased further. The new government elected in June 1967, did not survive for long. The president Abdirashiid Ali Sharmarke has been assassinated on 15th October 1969. Five days later, the army under the leadership of Siyad Barre took over the power in bloodless coup on 21st October 1969.

2.4 The Military regime (1969-1991)

After coming to power, Barre ended the Somali parliamentary democracy, forbade political parties. He also re-activated the earlier approved anti-clan policy. Barre also adopted scientific socialism in 1971 in order to receive military and economic assistance from USSR. To enhance Somali nationalism, he introduced national literacy programme. “Somali was introduced as the language of administration in 1973, replacing Italian and Arabic and further hosting Barre’s nationalist credentials. The official history of Somalia was re-written under

¹¹³ Ibid.

¹¹⁴ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation, op. cit.

the Barre's regime."¹¹⁵ Two statues commemorating Ahmed Ibrahim Al-Ghazi and Mohamed Abdullah Hassan were erected in Mogadishu to demonstrate as national heroes for their historical struggles against foreign occupying forces.

Following Barre's adoption of scientific socialism, the USSR has supported Somalia militarily and economically. Somalia also supported WSLF to fight Ethiopian forces in the Somali-inhabited region of Ethiopia. "WSLF launched a series of attacks on Ethiopian border positions and by June 1977, it claimed to control 60 per cent of the Ogaden."¹¹⁶ A month later, the Somali forces were fully engaged in the Ogaden war. The Soviet Union condemned Somalia for invading Ethiopia and immediately stopped its military and economic support to Somalia. "By 1977, Somalia had succeeded in occupying most of the Ogaden."¹¹⁷ The USSR also announced it would provide Ethiopia with defensive weapons worth of \$385 million to defend its socialist revolution, and territorial integrity. In reaction, Somalia repealed its 1974 treaty with USSR, got rid of all the soviet military advisors and cut off its diplomatic relations with the Soviet Union and Cuba. "Ethiopia solidly backed by the USSR and Cuba, launched a massive counter-offensive and recovered most of the lost territory in March 1978 forcing Somalia to retreat."¹¹⁸

In the aftermath of the Ogaden defeat, Barre faced mounting pressure, criticisms and oppositions from his people. These forced him to depend on his Darood clans. Jacquin describes that:

"Although Barre had publicly denounced the clan politics, he relied extensively on kinship networks to exercise his power and control his rivals. Early on, his government came to be disparagingly, albeit secretly referred to as MOD, each letter standing for one of the three Darod sub clans (Marehan, Ogaden and Dhulbahante) on which his regime rested and from which his advisors tended to be chosen. While Barre's divide and rule strategy was mainly designed to fuel inter-clan suspicion and

¹¹⁵ Ibid.

¹¹⁶ Ibid., p.220.

¹¹⁷ Ibid., p.221.

¹¹⁸ Ibid.

hostilities, it also involved generating inter-clan conflict. Despite the fact the his own MOD clan alliance was crumbling and that he could no longer rely on the army, Barre was nevertheless able to hold on to power and fend off mounting opposition from the North because of military, technical and financial foreign assistance.”¹¹⁹

ICG (2003) describes that “in the aftermath of the Ogaden War, approximately a quarter of a million refugees had been settled in the northwest by the Somali government, with the assistance of UNHCR.”¹²⁰ “The costs incurred by the war and loss of soviet aid plunged the country into an economic crisis, whose effects were exacerbated by the 1978-1980 drought and the massive influx of refugees from Ogaden.”¹²¹ Due to the unrest and indiscipline within the army and its officer corps, a group of officers mostly from Majerten clan attempted to overthrow the regime in April 1978. The coup was foiled and 16 of the 17 coup leaders had been executed. Somali Salvation Democratic Front (SSDF), the first opposition party was formed in 1978 in the aftermath of the Ogaden War in response to Barre’s repression of Majerteen clansmen in Mudug region. Abdillahi Yusuf Ahmed, one of the foiled coup leaders who had fled Somalia to survive from Barre’s death penalty became the SSDF leader. Farah describes that “the SSDF achieved some limited military success in the early 1980s. But internal discord and external influences gradually weakened the organization and it had almost ceased to exist as an effective political and military body by the time Siad Barre was ousted in 1991.”¹²²

The second and the strongest opposition party which emerged in the aftermath of the Ogaden region was Somali National Movement (SNM). “In April, 1981, a group of expatriate northerners, mainly from the Isaaq clan which dominates the region but joined also

¹¹⁹ Ibid., p.223.

¹²⁰ ICG, Somaliland: Democratization and its Discontents, (Brussels/Nairobi, International Crisis Group, 2003) pp.5

¹²¹ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation, op. cit. pp. 221.

¹²² A. Farah, Civil-Military Relations in Somaliland and Northeast Somalia, Political actors in Somalia’s Emerging De-Facto Entities, op. cit. p.9.

by Dhulbahante and Gadabursi representatives who also inhabit the north, met in London to set up the SNM.¹²³ SNM has been also formed in response to the Barre's continued oppression of the Isaaq population in the north. The single most important aim of SNM was to overthrow Barre's regime by any means available. "The SNM initially established its first bases in Ethiopia in 1982 and by 1983 it had established itself as an effective guerrilla force in the northwest."¹²⁴

From 1982-1987, the SNM persistently fought Barre's forces along the Somaliland and Ethiopian border with varying degrees of military successes. As part of the implementation of the April 1988 peace accord between Barre and Mengistu of Ethiopia brokered by Djibouti, Ethiopia instructed SNM to cease operations in Somalia. However, SNM waged all-out war against Barre's forces in the major towns in the north in May 1988 and initially occupied the cities of Burao and Hargeisa as well as most of the Isaaq-inhabited districts and rural areas in the north. "Barre's army retaliated violently and decimated the cities of Hargeisa and Burao through the use of artillery and air bombardments. An estimated 50,000 people were killed and hundreds of thousands of refugees fled from Northern Somalia to Ethiopia."¹²⁵ "Hargeysa, the northern capital was about 90 per cent destroyed and Bur'o 70 per cent."¹²⁶ After the government's violent response, the SNM found itself deluged with volunteers. Prunier describes that "overnight, the SNM was transformed from a hopelessly outnumbered and outgunned guerrilla band into a mass movement of the "Isaaq people up in arms."¹²⁷

¹²³ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. pp. 225.

¹²⁴ ICG, *Somaliland: Democratization and its Discontents*, op. cit. p.6.

¹²⁵ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. p.236.

¹²⁶ ICG, *Somaliland: Democratization and its Discontents*, op. cit. p.5.

¹²⁷ G. Prunier, 'A Candid View of the SNM in M. Bryden, *The Banana Test*, op.cit. p 345.

According to Jacquin, America suspended its military aid and economic assistance to Somalia in 1988 and 1989 respectively because of the findings of the US congress-initiated investigation of the regime's human rights violations in north-western Somalia. Other states and international organizations followed suit. Having lost all the external support, Barre was increasingly mocked as nothing more than the mayor of Mogadishu by the Somalis themselves. The WB and IMF structural adjustment programme in 1980s had already crippled the country's economy and the capacity to sustain itself.

Having concentrated almost all his forces in North, which has been incapacitated to a large extent by a decade of fighting with the SNM forces, Barre's regime and capital became vulnerable to any opposition forces or even civil unrest. Having seen such opportunity, the SNM has succeeded in devising a successful strategy, forming and building alliance with southern opposition forces. ICG (2003) describes that "the formation in 1989 (with SNM support) of the southern factions, the Somali Patriotic Movement (SPM) and the United Somali Congress (USC) provided the SNM with allies and helped to relieve some of the pressure on its fighters." It has only taken the SNM less than two years to build alliance with Southern-Somalia based opposition forces such as USC and SPM. The alliance finally toppled Barre's regime in January 1991. This made SNM victorious as it has achieved its avowed aim of overthrowing Barre by any means available.

2.3.2 War-torn Somalia (1991-2011)

As soon as Barre was ousted from power, Ali Mahdi Mohamed was appointed as an interim president in Mogadishu without consultation with the alliance of the opposition forces some of which had fought with Barre's regime over a decade. Although he could be categorized as belonging to USC, where Hawiye, his clan was dominant, Ali Mahdi was not technically a member of the alliance which overthrew Siad Barre. The alliance also rejected his appointment completely and refused to recognize him. As result, the USC split into two

groups, one group led by Ali Mahdi and the other by Mohamed Farah Eideed. Farah describes that “the violent ouster of Mohamed Siad Barre’s dictatorial regime in January 1991 did not bring about the anticipated end of the decade-long civil war in the Democratic Republic of Somalia.”¹²⁸

Somalia disintegrated into clan based areas or fiefdoms under the control of violent warlords fighting for the control of national resources. Somaliland declared its independence in 1991 and embarked on building its own separate nation. Eight years later, Puntland also emerged as an autonomous region of Somalia. International community particularly UN, Arab League and IGAD region sponsored fourteen national reconciliation conferences. Thus far, none of them has stabilized the country. USA, seriously concerned with the growing influence of Islamic organizations in Somalia reportedly facilitated the establishment of an alliance of warlords in order to arrest or kill the USA-wanted AlQaida members accused of masterminding the 1998 bombing of USA embassies in Kenya and Tanzania. The alliance of warlords, who called themselves as the alliance against terrorism and restoration of peace, launched an offensive against Islamic Courts accusing them of harbouring the wanted top Alqaida individuals. The attack against Islamic Courts had promised the opposite effect. The Somalis in Mogadishu was mobilized behind the Islamic Courts who finally crushed and defeated the warlords. Not only the Union of Islamic Courts (UIC) captured the capital but also took over all southern and central regions of Somalia. The UIC ruled the country for a peaceful period of six months which was described as the golden age of Somalia.

The expansion of UICs to Kenyan and Ethiopian borders further alienated not only the TFG based in Baidoa but also neighbouring countries in the region and the USA. With the full support of the USA, Ethiopia invaded Somalia, defeated the UIC and occupied most

¹²⁸ A. Farah, *Civil-Military Relations in Somaliland and Northeast Somalia, Political actors in Somalia’s Emerging De-Facto Entities*, op. cit. p.1.

of the southern Somalia including the capital in December 2006. Ethiopia also installed the TFG in Mogadishu and AMISON forces from Uganda and Burundi were deployed in the capital to protect the feeble but internationally backed TFG. The defeated UICs and other Somali nationalists founded Somali Re-liberation Alliance (SRA) to liberate their country from Ethiopia and its alliance. Hisbul Islamia and Alshabab, also founded during the six months of the UIC rule also emerged as successors of the UICs, and strong insurgent groups who eventually forced Ethiopia to pull out of Somalia in late 2008.

Since the withdrawal of Ethiopia from Somalia, the installed TFG in Mogadishu and AMISON forces have been together fighting with Al-Shabab which controlled most parts of Mogadishu and southern and central regions of Somalia. However, due to internal discord, the death of top Alqaida leaders, loss of public support and increased military pressure from TFG and AMISON forces as well as the devastating drought and famine that hardly hit the areas under their control, Alshabab was forced to pull out of Mogadishu in August 2011 although Alshabab called its withdrawal as military tactics. Although unable to fully cover the all areas exited by Alshabab, the TFG and AMISON forces who requested deployment of additional three thousand soldiers, are trying their best to stabilize the capital which is still surrounded by Alshabab. It remains to be seen what will happen next as the devastating famine in southern parts of Somalia overshadowed the conflict and attracted the attention of the international community.

2.4 Somaliland

2.4.1 The Formation of Somaliland

During the colonial rule, the British Somaliland Protectorate has been under British rule for seventy six years from 1884 to 1960 although Teutch reports much earlier date, when Britain signed numerous treaties with Somali clans in the Protectorate. He narrates that “the first of

these treaties was concluded in 1827 between Captain Bremer of H. M.S. Tamar and the Sheikhs of the Habr Awal¹²⁹. During the earlier years of its formation, its boundaries have been clearly delimited by four international treaties. The first treaty, called Anglo-French treaty of 1888 demarcated the British Somaliland and French Somaliland. This corresponds to the current Somaliland and Djibouti frontier. Second was the Anglo-Italian treaty of 1894 which defined the boundary between British Somaliland and Italian Somaliland or simply Somaliland and Somalia. “These agreements [Anglo-Italian treaty] which granted British control over the Haud and Italian control over the Ogaden, frustrated Ethiopia’s imperial ambitions.”¹³⁰ The final Anglo-Ethiopian treaty of 1897 delimited the Ethiopian and Somaliland border as it exists today.

Following thirty years of ill-fated merger with Somalia, twenty of which in clandestine, passive opposition, and ten of which in ferociously devastating armed struggle with the South-dominated Somali government, the Republic of Somaliland was born again on 18th May 1991, reverting to its colonial international boundaries as British Somaliland Protectorate. So what are the reasons for separation or the withdrawal from the 1960 union between the two Somali countries? Below some of the issues are explored under the title of root causes of Somaliland separation. The issues discussed here are only brief snapshots of the many challenges and problems, the people of Somaliland had faced for the thirty years preceding the 1991.

2.4.2 Root Causes of the Separation

As Barre’s regime collapsed, northern Somalia proclaimed its independence on 18 May 1991 and reverted to its original name of Somaliland. Since then, it embarked its own nation-

¹²⁹ T. Friedrike, *Collapsing Expectation, National Identity and Disintegration of the State in Somalia*, op cit. p.30.

¹³⁰ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. p.200.

building. Several reasons could be cited for Somaliland's separation from Somalia. These are discussed below:

a) Political Reason for Separation

A number of political reasons can be cited for the separation of Somaliland from Somalia. These will be discussed one by one. However the list is not exhaustive that there could be more which could be added.

i. Hasty union of two countries which resulted in the marginalization of the north.

Jacquin argues that "...the 1960 union was carried through hastily and without adequate preparation. Whereas the Italian trusteeship of Somalia had clearly laid out the schedule for independence, such was not the case in the British Somaliland."¹³¹ The increased pressures on Great Britain for independence by the elite of Somaliland Protectorate led to the UK's decision to grant independence in May 1960, less than two months before the actual date of the Somaliland independence. According to Jacquin, the Mogadishu unification conference of Somaliland and Somalia held in April 1960 decided two issues; to unify the two Somali countries and to adopt a unitary, democratic and parliamentary state system for the newly united Somali Republic.

Bryden describes that "the hasty and haphazard process of integration following the 1960 union was one of the root causes of the alienation between north and south, and the subsequent war in the north between SNM and the Somali government."¹³² ICG (2003) describes that "by embracing the merger unconditionally, Somaliland entered the union at a distinct disadvantage: Somalia retained the capital city and obtained two thirds of the seats in parliament, while southerners including president and prime minister) dominated the first

¹³¹ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation, op. cit. p.225.

¹³² M. Bryden 'Somalia and Somaliland: Envisioning a Dialogue on the Question of Somali Unity', (Pretoria, African Security Review, 2004), p.6.

unitary cabinet.”¹³³ Gorka narrates that “... the northern region as Somaliland is also called, was dissatisfied with the representation they gained in the newly formed government.

Not only the capital city, was chosen to be in the south, but also that both the president and the prime minister were southerners.”¹³⁴ ICG also affirms that “ the posts of President and Prime Minister were both held by southerners as were the principal ministerial portfolios such as Defence, Foreign Affairs, Finance and Interior.”¹³⁵ In fact, only two ministers out of fourteen were allocated to Isaq, the most popular clan in Somaliland. None was allocated to Gadabursi and Issa clans in Somaliland except the deputy prime minister who hailed from Gadabursi. There was no good justification to allocate two ministries to the northern Darod clans and none to Dir (Gadabursi and Issa) clans in Somaliland with almost equal population. Abdullahi describes that:

“After independence, the proportional approach was applied in the first unity government, of the 33 northern seats, 4 ministers were allocated [2 Isaq and 2 to Darood] while of the 90 seats, 10 ministers were distributed [4 to Darood, 4 to Hawiye and 2 Gidigle iyo Rahanwayn]. Therefore the clan balancing became a standard operating procedure in the Somali Republic although the balance of power between the tribes was shifted, giving advantage to the Darod clan family due their presence in both the northern and Southern regions.”¹³⁶

Such formula of distribution of seats did not correspond to the actual population of Somali clans. Rather the population of South was inflated and those of north underestimated. WHO describes that “major clans include Hawiye (25% of the population), Isaaq(22%), Darod (20%), and Rahanwayn (17%), Dir (7), Digil (3%) and other ethnic minorities (6%).”¹³⁷

¹³³ ICG Somaliland: The Time for African Union Leadership, Africa Report N 110, (Brussels/Nairobi, International Crisis Group, 2006), p.5.

¹³⁴ H. Gorka, *Somaliland on A Thin Ice*, (Berlin, KAS International Reports, 2011), p.81.

¹³⁵ ICG, Somaliland: Democratization and its Discontents, op. cit. p.4.

¹³⁶ A. Abdullahi, TRIBALISM, NATIONALISM AND ISLAM: The Crisis of Political Loyalty in Somalia, (Montreal, McGill University, 1992), pp.79-80.

¹³⁷ Country Cooperation Strategy for WHO and Somalia, 2010-2014, (Cairo, WHO Regional Office for the Eastern and Mediterranean, 2011), p.15. Please note that this is not authentic and that it is disputed among the

According to statistics of the Somaliland population during British rule, the population clans had the following percentages (Isaq 65%, 19% for Darod (Dhulbahante and Warsangali) and 16% for Dir (Gadabursi and Issa) clans.

Such analysis shows that Somaliland and northern clans with the partial exception of northern Darood clans have been hugely underrepresented in the unity government. Hawiye, Isaq and Darod would have gotten almost equal shares because of close population figures. Instead, six ministers and the prime minister were allocated to Darod, the third most popular Somali clan. This was forty four per cent (44%) of the cabinet and 250% or (two and half times) more than what was allocated to Isaq, the second most popular clan. Similarly, five ministers and the president had been allocated to Hawiye, the most popular Somali clan according to the above statistics. This was thirty one percent (31%) of the cabinet and 150% or (one and half times) more than what was also allocated to Isaq, the second most popular clan and the most popular clan in the North. Seventy five per cent (75%) of the cabinet was allocated to the southern clans (Hawiye and Darod) whereas only 12.5 % of cabinet was allocated to the Isaq in the North. In total, the northern clans obtained only 25% of the cabinet.

In the British Somaliland Protectorate, the Isaaq clan was the most popular, (65% of the population), Darod (19%), and Dir(16%). No minister was allocated to Dir clans from Somaliland with the exception of deputy prime minister, whereas two ministers have been allocated to the northern Darod clans. This was seen completely unfair to the northern Dir clans. Again, the northern Darod and the Isaaq with 19% and 65% of the total population respectively have been allocated two ministers each. This was seen very unfair to Isaq. At independence, out of 33 northern parliamentary seats, 20 seats have been allocated to Isaq,

Somali clans. It is also true that there has never been an authentic census to determine the totality of the Somali population either in Somalia or those in the Horn of Africa sub-region.

seven to Darod, five to Dir, and one to minorities (Tumal). In conclusion, such analysis shows that it is clear that the Isaq and northern Dir clans, which consisted of 81% of the population of the British Somaliland Protectorate, had been highly underrepresented in the unity government both as region and as clans and that the clan balancing formula was unfair.

ICG (2003) narrates that “early dissatisfaction with the arrangement negotiated by Somaliland’s leaders led northern voters to reject the unitary constitution in June 1961 referendum and in December of that year northern officers launched an unsuccessful coup in Hargeysa, with the aim of reasserting Somaliland’s independence.”¹³⁸

- i. *The integration of the two countries with different systems became very difficult to manage and later favoured the Italian fascist-trained southern cadres.* ICG (2003) describes that “because they were ruled by two different colonial powers, the two territories “had produced largely incompatible administrative, economic and legal systems as well as divergent orientations and interests of their political elites.”¹³⁹ The unity government inherited a lot from the early Italian style of a centralized, bureaucratic and authoritarian state, “which [...] had been set up and was ruled, even during the trusteeship period, by the old fascist cadres of the 1920s and 1930s. This framework, which as originally imposed throughout the country, therefore, favoured the Italian-trained southerners.”¹⁴⁰
- ii. *The centralization of power in Mogadishu and adoption of unitary rather than federal democratic state further alienated the Northerners and injured their pride*

The adoption of unitary state system put Mogadishu at the centre of everything, be it minor or major. All administrative issues had been centralized without considering the

¹³⁸ ICG Somaliland: The Time for African Union Leadership, op. cit. p.5.

¹³⁹ Ibid.

¹⁴⁰ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation, op. cit. p. 229.

needs of distant regions. The northerners had to go to Mogadishu, 1000 Km away from Hargeisa, to represent their interests and to get a matter as simple as getting a passport or visa. Hargeisa, the capital of British Somaliland Protectorate remained merely a provincial headquarter like other regional capitals. Jacquin observes that "... the fact that the merger of the two territories' legislatures had brought the overwhelming preponderance of the Somali Youth League in Parliament, a party which was perceived as representing Southern interests."¹⁴¹ These among others have seriously injured the Northerners' pride and increased their dissatisfaction with the Southerners- dominated centralized regime of Mogadishu.

b) Social reasons for separation

- i. The problem with dual languages, different salaries and ranks. English was the official language in BSP and all official documents and transactions were written in the same language whereas Italian was in the South with its official documents and transactions written in it. After the merger, which language to use became a contentious issue since Somali language was not a written language at the time. "As a result, this created a competing two tier system which further heightened tensions since the choice of a medium of instruction unavoidably determined the administration's official language"¹⁴². Since the Southerners dominated the unity government, Italian remained their favourable language and this led to further alienation of the Northerners although English was also preferred in some cases.
- ii. The failure of harmonization of civil service salaries contributed to the discontent of the Northerners. "The law introduced in March 1962 failed to address the fact that wages

¹⁴¹ Ibid., p.229.

¹⁴² Ibid., p.228.

were higher in the Protectorate. The change, which was not introduced incrementally, generated some discontent.”¹⁴³

- iii. Favouring the southern junior military officers over the highly educated northern officers contributed to the northern dissatisfaction. Similarly the poorly educated junior southern military officers were given higher ranks and leading superior positions over the better trained and more competent northern military officers. ICG describes that “the command of the new national army was overwhelming drawn from Carabinieri officers from the south- a source of acute frustration for the British trained military officers from the north.”¹⁴⁴ This created tension and distrust among the officers. According to some scholars, the Sandhurst trained northern military officers’ aborted coup the North in December 1961 was a clear indicator to the deeply held dissatisfaction of southern domination by both northern military army and civilian population.

c) Economic Reasons

Economic reasons were the major reasons for the separation. The northerners were the leading Somali business people not only in the united Somali Republic but also neighbouring countries such as Djibouti, Ethiopia and Kenya. The direct and indirect economic sanctions imposed on them fuelled the Northerners’ struggle for independence.

- i. The 1963 harmonization of unitary system of tariffs and customs dues. According to Jacquin, the purpose of this harmonization of tariffs and customs duties was to reduce the transport costs in the north but actually it had the opposite effect. “Food prices in the northern region immediately soared causing a widespread public indignation that led to a

¹⁴³ Ibid.

¹⁴⁴ ICG Somaliland: Democratization and its Discontent, op. cit. p.4.

riot in Hargeisa on 1st May.”¹⁴⁵ ICG narrates that “... the government’s economic policies seemed to be aimed at curbing the influence of the wealthy Isaaq trading community.”¹⁴⁶ This also contributed to the increasing problems from the South which were difficult to be indefinitely tolerated.

ii. The neglect and marginalization of the North as periphery.

The North was treated as periphery. Most of the development projects and programme were concentrated in the South. Throughout the 1960s, no tangible investment or economic developments were comparatively made in the North. “A compilation of the regional distribution of projects completed between 1963 and 1969 in Somalia indicates that 68.6% percent of these were undertaken in the southern region, whereas only 18.4 percent took place in the northern region.”¹⁴⁷ The situation in North in the 1970s and 80s was reportedly worse than that which had prevailed under British colonization. The situation further deteriorated under the dictatorial regime. ICG reports that “... public expenditure in the northwest compared with other regions (less than 7 percent of the development assistance was allocated to the north).”¹⁴⁸

iii. **Then recommendations of IMF and World Bank structural adjustment programme**

The IMF and the WB recommended the devaluation of the Somali Shilling. As the North was the main avenue through which the livestock was exported, the devaluation seriously affected the North in particular. It increased dramatically the veterinary costs which in turn increased the livestock export costs to the Gulf. Over 60% of people in the North were dependent on

¹⁴⁵ L. Ian, *A Modern History of Somalia, Nation and State in the Horn of Africa*, (London, Westview Press, 1988) in D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. p.228.

¹⁴⁶ ICG Somaliland: *Democratization and its Discontent*, op. cit. p.5.

¹⁴⁷ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. p. 229

¹⁴⁸ ICG Somaliland: *Democratization and its Discontent*, op. cit.

livestock and livestock export as their main livelihood. This further alienated the North economically.

iv. The 1983 Livestock ban and the prohibition of Qat

In 1983, Saudi Arabia imposed livestock ban on the import of Somali cattle fearing the outbreak of, Rinder-pest, a killer livestock disease. The government forbade any transaction related to the sales and cultivation of Qat (Catha Endulis), the stimulant narcotic green leaves. The Qat was the most important cash crop in the North and significant number of people in the North derived their livelihoods from Qat. These events crippled the northern traders and cattle herders as well as Qat cultivators and traders which further contributed to increasing poverty rates in the North.

v. Suspension of the Franco Valuta System

The government decided to suspend the Franco Valuta system which allowed the traders to import goods using their own foreign exchange. This further impoverished the North's booming business activities. "... northerners, more than others, appeared to have excelled in the export-import sector and benefited from the fact that an overwhelming proportion of expatriate Somali in the Arab and Gulf states were originally from that region."¹⁴⁹

d. Human Rights Reasons for Separation

During Barre regime, the Isaacs in Somaliland have experienced the worst and unprecedented level of gross human rights violations. In other words, the Isaacs have borne the brunt the dictator's despotic polices and gross human rights violations. These left hundreds of thousands of people in bad memories further extinguishing the only hope for Somali unity between the North and the South. Gross human rights violations started with Barre's funding

¹⁴⁹ D. Jacquin, Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation, op. cit. p. 232

and arming his Ogaden clansmen who have been displaced by the 1977 Ethiopian-Somali war.

The armed militia instead of liberating their homeland, terrorised Isaaq pastoralists whom they have traditionally been antagonistic competitors over the pasture areas in the Haud. "The latter in self-defence, set up their own militias who were in turn brutally dismantled in 1982 by the new military commander in the North Mohamed Hashi Gani (a member of the family of Barre's wife)." ¹⁵⁰ ICG also affirms that "although intended against Ethiopian governments, this military assistance was often directed instead against Isaaq civilians in the Haud." ¹⁵¹

The violation of human rights deteriorated with the formation of SNM. African Watch documents that "in response, government pressure on the Isaaq population, whom it deemed sympathetic to the SNM took the form of "extreme and systematic repression." ¹⁵² It adds that "Summary arrests, extrajudicial executions, rape, confiscation of private property and 'disappearance' all became commonplace as the government sought to deprive the SNM of the support of the Isaaq public." ¹⁵³

Following agreement between Barre and Mingistu Haille, SNM waged all-out war against Barre's forces in the major towns of Somaliland particularly Hargeisa and Burao. ICG narrates that "the government response was fierce: artillery and aircraft bombed the major towns into rubble and forced the displacement of roughly half a million refugees across the border into Ethiopia. Isaaq dwellings were systematically destroyed, while their settlements and water points were extensively mined." ¹⁵⁴ Fozia affirms that "I personally lived through

¹⁵⁰ Ibid., p.231.

¹⁵¹ ICG Somaliland: Democratization and its Discontent, op. cit. op. cit.

¹⁵² African Watch, *Somalia: A Government at War with its Own People*, (Washington/New York: African Watch, 1990), p.31.

¹⁵³ African Watch, "Somalia: A Government at War with its Own People" op. cit.

¹⁵⁴ ICG Somaliland: Democratization and its Discontent, op. cit. p.6.

the 1985 massacre, when fifty to six men were driven out of prison and shot by the government soldiers. This happened in the city of Burao and there were no trials or court appearances, they were just shot down.’’¹⁵⁵ ‘‘I don’t think anything happened like it before, in the history of war. The Somali air force planes flying out of their airbase in Hargeisa [...] actually bombed Hargeisa itself, The same terrible thing happened in Burao too with planes actually taking off in the city to bomb the same city.’’¹⁵⁶

According to Geeska Africa Newspaper, 47 people from the Isaaq were rounded up in one night and just massacred in Jazira Area of Mogadishu in 1989 by Barre forces. Similar notorious massacres occurred not only in north or present-day Somaliland but also in the south. Jacquin concludes that ‘‘... testimonies gathered by the UNHCR and other NGOs working amongst the refugees highlighted the extent to which the government raids mobilized the population towards independence from the south.’’

2.4.3 Somaliland Nation building and Democratization

Farah describes that ‘‘In spite of its inherent institutional weaknesses, the SNM is nonetheless credited with being the most organized of the clan-based armed movements.’’¹⁵⁷ One of the commendable policies was SNM’s intention to pacify all the antagonistic clans in the Somaliland territory once the country is freed. Somaliland has inherited SNM’s commendable policy and the integration of traditional and modern institutions. Farah affirms that:

‘‘SNM produced a clearer political manifesto. It also published its policies, in which the clan system was posited as a central element in governance and political stability, social cohesion and economic activity. Accordingly, the SNM proposed ‘‘a new political system built upon Somali cultural values of cooperation rather than coercion; a system which elevated the Somali concept of *Xeeron* inter-family social contract in

¹⁵⁵ Quoted from an interview with Mrs Fozia Mohamed Awad in Searle C, *Agony and Struggle in Northern Somalia*, Institute of Race Relationship (London, SAGE, 1992), p.27.

¹⁵⁶ Ibid.

¹⁵⁷ A. Farah, ‘Civil-Military Relations in Somaliland and Northeast Somalia’, op. cit. p.17.

which no man exercised political power over another except according to established law and custom, to the national level.”¹⁵⁸

This is what the government of Somaliland later on called participatory democracy.

As soon as SNM took over the control of the whole Somaliland regions, the first action which SNM took was to organize an initial meeting with non-Isaaq clans in order to set a conducive environment for peace building. The meeting with representatives of Dhulbahante, Warsangali, Gadarbursi and Issa clans took place in Berbera in February 1991. All the parties were committed to peace and stability. Follow up meeting was agreed to take place in April, 1991.

As agreed in Berbera’s initial meeting, representatives from the various clans convened in Burao in April 1991. The avowed purpose of the conference was to consolidate the peace and security in the region. However, the situation changed when anxious and angry crowds encircled the conference halls and demanded the proclamation of Somaliland independence while the assembled delegates leaders were debating how best to proceed with peace-building process. “SNM fighters joined the crowds in their tanks and land cruisers mounted with heavy machine-guns, taking up threatening positions around the conference venue.”¹⁵⁹ Declaration of Somaliland Independence followed immediately. During this conference provisional national charter was drafted. Abdurrahman Ahmed Ali (Tuur) and Hassan Ise Jama were respectively elected as the first president and vice president of Somaliland for two years transitional period.

The transitional government of the new republic was unable to extend its control over the capital Hargeisa, let alone other regions. One of the most critical issues which immediately surfaced was the internal division between the military wing called Alan As (red

¹⁵⁸ Ibid.

¹⁵⁹ ICG Somaliland: Democratization and its Discontent, op. cit. p.9.

flag) and politicians within SNM administration itself. Somaliland's first civil wars along clan lines occurred in Burao and Berbera. The Isaq Gurti resolved the Burao conflict. However, the Gurti (clan elders) led by Gadabursi elders intervened the latter and was finally settled in Tawfiq conference in October 1992 in Sheikh District in Togdheer region. In this conference, it was also agreed that national conference would be organized in Borama the following year.

A national conference named as Guul Allah (God's Triumph) was organized in Borama in January 1993. The conference coincided with the end of the two years of transitional period or Abdurrahman's term in which SNM was mandated to administer Somaliland and prepare it for civilian rule. Hundreds of clan representatives, politicians, civil society, SNM administration and other dignitaries participated in the conference which approximately lasted for five months. During the conference peace and security accord and a new national charter have been agreed upon. One of most innovative models of governance called "The Beel system" was adopted in the conference.

The Beel system is a hybrid system that ensures that the modern state institutions work in parallel with traditional Somali institutions (clan elders) in order to bring about sustainable peace and security as well as popular participation and representation of clans and clansmen in the prevailing political system. In the new administration, bicameral parliament, consisting of the House of Representatives (parliament) and the House of Gurti (clan elders), 82 members each have been nominated and seats distributed to clans in agreed formula. When such political arrangement was put in place, Mohamed Haji Ibrahim Egal and Abdurrahman Aw Ali Farah have respectively been elected as president and vice president of a new civilian administration. As part of its entrenched tradition of democracy and peaceful transfer of power, SNM handed over the power to the first elected president and vice president without delay.

Igal's administration became more effective and put the foundations for sustainable peace in Somaliland notwithstanding few challenges in the first years of his terms. The new government formed a national police force and national army and demobilized the militia, majority of whom were absorbed into the police and military forces. As the security situation improved, this encouraged the citizens and the Diaspora to rebuild and invest in their country. The final national conference which prepared for democratic transition was held in Hargeisa in December 1996. The purpose of the conference was to resolve the outstanding conflict issues and to elect a new government since Egal's term came to an end. Igal was re-elected and a new constitution which paved the way for multi-party democracy was agreed to be developed. The new constitution developed re-affirmed Somaliland's existence as a sovereign and independent state. On 31st May 2001, the government of Somaliland sponsored a constitutional referendum. ICG describes that "in that context, the overwhelming endorsement of the new constitution (over 1.183 million "yes" votes out of nearly 1.19 million ballots cast, or 97 per cent) sent unmistakable message."¹⁶⁰

To move ahead with the multiparty democracy, National Electoral Commission was formed as soon as the electoral was passed in November 2001. Unfortunately, the election dates have been delayed for unforeseen circumstances. Igal's term was also extended for the third time to avoid any political crisis if the government's term expires without the envisaged presidential election. However, President Igal died on 3 May 2002 in South Africa while undergoing surgery in most of the sophisticated military hospital. With the death of the president, Somaliland faced a very tough challenge of managing a political vacuum. Representatives of the three government branches immediately met and appointed the vice president, Dahir Riyale Kahin to be an interim president on 3 May 2002. The new president

¹⁶⁰ Ibid., p.12.

was sworn in and Somaliland survived any political vacuum using its constitution. This was a historic milestone in Somaliland's transition to democracy and in the sense that the president from a minority non-Isaq clan was elected to lead the nation in line with the constitution.

With the approval of the electoral law, national political associations have been legalized. As per the constitution, only three political associations who obtain most of the votes of the municipal election would be registered as national political parties. ICG explains that "the electoral law requires political organizations to obtain 20 per cent of the popular vote in each of Somaliland's six regions. The purpose of the criteria is to ensure that all parties attract a national constituency, rather than a clan or regional base."¹⁶¹ Six of the nine political organizations founded who fulfilled the criteria have been registered for the municipality elections. UDUB, Kulmiye, Sahan, Hormood, UCID and Asad political parties have contested for the municipal or local elections on 15 December 2002. Out of the six political associations, three successful political associations (UDUB, Kumilye and UCID Kulmiye) have been nominated as the national political parties. Respectively, UDUB and Kulmiye were reported to have won 41 and 20 per cent of the total votes cast for municipal elections.

According to ICG (2003), nearly half a million Somalilanders turned out to vote for a new president on 14 April, 2003. Nine hundred and two polling stations have been opened and 5600 civilians and 3000 security personnel have been employed to run the presidential election at the polling stations. The international and local observers described the election as transparent, free and fair. Five days later, NEC announced the results. UDUB won by only 80 votes against Kulmiye, the strongest rival. In September 2005 parliamentary elections, while Riyal was still the president, the two opposition parties won most of the seats although if

¹⁶¹ Ibid., p.14.

individually counted, UDUB had still the majority of the parliamentary seats. However, due to voter registration, the second wave of elections have been delayed for some years. The second presidential election was finally conducted on 26 June 2010. In this election, Kulmiye won the election with overwhelming majority beating the incumbent, Dahir Riyale Kahim. A month later, the power has been peacefully transferred to the new president, Ahmed Mohamoud Silayo.

The new government that has been in office for almost one year recorded some successes. Abolishing the education fees for primary public schools, improving revenue collection and increasing the salary of employees by 100%, change of foreign policies and recognition strategies as well as opening new avenues for international cooperation, and fighting corruption are some of the achievements.

2.5 Conclusion

In conclusion, from the analysis of the information in chapter two, several conclusions can be made. First, the history of the Somalis indicates that the Europeans further divided the Somali homeland although a single and centralized system covering the whole Somali territories never existed. Secondly, the union between Somaliland and Somalia was not an end itself but a means to an end. The end was to unite the five Somali countries under one administration (the concept of Greater Somalia) which was not realized. Then, it makes sense to allow the people of Somaliland if they want to separate because of the thirty years of bad experience during the union between the two states. Thirdly, the analysis of chapter shows that the majority of the northern people have been politically and socially underrepresented and economically marginalized and excluded from the development processes. The military regime also committed egregious human rights violations against the majority of Somalilanders. As a result of this, they have the right to secede under the international law.

Finally, the deteriorating situation in Somalia and the development of Somaliland and its distinctive identity make almost impossible to talk about re-union.

CHAPTER THREE

FACTORS HINDERING AU/IGAD'S RECOGNITION OF SOMALILAND AS AN INDEPENDENT STATE

3.0 Introduction

Chapter two investigated the history and origin of the Somalia people before, during and the colonial period. It also analysed the various stages of the Somali nation after decolonization focusing on the democratic era, the military regime and the collapse of the Somali central government and ensuing civil war. Furthermore, the chapter two discussed the interesting development of Somaliland and highlighted the formation of Somaliland, the root causes of separation from Somalia, and nation-building as well as democratic transition and development.

The chapter three will present both primary and secondary data on the factors hindered the recognition of Somaliland for the last twenty years. The chapter will also test whether the research hypotheses hold true through collecting the data from the representatives of governments in the Horn of Africa including the governments of Somaliland and Somalia, the civil society from both regions as well as any other experts on the region. The information will be analysed under appropriate groups for further analysis and interpretation. The chapter will also explore the opinions of Somalilanders on the independence of their country and the possibility of re-unification with Somalia.

3.1 Legal issues

3.1.1 Legality of Unification and Re-unification of the two Somali countries

While collecting the data, discussion on the legality of the 1960 union between Somaliland and Somalia and possibility of re-unification between the two were discussed. Was the union between Somaliland and Somalia legal? “The union between Somaliland and Somalia was illegal because there was no approved Act of Union”¹⁶² the views of the interviewees had been asked about the possibility of re-unification of Somaliland and Somalia. “Re-unification is not easy because the collapse of Somalia started in the North. There is still unresolved conflict between Somaliland and Somalia. Somalia also does not recognise what happened to Somalilanders during civil war.”¹⁶³ Jama describes that:

“We liked the union in 1960 but what was the result? The southerners took everything. Somaliland was swallowed by a shark (southerners). Today we are not ready for re-unification. The union was killed and buried by the southerners.”¹⁶⁴

Participants in the focus groups discussion also expressed similar views about the re-unification of Somaliland and Somalia. “Somaliland will not go back and unity is impossible. Somalilanders got respect for what they done, 20 years of development. The new generations of Somaliland don’t even know Somalia and Somaliland nationalism gets stronger and stronger as the time passes.”¹⁶⁵

“Re-unification of Somaliland and Somalia is impossible. The constitution of Somaliland stipulates that the independence of Somaliland is sacrosanct. The people of Somaliland through referendum chose the independence of Somaliland.”¹⁶⁶

¹⁶² Interview with M. Abdi, Hargeisa, 27 September 2011.

¹⁶³ Interview with O. Abdi, Hargeisa, 15 July 2011.

¹⁶⁴ Interview with K. Jama, Hargeisa, 15 July 2011.

¹⁶⁵ Interview with Sh. Eggeh, Hargiesia, 27 July, 2011.

¹⁶⁶ Interview with H. Ibrahim, Hargeisa, 27 July 2011

Most of the participants in the group discussion felt that it is the right time that Somaliland and Somalia could have bilateral talks. According to them, the TFG can represent all Somali groups and regions as well as religious groups. However, Ibrahim describes that ‘it is the right time. TFG represents Somalia and legally recognized.’¹⁶⁷

3.2 Internal factors

3.2.1 Somaliland Approach to recognition

Interestingly, most of the interviewees observed the weaknesses of Somaliland or the internal factors which contributed to the non-recognition of Somaliland. Unionists argue that Somaliland approach to recognition was wrong from the start. Explaining the Somaliland policy and approach of total dissociation with Somalia, Ali describes that “...Somaliland administration was forced to seek recognition through a difficult and almost impossible way. The other way for Somaliland could have been to lead the Somali politics, pacify Somalia and negotiate a referendum.”¹⁶⁸

Similarly Dhaqan argues that “unless Somalia recognizes Somaliland, Somaliland will not be recognised.”¹⁶⁹ Some Somalilanders also agree with the unionist on approach of recognition. Jama argues that “seeking recognition from wrong actors is also a problem. We should seek recognition from Somalia. First we should agree on where we can obtain recognition”¹⁷⁰.

¹⁶⁷ Ibid

¹⁶⁸ Interview with A. Ali, Nairobi, 20 August 2011

¹⁶⁹ Interview with A. Dhaqane, Nairobi, 20 August 2011

¹⁷⁰ Interview with K. Jama, Businessman, Hargeisa, 15 July 2011

3.2.2 Lack of foreign policy and diplomatic strategy

Jamal, a member of the TFG parliament who hails from Somaliland argues that:

“Somaliland lagged behind what it wanted to achieve [recognition]. Somaliland will obtain from Somalia what it wants [recognition]. But Somaliland has no programme to facilitate or advocate for the recognition of Somaliland within the other Somalis. Even we (TFG parliamentarians from Somaliland) can negotiate or force TFG president to agree with Somaliland’s secession. They should also see Somalia as their brothers.”¹⁷¹

Dhaqane argues that Somaliland foreign policy is irrational and is not based on concrete analysis of geopolitics and that the foreign policy adopted by Somaliland alienates the Arab World. Dhaqane observes that:

“Somaliland foreign policy is not rational and based on “Fadhi-kudirir”-[informal way of conducting business]. Somaliland also created hostility towards the Arab league by informally contacting and creating relationship with Israel. That was also counter-productive.”¹⁷²

Halima H. Mohamed, a member of NEGAAD women umbrella organization observes that:

“MOFAIC has not accomplished its job of seeking recognition before. Now they are trying their best. The country needs a strategy for its recognition. The citizens should be made aware of the strategy and the civil society should take an increasing role in Somaliland politics and development.”¹⁷³

3.2.3 Inadequate capacity for systematic advocacy and constraints

The interviewees have expressed their concern about the lack of commitment and professionalism in which diplomacy and other core functions of the MOFAIC were or are conducted. Mo’alin observes that “they [government and MOFAIC] are not doing their best.

¹⁷¹ Interview with J. Ismail, Nairobi, 20 August, 2011

¹⁷² Interview with A. Dhaqane, Nairobi, 20 August 2011.

¹⁷³ Interview with H. Mohamoud, Nairobi, 20 August 2011.

They need to develop their country and do good jobs. They are just begging instead of self-reliance and making a great effort in developing their country.¹⁷⁴ Aden describes that:

The Government of Somaliland and Ministry of Foreign Affairs do not seriously seek recognition. If they are really serious and sincere, Somaliland would have been recognized. People of Somaliland trusted in SNM during its struggle against Barre regime and it won. Somaliland should believe in itself. Recognition requires nationalism, experts on Somaliland's international relations with Europe, Africa, Arab league and America etc. Many Somaliland officials visit the Arab countries such as Qadar, United Arab Emirates and Kuwait etc. They never show an interest to open diplomatic offices and encourage other countries to open offices in Somaliland. No follow up of discussions and documentation are made. A good example is the Arab league fact-finding mission led by Samir Alhuzni who positively reported on Somaliland. No follow up of that mission was made¹⁷⁵.

Jama observes that:

“What hinders Somaliland recognition is the lack of professionalism and leadership. [...] Then we should send the right people or professional people or experts to advocate for the recognition of Somaliland. We should not seek recognition and also aid at the same time. So we have to correct ourselves first¹⁷⁶.”

Edna Adan Ismail, the former Somaliland Minister of Foreign Affairs explains the capacity gaps and challenges, constraints that the Ministry of Foreign Affairs faced and still continues to encounter the same problems. She describes that:

Even 20 years before the separation of Somaliland from Somalia, diplomatic responsibility was removed from the hands of Somalilanders by the Somali government under the leadership of Siad Barre (due to the conflict in the North-Somaliland]. Many northern ambassadors defected the Somali government. The first Somaliland's minister of foreign affairs, Yusuf Sh. Ibrahim Sh. Madar was a teacher because he could speak and understand English. None of the eight officials (Yusuf, Saeed, Fagadhe, Garaad, Galbedi, Abdullahi) who assumed the portfolio of Somaliland Foreign Minister had a background in politics, diplomacy or international relations. Even myself, I could only be suitable for an ambassadorial position, not the minister of foreign affairs because of my experience within the UN. Hence, no knowledge, experience in diplomacy. For the past forty years, we have conducted diplomacy in “Fadhi-kudirir”[informal and unprofessional way of conducting business].¹⁷⁷

¹⁷⁴ Interview with M. Ma'alin, Hargeisa on 15 July 2011

¹⁷⁵ Interview with A. Adan, Hargeisa on 29 July 2011

¹⁷⁶ Interview with Kayse Ali Jama, Businessman, Hargeisa on 15th July 2011.

¹⁷⁷ Interview with Edna Adan Ismail, the former Somaliland Foreign Minister, Hargeisa, 29 July 2011.

3.2.4 Eastern Sanaag and Sool regions

Ali also argues that one of the reasons which contributed to the delay of Somaliland recognition is the issue of eastern Sanaag and Sool region. Ali describes that “internally Somaliland did not reach its border with Somalia. The clans in eastern Somaliland are not convinced with the independence of Somaliland but are convinced with re-negotiation of the 1960 union to secure our rights.”¹⁷⁸ Karani affirms that “the foreign diplomats ask us about Eastern Sanaag and Sool regions. It is a problem that must be solved.”¹⁷⁹

3.3 External factors

Several external factors have been found to have hindered the recognition of Somaliland. The failure of the Somali state, the concerns of international community, African Union and IGAD, lack of political and economic interests in Somaliland among others are the factors and the major obstacles hindering or delaying the recognition of Somaliland.

3.3.1 Somali State failure and Non-recognition

Most of the interviewees in Somaliland viewed that Somaliland deserves to be recognized. They also informed that the recognition of Somaliland is not only important for Somaliland but also Somalia, Horn of Africa region and the whole world. Stabilization of Somalia and the region, the fight against piracy and terrorism, acceleration of investment, development, peace, and democracy are some of the advantages of Somaliland recognition. according to the focus groups discussion, the advantages of the recognition of Somaliland include:

¹⁷⁸ Interview with Abdalla Haji Ali, a former TFG parliamentarian, Nairobi, 20 August 2011.

¹⁷⁹ Interview with A. Karani, Nairobi, 5 July, 2011.

“State formation, empowerment, international travel, protection of overseas property, stabilization, regional business and trade, the fight against piracy and terrorism are advantages that the nation, the region and the world can benefit from the recognition of Somaliland.”¹⁸⁰

The focus group discussions revealed several reasons why Somaliland was not granted international de jure recognition. “Somalia claims that Somaliland is part of Somalia and international community ignores the existence of Somaliland and advocates for one Somalia.”¹⁸¹ Likewise, “the superpowers and international communities have no interest in Somaliland because Somaliland does not have natural resources and is not Christian and AU article says no new state.”¹⁸² The parent state does not recognize Somaliland and the international community does not give attention to Somaliland.”¹⁸³ Hamse adds that “lack of stability, global discouragement of secession and no unique identity are reasons behind non-recognition. No religious and ethnic differences exist between Somaliland and Somalia.”¹⁸⁴

Enda Adan, the former Somaliland Foreign Minister explains the difference between Somaliland, Eritrea and South Sudan and why Somaliland was not recognized. Ismail describes that:

“Somaliland’s case is different from even that of Eritrea and South Sudan. It is unique. Unlike South Sudan and Eritrea, we have never been a part of Somalia before the 1960 merger with Somalia. It is the failure of international community. We don’t have a living partner-(South Somalia). Somaliland is politically widowed. Identity and dignity are far stronger and more valuable than recognition. Recognition causes a state of dependency as the government will be more accountable to donors and international community rather than to its electorates.”¹⁸⁵

¹⁸⁰ Focus group discussion, Hargeisa, 15th July 2011.

¹⁸¹ Interview with A. Ahmed Hargiesa, 27 July, 2011.

¹⁸² Interview with M. Maal, Hargiesa, 27 July, 2011.

¹⁸³ Interview with Sh. Eggeh, Hargiesa, 27 July, 2011.

¹⁸⁴ Interview with H. Ibrahim, Hargiesa, 27 July, 2011.

¹⁸⁵ Interview with E. Ismail, Hargeisa, 29 July 2011.

The views of participants of the second focus group discussion attended only by women were different from the other groups. Halimo describes that:

“The independence of Somaliland is the people’s choice. The right actors of recognition have not been reached. The South likes us because they want us to mediate or neutralize the antagonistic Darood and Hawiye clans. We need to negotiate so that they understand our deeper commitment to the independence of Somaliland.”¹⁸⁶

However, views of southerners or unionist were different from those interviewed in Somaliland. Kimiko, the former president of Galmudug State in Somalia and Somali ambassador to UN and USA describes that:

“The secession is meaningless. They cannot secede. SNM was fighting to overthrow Siad Barre’s regime. The secession is problematic. People do business together. Do the people feel the separation? What is important is the result of the discussion between the North and the South. I was a member of SNM, and I was not consulted when the independence of Somaliland was proclaimed. The circumstances in the south don’t warrant the unity of Somaliland and Somalia. It is the responsibility of the North to settle the South. The south will not settle unless the North intervenes because of intense conflicts among the clans in the South. The premises for the justification of Somaliland’s separation from Somalia are wrong. I have just seceded is a unilateral decision and does not make sense without the involvement and agreement of other Somalis [the South].¹⁸⁷

3.3.2 African Union and recognition

The charter of African Union is one of the factors hindering the recognition of Somaliland. Article 4 of the Constitutive Act of OAU and later remained the AU stipulates that the member countries should respect the colonial borders on the achievement of independence. “AU article articulates no new state.”¹⁸⁸ The AU is concerned that recognition of new states will set a dangerous precedent for the continent as most of the African countries are multi-

¹⁸⁶ Interview with H. Mohamoud, Hargeisa, 30 July 2011.

¹⁸⁷ Interview with M. Kimiko, Nairobi, August 27, 2011.

¹⁸⁸ Interview with M. Maal, Hargiesia, 27 July, 2011.

ethnic and as there are many secessionist movements in the continent. “Who is going to recognize Somaliland because all African countries are shaky or have shaky governments?”¹⁸⁹

The AU is apprehensive of potential ethnic conflicts which will further divide the continent rather than unite it. So, non-recognition is one strategy to discourage secessionist movements. Yamamoto reports that:

“A/S Frazer said that she had raised the issue with AU Chairperson Alpha Oumar Konare, who seemed to be placing unrealistic conditions for addressing the Somaliland issue. The first was that Somaliland negotiate with the government in Mogadishu, either the TFG or its successor, regarding its independence, and the second was that there be a regional consensus on Somaliland’s status, neither of which are likely to happen or result in any clear decisions.[...] Meles said that Ethiopia’s position on Somaliland was the same as that of the United States, but that the political situation within the AU was not yet ripe for addressing the Somaliland issue.”¹⁹⁰

Somaliland’s lack of understanding or refusal of AU processes and procedures were also reported to have been an obstacle to the recognition of Somaliland. Yamamoto adds that:

“[...] Meles said that he met with Rayale upon his return from Washington and urged him to write to the AU requesting that they identify a timeframe for a discussion on the Somaliland issue. However, Rayale “messed things up” by essentially re-sending his previous letter requesting recognition and membership in the AU, rather than asking for a timeframe for a discussion on Somaliland. Meles said that, if Somaliland had taken the route that he suggested, it would have been likely that the issue could have been addressed soon. However, if the elections for a new AU Chairperson take place during the AU Summit, Meles said that the next chairperson is unlikely to be as positive towards Somaliland as Konare, which will only further delay any discussion of Somaliland.”¹⁹¹

It is really important for Somaliland to listen to the advices from its friendly countries and other super powers. It is also equally to understand the processes and procedures of

¹⁸⁹ Interview with M. Kimiko, Nairobi, August 27, 2011.

¹⁹⁰ D. Yamamoto, *US Improving Relations With Somaliland*, (Addis-Ababa, Wikileaks, 2009) pp.1

¹⁹¹ <http://somalilandpress.com/new-wikileaks-cable-united-states-would-not-be-opposed-to-somaliland-independence-21188>

¹⁹¹ Ibid.

regional and continental organization such as IGAD and AU. “ It is not the procedure of AU to reply to Somaliland by writing a letter in response to request sent to AU by the former Somaliland President.”¹⁹² Somaliland Representative to Kenya gives additional explanation why AU did not recognize Somaliland. Indhobur describes that:

“The African countries are multi-ethnic. They are afraid of separation as many are fighting for their freedom. The African countries are also led by military regime who came to power by force. They know nothing about human rights. IGAD is the biggest challenge because of Uganda, Djibouti, Eritrea and Sudan. So it is because of stupid self-interest that Somaliland was not recognized.”¹⁹³

Lack of a country or sponsor within the African Union is one of the factors hindering recognition of Somaliland by African Union. Yamamoto reports that:

“...Then, Somaliland needs a "good sponsor" within the African community to advance the cause. Meles suggested that Djibouti would be the best choice, and acknowledged that Ethiopia would be the worst (as the move risked only fueling detractors' arguments that Ethiopia is bent on breaking up Somalia).¹⁹⁴

3.3.3 IGAD and Recognition of Somaliland

According to the discussion with IGAD secretariat, the secretariat has not been mandated to deal with Somaliland sovereignty and independence. However, there was confusion with the role of IGAD secretariat as regional body in Somaliland and Somalia- impasse. According to the secretariat, it is against the principles of IGAD to intervene a member country –Somalia. So far they had not taken any position on the independence of Somaliland. Problem they are waiting for the member countries to give the green light to lead or take action on the issue of Somaliland. Busuri describes that:

¹⁹² Interview with T. Taye, Hargeisa, 28 July, 2011

¹⁹³ Interview with M. Indhabur, Nairobi on 5th July 2011.

¹⁹⁴ D. Yamamoto (2009) *Ethiopia Makes Case for Somaliland "Semi-Recognition"*, (Addis-Ababa Wikileaks, 2009) online [accessed on 20 September 2011] available at <http://danielherhane.wordpress.com/2011/09/08/wikileaks-ethiopia-proposed-semi-recognition-for-somaliland/>

“You might be familiar with the Somali saying "Salaadba waqtigeedaa la tukadaa" meaning you pray when it is time. In my opinion, until IGAD, the secretariat is mandated by the Member States it is premature to talk about IGAD's position on Somaliland. Many scholars, including journalists, who comment on IGAD always confuse the role of IGAD as an organization and that of its Member States who might enter into bilateral agreements. For example the Somalia peace process in Kenya 2004 was an IGAD process where Ethiopia's occupation of Somalia in 2006 was agreement between two IGAD member states. Can you see the distinction? The position of IGAD is always the collective position of the member states.”¹⁹⁵

However, IGAD member countries pursue their individual national interests and have various positions and agreements with Somaliland. Somaliland Supportive countries include Ethiopia, Kenya and possibly South Sudan. Eretria, Djibouti, Sudan and Uganda oppose the independence of Somaliland. Ethiopia, Kenya and South Sudan support and positively interact with Somaliland. For example, Ethiopia has very good relations with Somaliland although it did not grant de-jure recognition to Somaliland.

Taye, Ethiopian diplomat explains how Ethiopia supports Somaliland:

“Ethiopia has the same position as that of AU. However, Ethiopia encouraged Somaliland to be an observer in the IGAD and AU meetings or forums. We have advised the Somaliland MOFAIC to request the AU to set a timeframe for the discussion on the issue of Somaliland. We have also influenced the UK and the USA to change their policies towards Somaliland. We have created a conducive environment for its dream. What remains only is that the AU did not take time to discuss the issue. Somaliland officials are doing their best. They met the UN-Security Council. It is a matter of time when Somaliland will be recognized. We advise Somaliland Ministry of Foreign Affairs to pay the same level of attention to neighbouring IGAD countries and African Union as they give to Europe and America. The Prime Minister also advised Riyale, [the former president of Somaliland] to justify why Somaliland needs recognition emphasising the achievements that Somaliland attained and to submit that proposal to the AU. Instead of submitting what was requested, he resubmitted the same member application letter that he submitted to AU earlier.”¹⁹⁶

¹⁹⁵ Personal communication with A. Busuri, IGAD Secretariat, Djibouti; August 10, 2011.

¹⁹⁶ Interview with T. Taye, Hargeisa on 28th July 2011

In response to why Ethiopia did not grant de-jure recognition of Somaliland, Taye adds that “we don’t do it alone because Ethiopia is the seat of African Union. But we expressed it practically. We have the biggest representation of all African countries in Somaliland.”¹⁹⁷

When given multiple choices from the literature review theoretically explaining the reasons why Ethiopia did not recognize Somaliland, he rejected in the strongest terms one of multiple choices which states that ‘Ethiopia is satisfied with the current status-quo as the security of its border with Somaliland is effectively maintained and no threat is coming from the Somaliland. Taye explains that:

“Our position is in line with the people’s choice. If the people’s choice is separation, we go for that choice. Somaliland voted for independence, we go for that choice. We respect the independence of Somaliland. Even in our constitution, we have a provision of secession for our people and regions. We adopted the same position for Sudan.”¹⁹⁸

When asked if Ethiopia sets other conditions on the recognition of Somaliland before Ethiopia recognizes Somaliland, he replies that the following needs to be improved. “Somaliland should improve the accountability and transparency to their people and the donors and should continue their attitude towards Al-Shabab and terrorists and should contribute to regional security.”¹⁹⁹

According to diplomatic cable released by Wikileaks and published by others newspapers including Horn weekly newspaper in Hargeisa, Somaliland, Meles Zenawi, the Ethiopian Prime Minister even proposed semi recognition of Somaliland like that of Palestine. Yamamoto reports that:

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

“... Meles noted that he has already broached the notion of an interim- or semi-recognition, along the lines of what the Palestinian Authority enjoys, with Somaliland President Kahin Riyale, and that Riyale has become increasingly receptive to the strategy. Meles argued to Carter that the next steps must be for others in the international community to help convince the Somalilanders of such an approach. Then, Somaliland needs a "good sponsor" within the African community to advance the cause. Meles suggested that Djibouti would be the best choice, and acknowledged that Ethiopia would be the worst (as the move risked only fueling detractors' arguments that Ethiopia is bent on breaking up Somalia). Once the strategy had support among African states, Meles argued that the onus would be on the U.S. and UK to make the Somaliland semi-recognition case to the Europeans and others in the international community.”²⁰⁰

Kenya has also shown an interest in Somaliland and expressed its willingness to recognize the independence of Somaliland. Somaliland Press reports that:

“The Kenyan Government on Friday [May 20, 2011] expressed its readiness to extend diplomatic recognition to the Republic of Somaliland in the near future. Kenyan Assistant Minister for Foreign Affairs Richard Onyonka said during an event held in Nairobi to commemorate Somaliland's 20th anniversary of Independence that his country will support Somaliland as an independent state. The Minister made it clear that his government will encourage the African Union and Igad to finally accept Somaliland as a sovereign state, which has been described recently as one of few democracies in an otherwise the turbulent region.”²⁰¹

After several visits to Somaliland by the Kenya parliament to analyze the political situation in Somaliland, Somaliland experience of the home-grown peace processes as well as its democratic transition, the parliamentary groups reported their findings and broached recognition of Somaliland. Diaspora Post describes that:

“A number of senior Kenyan politicians support Somaliland's pursue of international recognition and there are reports the Kenyan parliament is waiting for a motion calling on the recognition of Somaliland.”²⁰²

²⁰⁰D. Yamamoto, *US Improving Relations with Somaliland*, op. cit.

²⁰¹ SomalilandPress, *Somaliland: Kenya Opens the Door*, (Hargeisa, UNPO, 2011); available <http://www.unpo.org/article/12660> accessed on October 14, 2011.

²⁰² Diaspora Post, *'Joe Biden Arrives in Kenya to Discuss Somaliland Elections'*, [Nairobi, the Diaspora Post, 2010] pp.1 online [accessed on 14October, 2011] available at: <http://www.thediasporapost.net/2010/06/joe-biden-arrives-in-kenya-to-discuss.html>

However the process of recognition installed because of the differences among the key politicians in the Kenyan government. “However a number of leaders including the foreign minister Moses Wetangula and President Mwai Kibaki are opposed to the proposal while Prime Minister Raila Odinga supports the motion.”²⁰³

The Nairobi-based diplomats representing the youngest or the newest country in Africa have no information about Somaliland. Caroline of the South Sudanese embassy explains that:

“The government of South Sudan is yet to be appointed. No structure is in place yet. Even here in Nairobi, all of us are waiting for the announcement of new appointments. We have no representation in Somalia yet. This embassy does cover only Kenya and Tanzania. The information regarding the relations between Somaliland and South Sudan can only be available in Juba. There is no one who can help you here.”²⁰⁴

The second group of IGAD member countries which totally dismiss recognition of Somaliland include Djibouti, Eritrea, Sudan and Uganda. This means that most of the IGAD member countries are against the independence of Somaliland as they view that such independence is against their prime interests. Indhobur describes that:

“The African countries are also led by military regime who came to power by force. They know nothing about human rights. IGAD is the biggest challenge because of Uganda, Djibouti, Eritrea and Sudan. So it is because of stupid self-interest that Somaliland was not recognized.”²⁰⁵

The government of Djibouti is one of the IGAD member countries that is totally against the independence of Somaliland. I have made several contacts with Djibouti embassy in Nairobi. However, the embassy declined to be interviewed about its relations with Somaliland. Hersi describes that “it is only Ismail Omer Guelleh, the president of Djibouti

²⁰³ Ibid.

²⁰⁴ Interview with C. John, Nairobi on 22 August 2011.

²⁰⁵ Interview with M. Indhobur, Nairobi on 5th July 2011.

who knows exactly why is against the recognition of Somaliland. The ambassadors and diplomats are not in a position to inform you.”²⁰⁶ However, a confidential diplomatic cable released by Wikileaks gives the exact opinion and policy of Gelleh towards Somaliland.

Ragsdale describes that:

“9. (C) In response to A/S Frazer's inquiry about his views on the status of Somaliland, Guelleh said Somalia should be reunited under an administration that takes into account the distance between Mogadishu and Hargeysa. He expressed the view that the majority in Somaliland know there is no alternative to a united Somalia and that the international community will not accept separation. Somalia is, he said, "one language, one culture, and one tradition" that cannot be separated. Yet, the new administration should give a voice to Somaliland, which Guelleh characterized as a one-clan state that lives in peace and receives money from its diaspora. Guelleh noted that the most prominent Islamic leader in Somalia currently lives in Somaliland (NOTE: Guelleh was referring to Sheikh Ali Warsame, who is President in Burao.”²⁰⁷

Djibouti also developed a foreign policy towards Somaliland based on three principles:

--GODJ Foreign Minister Youssouf clarified to Ambassador and DCM Jan. 4 that, notwithstanding the honors accorded to Rayale, GODJ policy toward Somalia continued to be guided by three principles:

-- Staunch GODJ adherence to a "one-Somalia policy" as demonstrated by GODJ efforts to achieve reconciliation in Somalia (Youssouf said it would take a "major shock" to cause Djibouti to revisit this position);

-- GODJ reluctance to be the first to recognize an independent Somaliland, a position that has been conveyed to the Hargeisa authorities;

-- GODJ willingness to engage with the Somaliland government on a "de facto" basis in view of the close trade, cultural, and demographic connections between the two neighbors²⁰⁸.

Swan commented the Djibouti foreign policy towards Somaliland and describes that

“while relations with Somaliland are improving, the GODJ [the government of

²⁰⁶Interview with A. Hirsi, Hargeisa, August 7, 2011

²⁰⁷ M. Ragsdale, GUELLEH AND A/S FRAZER DISCUSS SOMALIA, (Djibouti, Wikileaks, 2006) pp. 2 [accessed on 21 September 2011] available at: <http://wikileaks.ch/cable/2006/06/06DJIBOUTI748.html>

²⁰⁸ T. Smith, *Engagement in the Self-Proclaimed Republic of Somaliland*, (Djibouti, Wikileaks, 2004) pp.3 [accessed on 21st September 2011] available at <http://cables.mrkva.eu/cable.php?id=13288>

Djibouti] is proceeding cautiously and remains skeptical of formal recognition of the Hargeisa government’’²⁰⁹.

Uganda is pro-united Somalia. In an interview with a senior Ugandan diplomat, Uganda is supporting the TFG to revive united Somalia. The majority of AMISOM forces in Mogadishu are from Uganda. When asked why it is in the best interest of Uganda to support united Somalia, the First Secretary of the Ugandan embassy replies:

“I don’t know anything about Somaliland. But we support united Somalia. I don’t know the reason why we support united Somalia. But I think because Somalia used to be united, may be this is how it should be, because it was like that before.”²¹⁰

It was not possible to interview representatives from North Sudan and Eritrea. The embassies of North Sudan and Egypt declined to be interviewed. Sudan and Egypt have a number of times threatened to withdraw from the AU meeting if the AU discusses on the issue of Somaliland. The Nile Politics is believed to be the main reason behind Sudan and Egyptian rejection of Somaliland. Mutairi describes that:

“AU invited Somaliland as observer in one of its recent annual conferences, however, it was cancelled after Egypt and Sudan conditioned their presence on extradition of Somaliland. AU excused Somaliland to bring the big boys on the table instead of unknown one – this is the AU’s justice and policies.”²¹¹

²⁰⁹ J. Swan, Djibouti/Somaliland: Closer Ties But No Recognition, (Djibouti, Wikileaks, 2009) pp.2-3, online [accessed on 21st September 2011] available at <http://cables.mrkva.eu/cable.php?id=13288>

²¹⁰ Interview with K. Andrew senior Nairobi on 6 July 2011

²¹¹ A. Al-Mutairi.(2011), Somali Region Has no Interest in Unification, (Hargeisa, Somaliland Times, 2011), p.1.

3.3.4 International Actors and Non-Recognition

The participants in the studies have expressed various opinions on why the international communities have not so far recognised the nascent democratic Republic of Somaliland that satisfies all the criteria of state recognition. In explaining the factors hindering recognition of Somaliland, Somalilanders differ from other Somalis and the unionist from Somaliland. Edna describes that:

“Majority of Somalilanders, over 97.7% voted in favour of independence. The international community should be asked why they did not recognize. It is the double standards of the international community why Somaliland was not recognized.”²¹².

The chairman of Kulmiye, the current ruling party of Somaliland explains why the international community did not recognise Somaliland. Abdi argues that:

“It is very simple. It is lack of American interest in Somaliland. Because of American interest, Croatia, Montenegro, Bosnia, Kosovo, East Timor, South Sudan and former Russian republics have been recognized. Palestine supported by 120 governments has not obtained international de jure recognition because of American and Israel vetoes. Also there is lack of understanding between the USA and Somaliland mainly due to the failure of Somaliland intellectuals to convince the USA to recognise Somaliland. All these weak African countries need to receive the green light from the USA in order to recognize Somaliland”²¹³

The civil society groups from Somaliland have their own views or reasons behind the non-recognition of Somaliland. Ibrahim from SONYO describes that

“Globally, secession is discouraged. The world powers have no political interest in Somaliland because it does not have natural resources. Somaliland is not also a Christian country seceding from a Muslim country. Somalilanders are not ethnically and culturally different from other Somalis.”²¹⁴

²¹² Interview with E. Ismail, Hargeisa, 29 July 2011.

²¹³ Interview with M. Abdi, Hargeisa, 27 September 2011.

²¹⁴ Interview with H. Ibrahim, 27 July 2011.

The unionists who hail from Somaliland give additional perspective to the factors constraining the recognition of Somaliland. Ali describes that "it has never happened that a part of a collapsed state was recognized. The independence of Somaliland from Somalia was decided emotionally and was not intellectually and thoroughly analysed."²¹⁵ Dhaqane from lower Juba of Somalia and the former TFG State minister in the office of the prime minister criticizes Somaliland of not critically analysing geopolitics and lack of listening to superpowers. Dhaqane describes that:

"Somaliland should listen to the superpowers such as USA and the UK etc. International cooperation was required for piracy and terrorism. Donald Payne of the USA invited Somaliland, Puntland and the TFG. The USA wanted to make Berbera the centre for counter piracy and terrorism. Somaliland rejected the invitation. Because of that, the recognition of Somaliland was delayed for another twenty years."²¹⁶

The civil society and Diaspora from Somalia see the non-recognition of Somaliland from a different angle. Mulki, Somali Diaspora in the USA who hails from Gedo region of Southern Somalia explains that:

"Former Somaliland government particularly MOFA's political ties had low profile in Europe and Africa although it is drastically changing. Secondly Somaliland's lack of participation in the international forums in which Somali issues are discussed and decided, contributed to non-recognition of Somaliland."²¹⁷

Wikileaks released confidential diplomatic cables on the relationship between Somaliland, UK and USA and possible reasons for the non-recognition of Somaliland:

"1.(C/NF) Following his mid-June visit to Somaliland, FCO Minister of State Kim Howells began questioning HMG's decision not to recognize Somaliland and started advocating internally for HMG to give greater support to Somaliland, according to FCO Somalia Research Analyst Cedric Barnes. Barnes said on August 8 he finds it highly unlikely that the UK would "unilaterally recognize" Somaliland, but that he would not be surprised if HMG becomes more proactive in its support to the unrecognized republic. In Barnes' estimation, HMG would find it too "diplomatically difficult" to recognize Somaliland because it would "annoy" many of the neighboring

²¹⁵ Interview with A. Ali, Nairobi, 20 August 2011.

²¹⁶ Interview with A. Dhaqane, Nairobi, 20 August 2011.

²¹⁷ Interview with M. Hassan, Nairobi, 29 August 2011.

countries and potentially de-stabilize the Transition Federal Government (TFG) and Djibouti Agreement.²¹⁸

“2.(C/NF) According to Barnes, Howells wrote to Foreign Secretary David Miliband upon his return from Somaliland, speaking in glowing terms about the "brilliant progress" that had been made in Somaliland, questioning HMG's policy of non-recognition, and advocating for more support. Barnes also said that the British Embassy in Addis Ababa, which covers Somaliland, has long argued for HMG's recognition of Somaliland. Miliband, "taken by Howells' strong support," requested that the FCO's Africa Directorate review the policy and provide advice. The Africa Directorate pushed back aggressively, saying that recognition of Somaliland had the potential to de-stabilize the TFG and to unravel the Djibouti Agreement because of the strong nationalistic sentiments among the clans and movements in south Somalia.²¹⁹

“4.(C/NF) There is no evidence to indicate that HMG will recognize Somaliland as an independent nation, especially with HMG officials focused on promoting a foreign policy that will help stabilize south Somalia and support the Djibouti Agreement. However, it is clear that the well-organized Somaliland Diaspora in the UK have captured the attention of some key political figures and have an important and noticeable influence on HMG policies on Somalia.²²⁰

In other confidential diplomatic cable, the then USA Assistant Secretary of State, Jendai Frazer clarified the USA position of the recognition and the statehood of Somaliland. Yamamoto affirms that:

“Turning to Somaliland, A/S Frazer noted the recent visit of Somaliland President Dahir Rayale Kahin to Washington. While some may interpret this visit as a sign that the U.S. was on the verge of formal recognition, A/S Frazer clarified that the United States was not getting ready to recognize Somaliland, but believed that it was important to engage with them to ensure regional stability. At the same time, A/S Frazer said that the United States would not be opposed to Somaliland independence if it should happen within an AU context.²²¹

²¹⁸ R. Mills, *Behind the Scenes of UK Support to Somaliland*, (London, Guardian, 2010), p.3. <http://www.guardian.co.uk/world/us-embassy-cables-documents/190885>

²¹⁹ R. Mills, *Behind the Scenes of UK Support to Somaliland*, op. cit.

²²⁰ R. Mills, *Behind the Scenes of UK Support to Somaliland*, op. cit.

²²¹ D. Yamamoto, *United States Would not be Opposed to the Somaliland Independence (Addis-Ababa, Wikileaks, 2009)*. online [Accessed on 20 September 2011] available at: <http://somalilandpress.com/new-wikileaks-cable-united-states-would-not-be-opposed-to-somaliland-independence-21188>

3.5 Conclusion

The primary and secondary data presented in chapter three reveals that factors hindering the recognition of Somaliland can be mainly categorized into legal, external and internal factors. The legal factors are mainly the derivatives of two issues; the international community's judgment that the declaration of Somaliland is an act of secession rather than an act of withdrawal from the failed 1960 union and charters of AU and UN. However, legal issues which could fall under each of the two have been separated for their significance. The internal factors are a result of incompetent leadership. The issues under these include Somaliland's approach to recognition, lack of foreign policy and diplomatic strategy, inadequate capacity for systematic advocacy and the issue of Eastern Sanaag and Eastern Sool. Some of the external factors hindering the recognition of Somaliland are the Somali state failure, the possibility that recognition of Somaliland would lead to potential threat of conflict in Africa, lack of political interest, diverging conflict of interests among the countries in the Horn of Africa.

CHAPTER FOUR

FACTORS HINDERING AU/IGAD'S RECOGNITION OF SOMALILAND AS AN INDEPENDENT STATE: A CRITICAL ANALYSIS

4.0 Introduction

Chapter three investigated the legal, external and internal factors hindering recognition of Somaliland. The five legal factors hindering the recognition of Somaliland include the international community's legal opinion and insistence that two Somalis had legally united and have to divorce each other legally, the principles of uti-possidetis and territorial integrity and sovereignty of Somalia, the legal process and procedure of secession (the consent of Somalia) and the deficiency of the law of secession of the international law in the context of failed states. The chapter discussed and found that there are internal and external factors hindering the recognition of Somaliland. The internal factors include Somaliland's approach to recognition, lack of foreign policy and diplomatic strategy, inadequate capacity for systematic advocacy and the issue of Eastern Sanaag and Eastern Sool. The Somali state failure, the possibility that recognition of Somaliland would lead to potential threat of conflict in Africa, lack of political interest, diverging conflict of interests among the countries in the Horn of Africa are the some of the external factors which contributed to the non-recognition of Somaliland.

The chapter four will critically investigate the legal factors, the internal and external factors hindering the recognition of Somaliland. It will analyse whether the concerns of the international communities and African countries hold true in the case of Somaliland secession. The chapter will address how the factors hindering the recognition of Somaliland would be overcome.

4.1 Legal Factors Hindering Recognition

4.1.1 The legality of the union of the two Somali countries

The process of uniting the two independent Somali states was haphazard, hasty and unprepared. "As was mentioned earlier, the 1960 union was carried through hastily and without adequate preparation."²²² Bryden describes that ' the hasty and haphazard process of integration following 1960 union was one of the root causes of the alienation between north and south, and the subsequent war in the north between SNM and the Somali government.'²²³ Although discussion for the unity started in the late 1950s, the decision to finally unite the two states was made in April 1960.

The two representatives of the two parliaments signed different acts of union. "... the merger was poorly prepared and the two parliaments signed different acts of union."²²⁴ However, a year later (1961), the Somali national assembly enacted and endorsed a new act of union in order to rectify and legalize the unity. The recently enacted act of union of 1961 was made retroactive from 1st July 1960 and was meant to repeal the separately signed acts of union by the two parliaments. "The constitution did not adequately reflect the interests of Somalilanders because the southerners and the Italians drafted it..."²²⁵ and "northern politicians could make only marginal changes."²²⁶

²²² D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique Review of Ethno-Interpretation*, (London, London School of Economics, n.d.), p.225.

²²³ M. Bryden, *Somalia and Somaliland: Envisioning a Dialogue on the Question of Somali Unity*, (Pretoria, African Security Review, 2004), p.6.

²²⁴ ICG, *Somaliland: Time for African Union Leadership*, (Nairobi/Brussels, ICG, 2006), p.4.

²²⁵ Poore B, *Somaliland: Shackled to a Failed State*, (USA, Stanford Journal of International Law,2009)

<http://www.thefreelibrary.com/Somaliland%3A+shackled+to+a+failed+state.-a0202203481>

²²⁶ A. Carrol and B. Rajagopal, *The Case for the Independent Statehood of Somaliland*, (USA, AM. U.J. INT'L L. & Policy, 1993), p.662.

However, the final attempt to legalize the union also failed. When the new unity constitution based on the act of law was put to referendum, the majority of northerners (Somalilanders) rejected the new constitution although it was overwhelmingly approved by the Southerners (Somalia) notwithstanding the serious irregularities reported. Nur describes that “the total number of ballots cast in Somalia was approximately three times of the estimated number of eligible voters, indicating serious irregularities. Somaliland’s (No) vote was overwhelmed by a flood of fraudulent votes in the South”²²⁷ For example, Walaweyn or Adan Yabal villages were reportedly some of the hotspots for the over-exaggeration and fraudulent votes as well as voter-rigging. Nur describes that:

“A number equal to the total of all cast votes in the North (Somaliland) was reported to have voted “Yes” in Adan Yabal, a remote village in the South with no more than one thousand residents. Therefore, the term Adan Yabaleysi became synonymous with over-exaggeration.”²²⁸

The critics and proponents of Somaliland dispute the results of the 1961 constitutional referendum although they agree that the majority of the Northerners rebuffed the constitution. “Only 100,000 votes were cast in all. Of these over 60 per cent opposed the constitution; 72 per cent in Hargeisa; 60 per cent in Berbera; 66 per cent in Burao and 69 per cent in Erigavo.”²²⁹

²²⁷ A. Nur, A Short Briefing Paper: Does Somaliland have a Legal Ground Seeking International Recognition? Somaliland (London, Somaliland Law, 2011) pp. 5 online [Accessed on 18 July 2011] available at http://www.somalilandlaw.com/AHNUR_Regnition_briefing_042011.pdf

²²⁸ Ibid.

²²⁹ Somaliland, Somaliland: Demand for International Recognition, a Policy Document of the Government of the Republic of Somaliland, op.cit. p.16.

However, the critics of Somaliland report different figure of total number of voters who rejected the constitution. "In percentage terms, 47.7% approved the constitution and 53.3% rejected it-a mere difference of 4.6% (Fig.3)"²³⁰. Hoyle describes that "although the North was estimated to have a population of 650,000 in 1961, only 100,000 people in Northern Somalia voted and one-half of those voters cast ballots against the Constitution"²³¹. On the contrary, Drysdale affirms that "of the 100,000 recorded voters in Somaliland, over 60% opposed the constitution, 72% in Hargeysa, 69% in Berbera, 66% in Burco and 69% in Ceerigabo."²³² Lewis describes that "as result [of discontent] of the total recorded vote of just over 100,000 in the north, more than half opposed the constitution."²³³ Jaquin reports that "Although the 'yes' vote, in favour of the union, won overwhelmingly in the South, in the North, the 'no' vote (against the union) registered a small majority of 52.3% with more than half of those registered to vote not showing up."²³⁴

²³⁰ NSPU, *The Illusory Somaliland: Setting the Records Straight*, (Ottawa, unpublished draft report, 2006), p.21.

²³¹ P. Hoyle, *Somaliland: Passing the Statehood Test?* (Durham, IBRU Boundary and Security Bulletin, 2000), p.1.

²³² J. Drysdale), *Whatever Happened to Somalia? A Tale of Tragic Blunders*, 1994 In Poore B (2009).

²³³ L. Ian , *A Modern History of Somali*, 4th Edition, (Cumberia, Woolnough, Irthlingborough, 2002) p.172.

²³⁴ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, A Critique of Ethno-Interpretation*, (London, School of Economics, n.d), p.226.

Due to its myopic leadership, SNL, the main political party from the North (Somaliland) boycotted the constitutional referendum and called for its supporters not to turn out for the referendum. "...the S.N.L in the North decided on a boycott."²³⁵ ICG (2003) affirms that "The SNL leadership campaigned for a boycott of the referendum and only 100,000 Northerners actually turned out to vote from an estimated population of 650,000."²³⁶ Drysdale argues that "Significantly, Only 100,000 of a possible 1,952,660 voters went to the polls in the North."²³⁷

The boycott has reduced the number of eligible voters in the North to 100,000, only 15. % of the total estimated population of 650,000. The exact number of legitimate and eligible voters in Somaliland and Somalia was unknown. Poore observes that "dissatisfaction with the unfavorable balance of power caused one of the major parties in Somaliland, the Somali National League (SNL), to boycott the referendum on the constitution in June 1961."²³⁸ Had the SNL called for its supporters to vote against the constitution instead of boycotting it, the percentage of voters against the constitution would have probably shot up to more than eighty per cent (80%). The bottom-line is that even accepting the least reported figure of 52.3% means that the majority of the Somalilanders rejected the constitution and the union. This therefore, has a legal implication for the union of the two Somalis. It legally nullifies the merger of the two states as the constitution could not be effective in the North and this was the final attempt to legally rectify the unlawful merger.

²³⁵ L. Ian , A Modern History of Somali, op. cit. p.172.

²³⁶ ICG, Somaliland: Democracy and its Discontents, op. cit. p.5.

²³⁷ J. Drysdale, 'Somaliland in 1991, Report and Reference,' (Hove, Global States, 1992), p. 21.

²³⁸ B. Poore, Somaliland: Shackled to a Failed State, op. cit.

The analysis of such results also shows the division of voters according to clans' lines. Whereas the regions dominated by the Isaaq clan overwhelmingly rejected the constitution, the Dhulbahante and Gadabursi respectively dominating the south eastern and the south-western regions of Somaliland supported the constitution. Unlike Dhulbahante or Darods in general who were reportedly well-represented in the unity government, and who joined their Darod clansmen on the other side of the border, it is really unknown why Gadabursi reportedly voted in favour of the constitution.

One plausible explanation, however, could be that the Daroods (Dhulbahante and Warsangali) and Dir (Gadabursi and Issa) formed USP, political party to counterbalance the Isaaq's domination even before the independence. "Prior to this, the politics in the Northern Regions has been dominated by the numerically predominant Isaaq supporting SNL with local Dir and Darod clans combining in opposition as the U.S.P."²³⁹ Secondly " Abdi Hassan Boni of the U.S.P assumed the important position of Deputy Premier..."²⁴⁰ Boni hails from the Gadabursi clan in the extreme south-western Somaliland.

²³⁹ L. Ian , A Modern History of Somali, op. cit. p.168.

²⁴⁰ Ibid., p.164.

The hasty and haphazard process of integration of the two countries has not set a legal foundation for the unification of the Somali states. "In the event, the merger in 1960, was indeed precipitate and hazard union without solid foundation."²⁴¹ Secondly, any law cannot be made retroactive as per the stipulation of the international law. Any enacted law can only be effective from the day of its approval by the public or legitimate authority. The matters as important as unity should be approved by the citizens of the respective countries. The failure to approve the merger by the citizens of one of the two uniting countries through a popular plebiscite makes it legally invalid.

In the case of the unification of the two independent Somali states, the rejection of the majority of Somaliland citizens through the 1961 constitutional referendum invalidated the union. The refutation of the union with a simple majority is legally significant to nullify the union itself. In this case, the union had no legal basis. Carrol and Rajagopal argue that "the unification effort, however, fell short of the legal requirements mandated by domestic and international law"²⁴². Carrol and Rajagopal add that "with nothing more than the recognition of other states to testify to the existence of Somalia as a unified state."²⁴³

²⁴¹ Somaliland, Somaliland: Demand for International Recognition, a Policy Document of the Government of the Republic of Somaliland, op.cit.p.4.

²⁴² A. Carrol and B. Rajagopal, *The Case for the Independent Statehood of Somaliland*, op. cit. p.662.

²⁴³ Ibid.

Another event which indicates the illegality of the union is the failed coup in the north in 1963, whose objective was reportedly to separate Somaliland from Somalia. The coup leaders were arrested and put on court in Mogadishu. A British judge at the Supreme Court laid doubt on the legality of the union. "A court judgement (by a British judge) in Mogadishu in 1962 after the two colonies united, laid doubt on the complete legality in the international law of the union of Somalia and Somaliland."²⁴⁴ As there was no applicable Act of Union to prosecute them, the coup leaders had been acquitted without any sentences. Somaliland argues that "in a point of fact, all the accused were discharged on constitutional ground that there had been no Act of Union between the State of Somaliland and The United Nations' Trusteeship Territory. Whither Somali Unity?"²⁴⁵ "A British judge presiding in Mogadishu, however, acquitted the officers on the grounds that the court had no jurisdiction over the State of Somaliland in the absence of an Act of Union."²⁴⁶

Ibrahim describes that:

The final verdict of the British magistrate set a legal precedent that shocked the politicians of that era. This judgment put the hoax of a unitary Somali state into its final resting place forever. The final ruling was as follows: In the administration of the criminal justice on matters of high treason, the oath of allegiance is paramount in the case of military officers, which ascertains the citizenship of the accused. As of today, the constitution of the Somali republic has no jurisdictional validity beyond the boundaries of the former Italian colony. Without first establishing a proper legal entity incorporating a union of the two former colonies, the current constitution of the Somali republic is not applicable to any citizen of the former British colony.²⁴⁷

Analyzing the legal significance of the court's verdict, Ibrahim concludes that:

²⁴⁴S. Kibble, *Somaliland: Surviving Without Recognition; Somalia: Recognized But Failing?*(London, SAGE Publications, 2001), p.13.

²⁴⁵²⁴⁵ Somaliland, *Somaliland: Demand for International Recognition, a Policy Document of the Government of the Republic of Somaliland*, op.cit. p.17.

²⁴⁶ Somaliland Centre for Peace and Development, supra note 41, at 14 In B. Poore, *Somaliland: Shackled to a Failed State*, (Stanford, *Stanford Journal of International Law*, 2009), p.10.

²⁴⁷A. Ibrahim, *Recognition of Somaliland and Legitimacy of Somalia*, (Hargeisa, Somaliland Times, 2006), p.3.

- * That the Unitary Somali State has no sound legal and constitutional foundation.
- * That the accused officers were not even citizens of the accusing state.
- * That documents (-the constitution of the Somali republic, the Indian penal code) used in the case was not an integral part of the criminal justice system of the Somali republic.
- * That court martial established the unconstitutionality of the union act of 1960 on legal and procedural grounds.
- * And the most important aspect of this historic ruling is that it clearly established the Jurisdictional reach and the validity of the constitution used in the trial.²⁴⁸

Poore also concludes that “an impartial analysis of Somaliland's claims for international recognition should not blindly accept the premise that there exists a legally enforceable union between Somaliland and Somalia.”²⁴⁹ We can conclude from analysis of the above data that the unification between Somaliland and UN Trusteeship Territory of Somalia was unlawful for two reasons. The first there was not any single Act of Union collectively approved by the two parliaments of Somaliland and Somalia. Secondly, the last attempt to correct the legal crisis of the union failed when unity constitution which was put to referendum could not be effective in the North [Somaliland] as the majority of northerners voted against it. This rendered the merger illegal.

²⁴⁸ *ibid.*

²⁴⁹ B. Poore, *Somaliland: Shackled to a Failed State*, *op.cit.*

Hence, Somaliland has a strong legal case and justification to re-claim its sovereignty and independence. Poore argues that “there is therefore a strong case that there was no ‘marriage’ between Somaliland and Somalia, and thus there is no need for a ‘divorce’.”²⁵⁰ Poore concludes that “the unification of Somaliland and Somalia fell short of the requirements for a lasting unification under international law. Somaliland did not successfully announce its independence and thus remains a sovereign nation state.”²⁵¹ It has the right to revert to its original international borders as Somalia has the right to do so, as well. Furthermore, the simple proclamation of the Somaliland independence in 1991 legally signifies the dissolution of the Somali Democratic Republic, which practically (but not legally) consisted of two independent Somali states. In the context of legally invalid act of union and prior unconditional arrangement of the failed union, a good question that can be asked is what governs the termination or withdrawal or even continuation of the illegal merger? Legally invalid law means no law legally exists at all. Ibrahim argues that

“In the absence of verifiable documentary evidence attesting to a genuine “Act of Union” between Somaliland and Somalia, any agreements “in principle” or any other forms of “bilateral agreements” are subject to cancellation without notice because such instruments do not have any legal weight.”²⁵²

Then each party to the union has the right to withdraw from the attempted and the failed union with or without the notice and consultation of the other party. Dr Mohamed legal advisor affirms that:

²⁵⁰ Ibid., p.13.

²⁵¹ Ibid.

²⁵² A. Ibrahim, *Recognition of Somaliland and Legitimacy of Somalia*, op.cit, p.3.

The Act of Union of Somalia and the Union of Somaliland and Somalia law were both drafted in a form of bilateral agreements, but neither of them was signed by the representative of Somaliland and Somalia. The Somalia Act of Union was approved 'in principle' but not enacted into law. The decree-law of July 1960 was signed by the provisional President to deal with some of the legal effects of the union. However, in the absence of conversion into law in accordance with Article 63 of the constitution, this decree-law never came into force²⁵³.

However, the international community would preferably like if such consultations between Somaliland and Somalia take place where possible. TFG's lack of effective control of Somalia is an obstacle to the talks between the two. Questions arise if the current ineffective movement, the TFG can be accepted to talk to Somaliland fully representing its own country. The TFG would have been declared dead if it was not difficult under the international law to eliminate a member country from the international system when it acquired its statehood. Jackson argues that "the existing state system, however, means that once a state has acquired statehood, it is almost impossible to lose it."²⁵⁴ Creation of a new state is even more difficult in the international law.

Because of the long years of absence of a viable and legitimate government in Somalia, the process of negotiations between Somalia and Somaliland was seen as impractical and infeasible. Whereas Somaliland has a legitimate and democratically elected government with popular support and is in full control of most of its territory, Somalia barely controls beyond some districts of the capital. The status of the negotiating parties (whether or not they will be two equal states) is also seen as an obstacle to possible future talks between the two belligerents.

²⁵³ M. Noor, "The Development of the Constitution of the Somali Republic, United Nations OPEX Programme at 30-31," in B. Poore, *Somaliland: Shackled to a Failed State*, op.cit.

²⁵⁴ J.Robert, Quasi-States, "Dual Regimes and Neoclassical Theory: International Jurisprudence and the Third World," in B. Poore, *Somaliland: Shackled to a Failed State*, op.cit.

The withdrawal of one party from the union terminates whatever legally invalid and existing treaties or union if it does not contradict those endorsed by the public through popular votes. The democratically elected and legitimate government of Somaliland has the right to terminate all such treaties, bilateral agreements in the interest of its nation-state. Ibrahim argues that

“In the absence of verifiable documentary evidence attesting to a genuine “Act of Union” between Somaliland and Somalia, any agreements “in principle” or any other forms of “bilateral agreements” are subject to cancellation without notice because such instruments do not have any legal weight.”²⁵⁵

The Somalia-dominated unity government was unable to address the legal crisis of the union and Somaliland’s alienation. Such frustration led to the attempted coup in 1963 by Somaliland military, whose main goal was reportedly to separate Somaliland from Somalia. Poore observes that

“The legitimacy of the union between Somalia and Somaliland determines whether Somaliland is seeking a secession and international recognition or appreciation of the fact that there was no union. If there was no union, then Somaliland still exists as an independent entity, and discussions pertaining to secession are moot.”²⁵⁶

4.1.2 Territorial Integrity, Sovereignty and Self determination

The charters of continental and world bodies are viewed as factors hindering the recognition of Somaliland. The charter of African Union is believed to be one of the most important obstacles to the recognition of Somaliland. Article 3, clause (b), states that the “objectives of the union will be to: b) Defend the sovereignty, territorial integrity and independence of its

²⁵⁵ A. Ibrahim, *Recognition of Somaliland and Legitimacy of Somalia*, op.cit, p.3.

²⁵⁶ B. Poore, *Somaliland: Shackled to a Failed State*, op.cit. p.12.

Member States²⁵⁷. Likewise, Article two clause 1) of the charter of the United Nations states that “the Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following Principles. 1) The Organization is based on the principle of the sovereign equality of all its Members²⁵⁸”.

The charters protect the territorial integrity and the sovereignty of its member states. In such organizations, it is Somalia that has been a member. So the United Nations and African Union should theoretically preserve the territorial integrity and sovereignty of Somalia even if Somalia has no fully functioning and representative government. The recognition of Somaliland could be seen as a violation of such principle. Because of that, the United Nations passed resolutions calling for the preservation of territorial integrity and sovereignty of Somalia. However, the principle of the self-determination is also enshrined in the charter of United Nations and the two main international human rights instruments namely the International Covenant on Civil and Political rights and the International Covenant on Economic, Social and Cultural Rights. Article one of both instruments state that “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development²⁵⁹”.

Many scholars argue that the two principles contradict each other and such dueling notion of two principles prevented the recognition of Somaliland. Gorka argues that “the case for Somaliland is precisely where the two principles collide and it is critical to determine which is going to outrule the other in regard to hierarchy²⁶⁰”. Eggers also observes that “the bind in which states like Somaliland find themselves is neatly summarized by the dueling notions of self-determination and territorial integrity found in one section of the U.N. General

²⁵⁷ See the African Union's Constitutive Act, (Lome, AU, 2002).

²⁵⁸ See the United Nations Charter, UN New York.

²⁵⁹ United Nations, the International Covenant on Civil and Political rights and the International Covenant on Economic, Social and Cultural Rights, (New York, United Nations, 1966).

²⁶⁰ H. Gorka, *Somaliland-a Walk on Thin Ice*, (Berlin, KAS International Reports, 2011), p.92.

assembly on the Occasion of the fiftieth anniversary of the United Nations”²⁶¹. Ferdous adds that “there seems to be a striking contradiction between the right of “all peoples” to self-determination and the right of the state to its territorial integrity’, the latter precluding secession.”²⁶²

Dyke observes that “... the United Nations would be in an extremely difficult position if it were to interpret the right of self-determination in such a way as to invite or justify the attacks on territorial integrity of its own members”²⁶³. However, according to Louise Arbour, the president and the CEO of the ICG, the International Court of Justice in its non-binding decision on the unilateral declaration of Kosovo has clarified the distinction of the two principles and the context in which they are applied. Arbour describes that:

“The ICJ in its consideration of the Kosovo case made an important observation – namely that the scope of the principle of territorial integrity is confined to the sphere of relations between States. By contrast, however, the right to self-determination deals with relations between states and “peoples”. It is an important distinction – and when competing principles clash, they should be interpreted in a way that maximizes the fullest effect of both. We must therefore seek to reconcile these apparently competing principles”²⁶⁴.

The opinion of International Court of Justice on the Kosovo case has made significant contribution in this regard. Keeping the people of Somaliland hostage to and denial of their genuine rights to self-determination on the pretext of preservation of the Somalia’s territorial integrity has been repudiated. Arbour argues that:

“In the case of Somaliland, insistence by the African Union on the increasingly abstract notion of the unity and territorial integrity of the Somali Republic, with Somalilanders governed again from Mogadishu, is both unrealistic and unsupported by more than twenty years of state practice. Any attempt to re-impose centralized

²⁶¹ A. Eggers, *Where is a State a State? The Case for Recognition of Somaliland*, (Boston, International & Contemporary Law Review, 2007), p.217.

²⁶² S. Ferdous, *Self-determination: Idea and Pragmatism*, (Bangladesh, CDRB publication, 2007), p.33.

²⁶³ V. Van Dyke, *Human rights, The United States and the World Community* In S. Ferdous, *Self-determination: Idea and Pragmatism*, (Bangladesh, CDRB publication, 2007), p.33.

²⁶⁴ L. Arbour, *Self-determination and Conflict Resolution from Kosovo to Sudan*, Speech to the Carnegie Council for Ethics in International Affairs, (New York, ICG, 2010), p.3.

control by Mogadishu would almost certainly open a new chapter in the Somali civil war²⁶⁵.

Such interpretation of the distinction between two principles opens the door to the nations like Somaliland to realize its complete sovereignty and independence and to join the club of nations. Nevertheless, African Union must understand the new shift of policy. The AU needs to understand that its obsession with the protection of Somalia's territorial integrity favours one party (Somalia) and discriminates the other party (Somaliland) as the Somalia Democratic Republic consisted of two independent states which voluntarily and illegally united and later separated. Therefore, each party has the right to voluntarily withdraw from the failed union without having any impact on the territorial integrity of the other.

4.1.3 The Principle of *Uti Possidetis*

Article 4, clause (b) of the constitutive acts of the AU stipulates that "The Union shall function in accordance with the following principles: b) Respect of borders existing on achievement of independence"²⁶⁶. In the legal terms, this is called the principle of *Uti possidetis* which the OAU, the forerunner of AU adopted it in 1963. The logic behind the adoption is basically to reduce secession and inter-state conflicts on the border issues. Somalia rejected the principle of *Uti-possidetis* at time of development of the AU charter. Jacquin affirms that "along with Ghana, Morocco and Togo, Somalia was one of the very few states present at the Charter Conference of the Organization of African Unity in May 1963 to contest inviolability of colonial borders"²⁶⁷.

The AU Charter is believed to be one of the most important obstacles to the recognition of Somaliland. There is a grain of truth or logic in the AU's adoption of principle

²⁶⁵ L. Arbour, *Self-determination and Conflict Resolution from Kosovo to Sudan*, op. cit. p.6.

²⁶⁶ African Union, *Constitutive Act*, op. cit.

²⁶⁷ D. Jacquin, *Nationalism, Self-determination and Secession in the Horn of Africa, a Critique of Ethno-Interpretation*, op. cit. p. 217.

of Uti-possidetis. The African borders have been arbitrarily demarcated without considering the ethnic communities and social relations. The same ethnic communities or clans live on both sides of international borders in many or most of African countries.

The AU was seriously concerned that changing colonial borders will increase the tendency of intra-state conflicts in Africa and that the whole continent would be submerged with never-ending ethnic wars. The critique of the AU is that it has generalized the potential and the perceived impact of changing the colonial borders without doing further analysis of the various contexts and deciding case by case. However, this would also take a lot of energy and resources and may not ultimately find sustainable solutions to the African border crisis. The neighbouring countries can examples of the multi-ethnicity of Africa countries. It is estimated that Sudan has over 540 ethnic communities whereas Ethiopia and Kenya respectively have over 73 and 43 ethnic communities. "... over the 90 per cent of states contain significant, historically rooted minorities (about one third don't even have a majority group)."²⁶⁸

The AU uses this principle of uti-possidetis to control secession and possible ethnic conflict. "In this way, uti-possidetis is a limiting principle that restricts the creation of new states in Africa. A new African state may only be valid if its territorial extent matches that of a colonial unit."²⁶⁹ How does Somaliland fit to the principle of Uti-possidetis? Does it violate? Mohsin argues that:

"Once the government and parliament (and people) of Somaliland had freely and voluntarily gave up their independence in favour of union with Somalia, and the emerging Somali Republic was recognized by the UN, OAU and Arab league, the

²⁶⁸ C. Walker, *Ethnonationalism: The Quest for Understanding*, In B. Poore, *Somaliland: Shackled to a Failed State*, op.cit. p.13

²⁶⁹ B. Farley *Calling a State a State: Somaliland and International Recognition*, (Atlanta, Emory International Law Review, 2010), p.805.

colonial borders of Somaliland with Italian Somalia had irreversibly ceased to exist.”²⁷⁰.

On the contrary, many scholars argue that Somaliland is in conformity with the principle of *uti-possidetis*. Shin argues that “but a strict interpretation of this provision actually provides Somaliland with the legal sanction that it seeks”²⁷¹. Farley also observes that “Somaliland’s adherence to its colonial boundaries, then, satisfies the doctrine of *uti-possidetis* as it has been applied in Africa, in post-colonial sessions.”²⁷²

Bryden argues that:

“But in retrospect that five-day hiatus has become central to Somaliland’s contemporary claims to statehood. First it supports Somaliland’s assertion that 1991 declaration of independence represented the dissolution of an unsuccessfully union between sovereign states and not act of secession. Second it underscores the voluntary nature of the original Somali union and thus Somaliland’s ‘right to voluntary withdraw from it. And the third it establishes Somaliland’s boundaries under international law, thus responding to the African Union’s insistence on “the respect of borders existing on achievement of independence.”²⁷³

Poore also argues that “ the principle of *uti possidetis*, for example appears to delegitimize the union between Somaliland and Somalia because the new borders clashed with those delineated by Great Britain, France, Ethiopia and Italy during the colonial period.”²⁷⁴ Farley also observes that “importantly, [the commission of] Rapporteurs’ opinion [on Finland] demonstrates that an independent state might disappear into another state only to reappear at some later date within its historical borders.”²⁷⁵ “In the Yugoslavia case, the

²⁷⁰Mohsin (2005) Somaliland Recognition: Why it won’t happen(online)at:<http://www.mudugonline.com/2005/May/090505aragti2.htm> [accessed on February 15, 2010]

²⁷¹ D Shin, *Somaliland: The Little Country that Could*, African Notes, (Washington, CSIS, 2002), p.6.

²⁷²B. Farley, *Calling a State a State: Somaliland and International Recognition*, op.cit. p.819.

²⁷³ M. Bryden, “The Banana Test” *Is Somaliland Ready for Recognition?* op. cit. pp.342-343.

²⁷⁴B. Poore, *Somaliland: Shackled to a Failed State*, op.cit. p.14

²⁷⁵B. Farley, *Calling a State a State: Somaliland and International Recognition*, op.cit. p.804.

application of uti-possidetis was extended to the internal boundaries that demarcated the federal units.”²⁷⁶ These were later recognized as international borders.

The five-day independence and more than century old international and colonial borders are what really differentiate Somaliland from any other secessionist movements or governments. The failed African secessionist movements such as Biafra in Nigeria were among others, unable to conform to the principle of uti possidetis. Farley describes that “in the post-colonial period, uti-possidetis has functioned to deny validity to entities-like Katanga and Biafra-that sought independence without regard to colonial boundaries.”²⁷⁷

The unique history of Somaliland puts it in advantageous position. Somaliland has existed for more than one century and three decades or over one hundred thirty five years (135) from 1884-2011 with the exception of thirty years of merger with Somalia. During the colonial period (1884-1960), the Somaliland borders have been delimited through three international treaties of 1888, 1894 and 1897 as mentioned above. Therefore, Somaliland conforms to the principle of uti-possidetis as it does not intend to change the colonial borders. Somaliland was independent for five days from 26 June to 1st July 1960 after the Great Britain granted its independence and before it merged with Somalia.

Three main reasons justify that the border between Somaliland and Somalia still remains intact. If the people of Somaliland have voluntarily united with Somalia and again have voluntarily withdrawn from the unsuccessful union, the original border will be the international one. Examples include Eretria, new states which seceded from Yugoslavia and Russia which all reverted to their federal boundaries which have been recognized as international borders. In the case of Somaliland, it was even a sovereign and independent state before it merged with Somalia. Secondly, the union between Somaliland and Somalia

²⁷⁶Buchanan, *supra* note 7, in B. Poore, *Somaliland: Shackled to a Failed State*, op.cit. p.14.

²⁷⁷B. Farley, *Calling a State a State: Somaliland and International Recognition*, op.cit. p.805.

was also unlawful and hence the international border between the two still remains valid. Finally, any slight alternation of the border will contradict the principle of uti-possidetis which the African Union believe in like The Holy Quran.

Even the on-going secessionist movements in Africa will not have Somaliland's similar unique characteristics or ingredients of sovereignty. For the above facts, the case of Somaliland cannot be called secession. Rather it is a separation or withdrawal from the failed and the illegal union of two independent Somali countries. The recognition of Somaliland therefore, will not set a dangerous precedent to African secessionist movements which can reach such threshold. And hence the uniqueness of the Somaliland case must be realized and recognition granted. That is why the scholars argue that the international law is applicable to the case of Somaliland rather than the domestic law of Somalia.

Many Somalis may have the opinion that Somalia will further disintegrate and others like Puntland will follow suit if Somaliland is recognized. Such argument is tenuous. The principle of uti possidetis is the most important AU's weapon or tool to control secession and to manage intra-state border and ethnic conflicts in Africa. In other words, AU is not interested in re-drawing borders. Does Puntland violate the principles of Uti-possidetis? The answer is yes because Puntland did not have internationally recognized borders on the day of achievement of independence. Northeast Somalia recently called Puntland was a part and parcel of Somalia on the day of independence. Only Somalia's borders have been internationally recognised. Hence the contemporary international system through its bureaucracies strongly limits secession. So the probability of secession in Somalia with the exception of Somaliland's separation is highly unlikely. If it has taken AU fifteen years to recognise the unique case of Somaliland, how long will take it to recognize other secessionist movements which are not in conformity with the principle of Uti-possidetis?

The AU's second concern is that secession could create ethnic conflicts. Will the recognition of Somaliland create ethnic conflict? Somalis are only one ethnic group. Hence possibility of ethnic conflict is almost non-existent. However, Somalis are divided into clans and sub-clans. Will the recognition also cause clan conflicts? Preservation of international borders is within the remit of state governments. The Somali clans view the state borders as artificial lines. What is critical for the clans specially the pastoralists is the right to cross the border in search of pasture and water. Another fact is that usually the people of both sides of international borders are the same clans or sub-clans. Hence conflict among themselves on the international border is highly unlikely. For example, Issa clans live on both sides of Djibouti and Somaliland borders whereas the Isaaq, Gadaburisi, and Dhulbahante clans are found on both sides of Ethio-Somaliland border. Warsangali clan is also found on both sides of the Somaliland and Somalia border. The same fact is true for Somalia-Kenyan border or Ethiopia-Somalia border. What is critical for the clans is the perceived clan boundaries. The Somali clans have their own designated clan territory and defend it if transgressed by another clan. Therefore, the recognition of Somaliland will neither create ethnic conflict or clan conflict. It will even reduce the Somaliland and Puntland border clashes if Somaliland is recognized. Any attack beyond its border launched by Somaliland or Puntland will be seen as an act of aggression and will be discouraged by the international community.

How did the 1960 union of Somaliland and Somalia impact on the international border between the two? Did it abrogate the international border? This depends on two issues or questions. Was the merger itself legal? What will be the outcome of the discussion between Somaliland and Somalia? And what will be the outcome of potential referendum which will be most likely organized in Somaliland. I argue that the union between Somaliland and Somalia was illegal and hence the border between the two countries will

continue to be the international border if the two states officially separate through 'velvet divorce.'

If the people of Somaliland decide through internationally sponsored plebiscite to be a sovereign and independent nation-state, again the border will remain international. However, if the people of Somaliland decide to re-unite with Somalia which is highly unlikely, then the same border will be provisional boundaries between different regions of Somalia as they were during the merger. The successive Somali governments have not altered the border between Somaliland and Somalia. The border remained provincial or regional boundaries still between northern and southern regions.

4.1.4 Legal Process and Procedure of Separation

Somaliland's unilateral declaration of independence is sometimes viewed as one of the legal factors hindering the recognition of Somaliland although legal experts and other scholars differ on the legal process that Somaliland must follow in order to secede from Somalia. The debate is centred on whether the declaration of the independence of Somaliland is an act of secession or an act of withdrawal from the failed, unlawful and voluntary union with Somalia. What is the legal process and procedure that Somaliland must follow to fully regain its sovereignty? Did it really follow that process? Kreuter argues that "secession is attainable under domestic law through cooperation with the parent states, unilaterally in response to human rights violations, or arguably through recognition by other nations."²⁷⁸

The scholars in the category argue that Somaliland should negotiate with TFG in order to gain international recognition. They take the legal processes and procedures that Eritrea and South Sudan followed as examples. On the contrary the other opposing scholars argue that Somaliland is completely different from Eritrea and South Sudan although they share some similarities. Poore argues that

"The legitimacy of the union between Somalia and Somaliland determines whether Somaliland is seeking a secession and international recognition or appreciation of the fact that there was no union. If there is no union, then Somaliland still exists as an independent entity and discussions pertaining to secession are moot."²⁷⁹

²⁷⁸ A. Kreuter, *Note: Self-determination, Sovereignty and the Failure of States: Somaliland and the Case for Justified Secessions*, (Minnesota, Minnesota Journal of International Law, 2010), p.397.

²⁷⁹ B. Poor, *Somaliland: Shackled to a Failed State* op. cit.

Also Farley argues that

“The dissolution of the Republic of Somalia –like the dissolution of Yugoslavia or the dissolution of the United Arab Republic—extinguished the Republic of Somalia. As such as was the case in Yugoslavia and UAR, there exists no metropolitan state to recognize the re-emergence of Somaliland and Somalia. Moreover, following Yugoslavia’s example, no such recognition is needed for Somaliland and Somalia’s independence to be valid.”²⁸⁰

²⁸⁰B. Farley, *Calling a State a State: Somaliland and International Recognition*, op. cit. p. 817

Farley concludes that “Somaliland’s emergence as an independent state following the dissolution of the Republic of Somalia follows the pattern laid down by both Yugoslavia and the UAR. Its secession is therefore in line with modern state practice.”²⁸¹

However, Somaliland did not follow the same Eritrean and South Sudan’s process and procedure of Eritrea and South Sudan. Somaliland was different from both countries although they were similar in their struggle. Whereas both had living parent states, Somaliland did not have a living partner or partner state to negotiate the process of separation. Somalia had no fully functioning government in control of its territory, which the people of South Somalia had given the legitimacy to represent their interests. Secondly, Somaliland unlike Eritrea and South Sudan was an independent nation when it united with Somalia.

Helarius observes that “Somaliland had not only been a separate colonial unit but actually a separate independent state for five days before joining its formerly Italian neighbour to form the Republic of Somalia on July 1, 1960.”²⁸² Hence the total applicability of the domestic law is questionable. In contrast to South Sudan, the western powers had no vested interests in Somaliland’s sovereignty and independence.

As shown by state practice, the international community supports the idea of negotiations between the Somaliland and Somalia notwithstanding Somaliland’s strong legal case. This together with the failure of the Somali state and ineffectiveness of the current TFG are some of the main reasons why the recognition of Somaliland has been delayed.

²⁸¹ B. Farley, *Calling a State a State: Somaliland and International Recognition*, op. cit. p.818.

²⁸² A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*. (London, Journal of Contemporary African Studies, Carfax Publishing, 2002), p.168.

4.1.5 The Montevideo Criteria for State Recognition

Montevideo Convention on the Rights and Duties of States of 1933 states the four criteria for the recognition of states. These are (a) a permanent population (b) a defined territory (c) a government in full control of its territory and (d) capacity to enter into relations with other states. Does Somaliland meet the criteria of state recognition? Most scholars agree that Somaliland meets the statehood criteria of the Montevideo Convention. Farley argues that “Somaliland meets the statehood criteria set out in the Montevideo Convention.”²⁸³

Eggers also argues that “the territory of Somaliland easily meets the criteria set forth by the Montevideo Convention. Somaliland has a population estimated to be 3.5 million which re-affirmed the support for sovereignty in 2001 constitutional referendum.”²⁸⁴ Eggers concludes that “Somaliland has operated as an independent state for fifteen years and it meets international legal standards for statehood is in fact a state”²⁸⁵ Similarly Gorka concludes that “the enclave meets the Montevideo convention yet international recognition is additional element of statehood and the latter will take place once the legal uncertainty is resolved.”²⁸⁶

The Somaliland case is very unique because its partner has virtually no effective government for twenty years. Huliaras observes that “...unlike Eretria, Somaliland exited a disintegrating state.”²⁸⁷ Kreutor argues that “there is a gap in the law of secession, however as it applies to failed states, such as Somalia. Therefore, Kreutor proposes that:

²⁸³ B. Farley, *Calling a State a State: Somaliland and International Recognition*, op. cit. p.805.

²⁸⁴ A. Eggers, *Where is a State a State? The Case for Recognition of Somaliland*, op. cit. p.218.

²⁸⁵ Ibid., p.222.

²⁸⁶ H. Gorka, *Somaliland- a Walk on Thin Ice*, op. cit. p.97.

²⁸⁷ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*. op. cit. p.168.

“In the recognition of the devastating effects that a failed state has on its inhabitants, the law of secession should allow secession when the parent state has been unable to provide security, a functioning political system, and civil services for a reasonable amount of time, and when the secessionists have been able to provide each these state functions.”²⁸⁸

4.2 INTERNAL FACTORS HINDERING THE RECOGNITION

4.2.1 Somaliland’s Approach to International Recognition

Over the past twenty years, Somaliland has distanced itself from the broader Somali politics. The policy adopted was to avoid intermingling with the Somali crisis. Somaliland did not intervene in Somali politics. It remained completely neutral to warlords and other warring factions in Somalia. If the government intervened in the Somali politics, such measures would be viewed as compromising the hard-won independence of Somaliland and the government would risk losing the public confidence. Such approach or strategy was considered to be one of the factors which hindered the recognition of Somaliland. “Therefore Somaliland administration was forced to seek recognition through a difficult and almost impossible way. The other approach for Somaliland could have been to lead the Somali politics, pacify Somalia and negotiate a referendum”²⁸⁹.

Unionists and other critics also argue that such approach had the opposite effect. Ismail argues that

“Somaliland lagged behind what it wanted to achieve [recognition]. Somaliland will obtain from Somalia what it wants (recognition). But Somaliland has no programme to facilitate or advocate for the recognition of Somaliland within the other Somalis. They should also see Somalis as their brothers.”²⁹⁰

²⁸⁸ A. Kreuter, *Note: Self-determination, Sovereignty and the Failure of States: Somaliland and the Case for Justified Secessions*, op. cit. p.397.

²⁸⁹ Interview with A. Ali, Nairobi, 20 August, 2011.

²⁹⁰ Interview with J. Ismail, Nairobi, 20 August, 2011.

The critics in Somaliland are also uneasy of such approach. Noor observes that

Yet, we keep on seeing S/land foreign ministers jet-setting to the capitals of the world in hope of getting world recognition for S/land. And the international community never tires on telling them, time and after time—again, where and to whom—they should really be focussing their energies on—with regards, to S/land's recognition, ie. the TFG!²⁹¹

Lack of intervention in Somali politics led Somaliland to lose friends and advocates within the Somalia government. Secondly, it proved that Somaliland had no influence of the TFG, either during its formation or subsequent times. Hence, this led the feeble successive TFGs to automatically reject the independence of Somaliland. Other proponents of Somaliland also argue that there is no effective government in Somalia to negotiate. Whether it is mandated to make decision on such important issue is another critical question. Thirdly, what will be the status of Somaliland and Somalia during the negotiation is really unclear. In other words, will they be two equal states as they had been during their unification of 1960 or some other arrangements. This is expected to be one of the most critical issue in any potential talks between the two states.

²⁹¹ R. Noor, 'Somaliland Must Face the Reality, (Hargeisa, Somaliland Press, 2011), p.2.

4.2.2 Lack of Foreign Policy and Diplomatic Strategy

Ever-since the independence of Somaliland was declared, no concrete foreign policies and diplomatic strategies were formulated by the successive governments of Somaliland. The challenges, constraints towards attaining international de-jure recognition have never been discussed, debated upon and well-documented. For twenty years, Somaliland had no well-coordinated and appropriately designed foreign policy, diplomatic strategy or more specifically recognition advocacy/lobby strategy.

The reasons why the country with vested interest in international de-jure recognition could not develop the diplomatic strategy or even foreign policy are unknown. However according to various discussion with some experts and according to my personal observations, the reasons could be related to lack of skills, knowledge and experience in developing diplomatic strategy and also in analysing the foreign policies of other countries towards Somaliland. Omer argues that “and I believe that no member of the current cabinet has got the necessary capabilities and the public confidence to face up the challenge and to develop a proactive foreign policy.”²⁹² Another plausible reason could be a lack of interest on the part of the Somaliland officials in general and leaders of ministry of foreign affairs.

The Brenthurst Foundation observes that:

“Until now a combination of narrow-self-interests and lack of appropriate diplomatic method on the part of Hargeisa’s part trumped the reality of Somaliland self-determination, even though the secession of southern Sudan in 2011 would seem to place its claims on the right side of the history.”²⁹³

²⁹² M. Omer, *Somaliland Disheartening Foreign Policy Needs an Overhaul*, (London, Siragnd), p.2.
²⁹³ Brenthurst Foundation, *African Game Changer, The consequence of Somaliland (Non) Recognition*, (Pretoria, Brenthurst Foundation, 2011) pp.24.

Lack of analysis of geopolitics and critical factors hindering recognition and lack of development of proactive foreign policy and its implementation through diplomatic strategy has lead Somaliland to lose direction and the focus of the key priority actors for its recognition. "We advised Somaliland Ministry of Foreign Affairs to pay the same level of attention to neighbouring IGAD countries and African Union as they give to Europe and America."²⁹⁴The energy of MOFAIC was spent on unproductive actors.

Lack of clearly defined objectives and priorities led the MOFAIC to haphazardly carry out external visits to Europe, America and Africa with limited results. The most important component of the diplomatic strategy is to carry out research or analyse the constraints and challenges in pursuit of recognition. "Such analysis has been done."²⁹⁵. Therefore, it is imperative for Somaliland government to develop participatory foreign policy and diplomatic strategy and to mobilize both human and financial resources and organizational structure to deliver the strategy.

4.2.3 Inadequate capacity for Systematic Advocacy

The country lacks a systematic advocacy strategy to gain international de jure recognition. The first component of the systematic advocacy is to develop well-analysed and articulated foreign policy in which strategic objectives, goals, visions and priorities are clearly defined. Secondly the issues to be identified or lobbied should be clearly identified and prioritized. In the case of Somaliland, recognition will be the top priority. Not only priorities are required but also action should be taken to realize the identified priorities, neither of which has been practiced. "I will argue that it is not only a poor diplomatic capacity that is letting Somaliland down; it is also about lack of vision and policy initiative."²⁹⁶

²⁹⁴ Interview with T. Taye, Hargeisa on 28 July 2011.

²⁹⁵ Interview with A. Aden, Hargeisa, 29 July 2011.

²⁹⁶ M. Omer, Somaliland's Disheartening foreign Policy Needs an Overhaul, op. cit.

The third component of the systematic advocacy is to identify the target arena of influence or primary and secondary actors which hinder or facilitate the recognition of Somaliland. Not only multi-lateral bodies and actors need to be identified and lobbied but also key individuals or policy makers within these organizations are required. Somaliland failed at least in two cases. When the UK government finally considered the recognition of Somaliland, the staff of FCO's African Directorate became the obstacle to the recognition. The below extract from a diplomatic cable substantiates this point. Susman reports that:

“Miliband [UK foreign minister] “taken by Howells' [FCO Minister of State] strong support,” requested that the FCO's Africa Directorate review the policy [UK non-recognition policy] and provide advice. The Africa Directorate pushed back aggressively, saying that recognition of Somaliland had the potential to de-stabilize the TFG and to unravel the Djibouti Agreement because of the strong nationalistic sentiments among the clans and movements in south Somalia.²⁹⁷

Similarly, when USA, especially the Pentagon proposed the recognition of Somaliland, few key individuals within Foggy Bottoms or the US State Department vetoed the recognition of Somaliland claiming that it would open Pandora's Box. Pham argues that

On the face of it, Foggy Bottom's position seems reasonable enough: United States does not want to be blamed for opening up a veritable Pandora's Box by backing a secessionist attempt to redraw the colonial era-boundaries in Africa which could cause a ripple effect across the continent; better to let the African Union make that call. However, the artful façade the diplomats put up to cover their geopolitical inertia is utterly mendacious despite the truly diplomatic efforts of Somaliland Foreign Minister, Abdillahi Duale to welcome the State Department's positive comments about the country's continued progress towards democratization and economic development.²⁹⁸

The third component of systematic recognition is to choose appropriate strategies, tactics or diplomatic methods in conducting diplomacy. Specific diplomatic methods may be fruitful in a given specific context. For example, Somaliland never uses Africa-tailored

²⁹⁷ Susman L (2010) Behind the Scene UK Support to Somaliland, op. cit.

²⁹⁸ Pham P (2007) Somaliland: On the Road to Independent Statehood? available at <http://www.somaliland.org/2007/12/13/somaliland-on-the-road-to-independent-statehood/> accessed on July 2011.

media programme to increase the African public and diplomats' awareness of Somaliland. It was really embarrassing when I met Nairobi-based Ugandan and South Sudanese diplomats who know nothing about Somaliland and its cause let alone the African diplomats and the public in remote regions of the continent. "Until now a combination of narrow self-interests and lack of appropriate diplomatic method on Hargeisa's part has trumped the reality of Somaliland Self-determination..."²⁹⁹

The fourth key component of an effective advocacy is the development of appropriate structure with qualified and experienced staff-diplomats, political analysts, activists, international relations and media experts. It includes provision of adequate funding or financing carefully articulated work plans at home or overseas missions. The challenges currently encountered by MOFAIC are enormous. Shortage of motivated, qualified and experienced staff (diplomats, political analysts, human rights activists, lawyers, international relations and media experts etc.) coupled with inappropriate organizational arrangement as well as inadequate finance rendered the core functions of the ministry virtually non-existent.

Apart from the supporting departments, the MOFAIC has two departments namely political and protocol departments with four staff. "The director of the political department resigned, what remains is only three individuals, only one of whom has background in politics and the rest have no background and experience in diplomacy, international relations, politics or any related field."³⁰⁰ Overseas missions also face the same problems. Most of them don't have background and experience in diplomacy, international relations or political science. Anthropology, journalism and development studies are some of the background of the head of missions in neighbouring countries. Putting the right person in the right place is

²⁹⁹ Brenthurst Foundation. 'African Game Changer, The consequence of Somaliland (Non) Recognition op. cit. p.24.

³⁰⁰ Interview with A. Aden Hargeisa on 29 July, 2011.

still a major challenge in Somaliland because of economy of affection or nepotism. Edna, the former Somaliland Foreign Minister argues that

“Even 20 years before the separation of Somaliland from Somalia, diplomatic responsibility was removed from the hands of Somalilanders by the Somali government under the leadership of Siad Barre. Others also defected from Barre’s regime. [...]For the past forty years, we have conducted diplomacy in “Fadhikudirir”- informal and unprofessional way of conducting business.”³⁰¹

Dr Omer³⁰² argues that ‘there is an awful lot of Somalilanders abroad with a wealth of knowledge and experience to get Somaliland’s case on the world agenda.’³⁰³ Another major constraint is lack of adequate budget allocated for the ministry of foreign affairs. “3.5-4% of total budget was allocated to the ministry. This really constrained our activities. I had to go to different countries alone as we could afford other colleagues. I had to wait for my tickets to be approved by the minister of finance”³⁰⁴

As common for other ministries, the MOFAIC has not recalled the senior experienced diplomats to advise the ministry, and to perform the diplomatic functions voluntarily or in paid positions. Many diplomats in the Diaspora could carry out diplomatic functions professionally and voluntarily. Lack of strong diplomatic capacity at the ministry and overseas missions necessitates detailed capacity assessment and development as well as strategic planning for MOFAIC. What MOFAIC has not so far done is the assessment and mobilization of the experienced and qualified human resources and how can best these can be utilized in and outside the country.

Somaliland has also highly respected old politicians and diplomats who could open doors for Somaliland in the Arab world and other continents. Even Somalilanders also

³⁰¹ Interview with E. Ismail, Hargeisa, 29 July 2011.

³⁰² Dr. Mohamed Abdillahi Omer is the current Somaliland Foreign Minister who criticized the former Somaliland government and its foreign policy.

³⁰³ M. Omer, Somaliland’s Disheartening Foreign Policy Needs an Overhaul, op. cit. p.2.

³⁰⁴ Interview with E. Ismail, Hargeisa, 29 July 2011.

assume senior advisory positions in those countries. What Somaliland really lacks is strong leadership on many fronts. The country needs to demonstrate not only its capacity to handle its core diplomatic and political functions but also the capacity to compete with other countries in pursuit of its interests in and outside the Horn of Africa region. The culture of nominating diplomats based on relationship rather than competencies required should stop immediately. It was reported that Ethiopia and France rejected the credentials of Somaliland Representative to those countries. The culture of making rational and prudent decisions based on a thorough and sound analysis of issues at hand should be developed to avoid emotional and counterproductive decisions.

In conclusion, Somaliland should not only focus on the key actors but also individuals or policy makers within these institutions. Somaliland should also investigate the arguments of their opponents and should develop well-analysed, proactive and convincing counter arguments. It must first analyse geopolitics, develop foreign policy and diplomatic strategy. In order to deliver the foreign policy, it must employ the qualified and experienced human resources of not less than 100 diplomats and other professionals required. In addition, it must adequately finance the ministry plans and its performance should be closely monitored. In order to attract financial contribution from the public and the Diaspora, a very accountable and transparent system will absolutely be necessary.

With the full mobilization and participation of Somaliland Diaspora and the public, most of the challenges and constraints will be overcome. Therefore, without an overhaul of the ministry and its foreign policy, and without putting in place effective delivery mechanism, it is highly unlikely that Somaliland will win the international de jure recognition. Omer argues that "the current arrangement whereby there is only a one-man organization campaigning for the recognition is simply inadequate."³⁰⁵ It remains to be seen if Dr. Mohamed Abdillahi Omer who was dissatisfied with this one-man organization will actually walk the talk.

4.3 EXTERNAL FACTORS HINDERING SOMALILAND RECOGNITION

In addition to the legal factors mentioned above, there are other external factors which have contributed to the non-recognition of Somaliland. These are detailed below

4.3.1 The failure of Somali State and Non-Recognition

Somaliland became a unique case of sovereignty in several ways. As soon as the Barre's regime collapsed, the independence of Somaliland was declared. Secondly, Somaliland's partner, Somalia was plunged into further crisis, which many scholars described it as the failed state. "At least one study has listed the country at the top of the list of failed states. There is virtually no government presence in southern part of Somalia."³⁰⁶ In stark contrast to the Southern Somalia which remained chaotic since the collapse of the Somali government, Somaliland has forged a fully functioning democratic government and has held several elections. The international communities faced a tough challenge of what to do with

³⁰⁵ A. Omer (ed.) *Somaliland's Disheartening foreign Policy Needs an Overhaul*, op. cit. p.3.

³⁰⁶ A. Kreuter, *Note: Self-determination, Sovereignty and the Failure of States: Somaliland and the Case for Justified Secessions*, op. cit. pp.376-377.

Somaliland. As a result of this, the international community developed what was described as “wait and see attitude”.

Fisher observes that “both the UN’s Kofi Annan and US officials have discussed this kind of compromise that would give Somaliland a special status, similar to the West Bank/Gaza and Kosovo, and allow the country (even without full recognition) to benefit from loans and aid from outside nations.”³⁰⁷ “However, the Arta conference and the formation of a new government in Mogadishu has (temporarily) stopped the discussions (and speculation) on such a solution.”³⁰⁸ The main reason for strictly observing ‘the wait and see attitude’ is to have Somalia stabilized with an effective government that could negotiate with Somaliland. Also recognition of Somaliland was feared that it would further destabilize Somalia. Drysdale argues that “it is not fair nor that a decision on Somaliland’s relations with the world community should be deferred indefinitely until Somalia put its own house in order.”³⁰⁹

³⁰⁷ Fisher I (1999) ‘Somalia’s Oasis of Peace Seeks Status of a Nation, New York Times In A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*. Op. cit. p.173.

³⁰⁸ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*. Op.cit. p.173.

³⁰⁹ J. Drysdale ‘Stoics Without Pillows: A Way Forward for Somaliland, In J. Wells J, *Cabinda and Somaliland-A Comparative Study for Statehood and Independence*, (African Studies Association of Australasia and the Pacific, Conference Proceedings-African on Global Stage, 2003), p.4.

International community has thought that the TNG would be successful in ending the crisis in the South. Since then, the international community has adopted this wait and see attitude to see if the TNG and TFG would finally function, stabilize and represent the interest of southern Somalia. The international community felt that had the TNG or TFG become viable, this would lead to Somaliland and Somalia talks which would finally settle the issue of Somaliland. Some other countries considered that preservation of the status-quo would be at the least the safest option. However, whatever position the international community adopted, that has not barred them to deal with and enter into agreements with Somaliland.

4.3.2 African Union and Non-Recognition of Somaliland

Apart from those mentioned under the legal factors, several factors have contributed to the non-recognition of Somaliland by the African Union. First, the AU is also concerned that recognition of new states will set a dangerous precedent for the continent as most of the African countries are multi-ethnic and as there are separatist movements in the continent. The AU is apprehensive of potential ethnic conflicts which will further divide the continent rather than unite it. So, non-recognition is one strategy to discourage secessionist movements. Whatever concerns AU had with regards to the recognition of Somaliland were clarified in its fact-finding mission to Somaliland in 2005. The report of the mission concluded that:

“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.”³¹⁰

In September 2008, the AU again sent another fact-finding mission. “The following AU fact-finding mission, from 12-14 September 2008, found a similar widespread conviction

³¹⁰ “Resume: AU Fact-Finding Mission to Somaliland,” in Pham P. (2007) “Somaliland: On the Road to Independent Statehood?” op. cit.

among Somalilanders of their country's "irreversible" independence and outright rejection of the notion of union with Somalia."³¹¹ Although the AU adopted this position, yet it did not take further action as recommended by the fact-finding mission reports. "The AU process stalled, however at the 2008 AU (foreign Minister's) summit in Accra when it was relegated to 'any other business' on the agenda."³¹²

Secondly, Somaliland lacks a sponsor within the African Union which can effectively lobby and advocate to table Somaliland's issue in the African summit meetings. "...then, Somaliland needs a "good sponsor" within the African community to advance the cause. Djibouti would be the best choice, and that Ethiopia would be the worst."³¹³ The third factor hindering AU's recognition of Somaliland is the diverging conflict of interest. Egypt, Sudan and Libya were reported to be totally against tabling Somaliland's issue in the AU summit meetings. Farley observes that

"A number of African states have an interest in delaying resolution of the Somaliland question. For example Egypt has an interest in supporting any strongly nationalist Somali entity likely to pursue irredentism. Such entity would threaten Egypt's rival Ethiopia, which possesses a large Somali population."³¹⁴

Fourth factor hindering the recognition of Somaliland is the inadequate consultation with the supporting countries and lack of active listening to their advice on proper processes and procedures of the African Union that Somaliland should follow in order to secure recognition from AU. Yamamoto reports that:

"...Meles said that he met with Rayale upon his return from Washington and urged him to write to the AU requesting that they identify a timeframe for a discussion on the Somaliland issue. However, Rayale "messed things up" by essentially re-sending his previous letter requesting recognition and membership in the AU, rather than asking for a timeframe for a discussion on Somaliland. Meles said that, if Somaliland

³¹¹ The Brenthurst Foundation, "African Game Changer? The Consequence of Somaliland's International (Non) Recognition, op. cit. p.11.

³¹² Ibid.

³¹³ D. Yamamoto, *US Improving Relations with Somaliland*, op. cit.

³¹⁴ B. Farley, *Calling a State a State: Somaliland and International Recognition*, op. cit. p.811.

had taken the route that he suggested, it would have been likely that the issue could have been addressed soon. However, if the elections for a new AU Chairperson take place during the AU Summit, Meles said that the next chairperson is unlikely to be as positive towards Somaliland as Konare, which will only further delay any discussion of Somaliland.”³¹⁵

Another important factor is the fact that according to Meles Zenawi, Ethiopian Prime Minister, the political environment in the African Union was not still conducive for the recognition of Somaliland. Finally, the AU’s tough conditions set to the recognition of Somaliland were not either helpful and became the fifth factor which hindered the recognition of Somaliland.

In similar USA diplomatic cable, Alpha Omar Konara, the then AU chairman was quoted to have set conditions for the recognition of Somaliland:

“A/S Frazer said that she had raised the issue with AU Chairperson Alpha Oumar Konare, who seemed to be placing unrealistic conditions for addressing the Somaliland issue. The first was that Somaliland negotiate with the government in Mogadishu, either the TFG or its successor, regarding its independence, and the second was that there be a regional consensus on Somaliland’s status, neither of which are likely to happen or result in any clear decisions.”³¹⁶

³¹⁵D. Yamamoto, *US Improving Relations with Somaliland*, op. cit. Note that Tesfaye Taye, a senior Ethiopian diplomat, gave the same information in an interview even before accessing the secret diplomatic cable. This shows that information released by Wikileaks is genuine.

³¹⁶ Ibid.

4.3.3 IGAD and Non-Recognition of Somaliland

Inter-Governmental Authority on Desertification and drought (IGADD) was founded in 1986 to combat desertification and drought. A decade later, it was renamed as Inter-Governmental Authority on Development (IGAD) with additional mandate. IGAD member countries include Ethiopia, Kenya, Sudan, Djibouti, Uganda, Somalia, Eritria and possibly South Sudan. In addition to sharing similar concerns with the AU, IGAD's non-recognition of Somaliland can be attributed to the diverging and conflicting security, political, economic and cultural interests of its member countries which warded off IGAD's collective decision on the Somaliland independence. The position of IGAD with regards to the Somaliland statehood is yet unclear.

According to the IGAD secretariat in Djibouti, the IGAD member countries have not mandated it to deal with Somaliland and Somalia issue. "In my opinion, until IGAD, the secretariat, is mandated by the member states it is premature to talk about IGAD's position on Somaliland."³¹⁷ Most probably, they are waiting for a viable government to emerge in Mogadishu or Somalia that has the mandate to represent the interests of Somalia. The secretariat feels that it is not the right time for IGAD to engage in the Somalia and Somaliland issue because there are still many critical issues to be resolved in the South Somalia. Jhazbhay argues that "in any case, what Kenya, Ethiopia and Djibouti appear to hold in common is the necessity to maintain a stable stalemate between Somaliland and Somalia."³¹⁸

³¹⁷ Personal communication with A. Busuri, IGAD Secretariat, August 10, 2011.
³¹⁸ I, Jhazbhay, *Somaliland: Post-War Nation-Building and International Relations, 1991-2006*, (Johannesburg, University of the Witwatersrand, 2007), p.275.

However, individual IGAD member countries have their own bilateral engagements with both Somaliland and Somalia. They also pursue their own interests. Because of the diverging conflict of interests, the member countries had implemented conflicting policies and interventions in Somaliland and Somalia. Generally IGAD member states can be divided into two groups pursuing diverging and conflicting interests. Kenya and Ethiopia are more receptive to the independence of Somaliland as it is in line with their prime security interests. Djibouti, Eretria, Sudan, Somalia and Uganda oppose the Somaliland sovereignty. Lortan argues that:

“...reunited Somali state also constitutes a threat to Ethiopia as it brings with it the possibility of resurgence of Somali irredentism. From that point of view, Ethiopia shares a common concern with Kenya. Nairobi also fears that restoration of a central state in Somalia may revive Somali nationalism as the [former] northern frontier district of Kenya is populated by ethnic Somalis.”³¹⁹

³¹⁹ F. Lortan “Rebuilding the Somali State” in A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics* op. cit. p.168.

Both countries control two of the five Somali-inhabited territories which used to be claimed by former Somali regimes. According to them, the recognition of Somaliland will end Somali irredentism as the only two out of the five Somali territories which managed to unite after decolonization have finally fallen out. Hence, this led to the death of "Great Somalia" concept. Both Ethiopia and Kenya proposed the recognition of Somaliland. "Meles noted that he has already broached the notion of an interim- or semi-recognition, along the lines of what the Palestinian Authority enjoys..."³²⁰ Similarly, Kenya announced that it would recognize Somaliland. "Kenyan Assistant Minister for Foreign Affairs Richard Onyonka said during an event held in Nairobi to commemorate Somaliland's 20th anniversary of Independence that his country will support Somaliland as an independent state."³²¹ Weekly Special reports of the USA government documents that:

"Kenya does not want a strong neighbour that one day revives the Greater Somalia concept. For this reason it is probably quietly sympathetic with an independent Somaliland. But as long as it is trying to solve the larger issue of peace in Somalia, it must remain completely neutral."³²²

Then why Ethiopia and Kenya won't recognize the republic of Somaliland if they have a vested interest in it. Ethiopia does not want to be seen to have the intension to balkanize Somalia. "Meles suggested that Djibouti would be the best choice, and acknowledged that Ethiopia would be the worst (as the move risked only fueling detractors' arguments that Ethiopia is bent on breaking up Somalia)."³²³

³²⁰ Yamamoto D (2009) *Ethiopia Makes Case for Somaliland "Semi-Recognition"*, op. cit.

³²¹ Somaliland Press, *Somaliland: Kenya Opens the Door*, op. cit.

³²² Weekly Special Report, *The Horn of Africa: How does Somaliland Fit?*, in I. Jhazbhay, *Somaliland: Post-War Nation-Building and International Relations*, op. cit. p.275.

³²³ D. Yamamoto, *US Improving Relations with Somaliland*, op. cit.

Kenya also favours the independence of Somaliland but it is not yet ripe as internal division among the senior government officials exists. Outside pressure from Somalis and other countries contributed to delay of the Kenyan recognition. Ethiopia observes that there is a need for an active AU member state to facilitate the recognition of Somaliland within the AU. Quoting from Meles Zenawi, Ambassador Yamamoto observes that:

“Then, Somaliland needs a "good sponsor" within the African community to advance the cause. Meles suggested that Djibouti would be the best choice, and acknowledged that Ethiopia would be the worst (as the move risked only fueling detractors' arguments that Ethiopia is bent on breaking up Somalia).”³²⁴

³²⁴D. Yamamoto, *Ethiopia Makes Case for Somaliland "Semi-Recognition"*, op. cit.

Because of the relationship between SNM and SPLM during their struggle against Somalia and Sudan governments respectively as both movements had offices in Addis-Ababa, the new republic of South Sudan can be grouped under this group favouring the recognition of Somaliland. During his visit to South Sudan on the occasion of its independence on 9th July 2011, Somaliland President was honoured with an official state visit and Somaliland's flag among other flags hoisted during the celebration of the independence of South Sudan. The Republic of South Sudan because of its distance from Somaliland may not have a prime interest to pursue in Somaliland. However, because of the long years of struggle for liberation, Republic of South Sudan understands the challenges and constraints as well as the rights of the oppressed, marginalized and excluded people like the people of Somaliland. Hence it may be sympathetic to the Somaliland cause.

The second group of IGAD member countries which oppose the independence of Somaliland assume that the recognition of Somaliland will seriously affect their various national interests. Eritrea, Djibouti, and Somalia are strongly against the independence of Somaliland. Eritrea pursues proxy war with Ethiopia. So Ethiopia's friend is the enemy of Eritrea. "For example, during the war with Ethiopia, Eritrea attempted to revive the anti-independence opposition in Somaliland in order to stop Ethiopia from using Somaliland's port of Berbera."³²⁵

³²⁵ Africa Confidential (1999) "Horn of Africa: Regional Collisions," in A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*. op. cit. p.169.

Eritrea would also like to see and build an alliance with a strong and united Somali country that would challenge or destabilize Ethiopia. Somaliland's friendship with Ethiopia is also viewed as a potential threat to Eritrean economic interests as the land-locked Ethiopia may use the port of Berbera in Somaliland in the long-run as the main avenue for its import and exports. Building Ethio-Somaliland infrastructure such as Berbera corridor will lead to the Ethiopia's minimum use of Eritrean ports even the relationship between the two improves in the long run.

Somalia views that the Somaliland independence will weaken the Somali unity and the search for all other Somali territories. Internally, Somali politicians from the South Somalia who have been interviewed claimed that without Somaliland, Somalia would not be able to solve its problems owing to the antagonistic and belligerent clans mainly Hawiye and Darod. Therefore, they view that the Somalilanders particularly Isaqs have the potential to neutralize and stabilize the system.

Djibouti, a small country neighbouring Somaliland in the northwest economically depends on the revenue generated from duties of its port. It fears a fierce competition from the Somaliland's strategic port of Berbera if it is recognized. "If Somaliland were to become a sovereign independent state, its port of Berbera on the Gulf of Aden, which is in competition with Djibouti and Puntland's Bosaso, would become progressively more competitive."³²⁶ "It is therefore not in the interest of either Djibouti or Puntland to make Somaliland's transition into full statehood a smooth one."³²⁷ Heliaras observes that "... it is that Djibouti regards Somaliland de-facto independence with particular scepticism and clearly dismisses any possibility for de jure recognition."³²⁸ Guled, the president of Djibouti even expressed the most negative, abusive and undiplomatic words in a confidential US diplomatic cable when his views about the independence of Somaliland were asked by Jendai Frazer, the then US Assistant Secretary of State. Below is an extract of the diplomatic cable was released by Wikileaks contains the president's position on Somaliland:

"9. (C) In response to A/S Frazer's inquiry about his views on the status of Somaliland, Guelleh said Somalia should be reunited under an administration that takes into account the distance between Mogadishu and Hargeysa. He expressed the view that the majority in Somaliland know there is no alternative to a united Somalia and that the international community will not accept separation. Somalia is, he said, "one language, one culture, and one tradition" that cannot be separated. Yet, the new administration should give a voice to Somaliland, which Guelleh characterized as a one-clan state that lives in peace and receives money from its diaspora.[highlights added]"³²⁹

³²⁶ J. Wells, Cabinda and Somaliland-A Comparative Study for Statehood and Independence, op. cit. pp. 4

³²⁷ Drysdale J. (2000) Stoics Without Pillows: A Way Forward for Somaliland, In J. Wells, Cabinda and Somaliland-A Comparative Study for Statehood and Independence, op. cit.

³²⁸ A. Huliaras, *Viability of Somaliland: Internal Constraints and Regional Geopolitics*. Op. cit. p.169.

³²⁹ M. Ragsdale, GUELLEH AND A/S FRAZER DISCUSS SOMALIA, op. cit.

The analysis of Guled's negative views clearly indicates that Djibouti will unlikely change its position towards Somaliland sovereignty and will never recognize in the foreseeable future. Honouring state official visit to the Presidents of Somaliland can be interpreted as a ploy to deceive Somaliland's public opinion.

Although Uganda, North Sudan can also be grouped under the anti-Somaliland group, their negative positions can be softened as their national interests are not at stake if Somaliland is recognized. Uganda could be neutral to the issue of Somaliland as there is no avowed interest that it can lose or gain with or without the recognition of Somaliland. The only interest could be the benefit it generates from the presence of its forces in Somalia in the form of salaries and death compensation of its forces as well as other military and financial support it receives from the USA. Uganda claims that it is supporting a fellow African country to bring back law and order to its state. When asked why it is in the best interest of Uganda to support united Somalia, Kalyango, first secretary of the Ugandan embassy in Nairobi replies:

“I don't know anything about Somaliland. But we support united Somalia. I don't know the reason why we support united Somalia. But I think because Somalia used to be united, may be this is how it should be, as it was like that before.”³³⁰

It can be argued that Uganda did not analyse the impact that united Somalia would have on the region in general and East African Community (EAC) in particular. The issue of terrorism that Uganda claims to be fighting against, could be only seen as American project as Uganda had not faced any terrorist attack before it sent its forces to Somalia as part of AMISOM peace keeping operation.

³³⁰Interview with Kalyango Andrew, Nairobi on 6 July 2011.

Whatever benefits Uganda generates from the presence of its forces in Somalia, it is unlikely that the recognition of Somaliland will disrupt such benefits. It is mainly lack of interest on part of Somaliland to effectively interact with Uganda and the TFG's good relationship with Uganda that keeps Uganda in its negative position to Somaliland. Uganda could be easily influenced if approached rightly. It also goes back to Somaliland's lack of foreign policy and lack of focus on the key international actors. It remains to be seen if Uganda can change its position towards the independence and the Sovereignty of Somaliland.

Likewise, Sudan's main concern is no longer valid. Sudan was concerned that the recognition of Somaliland would lead to the independence of South Sudan. Sudan and the Arab countries were concerned that the recognition of Somaliland would lead to the secession of South Sudan from the North. But already South Sudan is independent and North Sudan recognized it. It is really unknown what the position of North Sudan will be as the Sudanese embassy in Nairobi has declined to be interviewed. Sudan and Egypt were the two countries which rejected any proposal by the AU to discuss the issue of Somaliland. Mutairi describes that:

“AU invited Somaliland as observer in one of its recent annual conferences, however, it was cancelled after Egypt and Sudan conditioned their presence on extradition of Somaliland. AU excused Somaliland to bring the big boys on the table instead of unknown one – this is the AU's justice and policies.”³³¹

However, it seems that North Sudan can be influenced by Somaliland if approached rightly because some senior officials who had hailed from Somaliland held senior positions in the North Sudan. This together with those who studied at the universities of North Sudan and Sudanese Somaliland communities can facilitate such diplomatic relations and can at least soften the North Sudan's negative position against Somaliland.

³³¹ A. Al-Mutairi, *Somali Region Has no Interest in Unification*, (Hargeisa, Somaliland Times, 2011), p.2.

Somaliland should try to win the support of at least four of the IGAD member countries to be a member of IGAD itself. The possibility of joining this club is likely because of several reasons. First, Somaliland has already got the support of at least three member countries. Secondly, Eritria a key opponent to the Somaliland's independence has already suspended its IGAD membership. Thirdly, if adequate attention is given to Uganda and Sudan, their position can be softened. Fourth, Kenya, Ethiopia and South Sudan which have good relations with Uganda can also influence it to accept Somaliland to be an IGAD member. All of these require critical analysis and diplomatic strategy as well as serious commitment on the part of Somaliland.

In conclusion, diverging and contradicting political, economic, security and cultural interests among the IGAD member countries with regards to the independence of Somaliland have contributed to IGAD's non-recognition of Somaliland. The two groups of IGAD member countries with contradictory political interests in Somaliland and Somalia failed to have a consensus or a common position on the sovereignty and independence of Somaliland.

4.3.4 Other International actors and Non-recognition

Although United State of America has improved its relations with Somaliland and developed favourable dual track policy, it does not want to be the first to recognize Somaliland. However, according diplomatic cable, USA will not be opposed to the recognition of Somaliland if that is to happen with AU. Pham describes that:

“United States does not want to be blamed for opening up a veritable Pandora's Box by backing a secessionist attempt to redraw the colonial era-

boundaries in Africa which could cause a ripple effect across the continent; better to let the African Union make that call."³³²

Most European countries especially Scandinavian countries are also receptive to the independence of Somaliland but still continue to observe the 'wait and see attitude' although they are actively engaged with Somaliland on certain areas such as the fight against piracy, terrorism and democracy. They support Somaliland democratic transition. UK has developed the best relations with Somaliland. It has also developed twin policy and doubled Somaliland development aid for the coming three years with a total of eighty million. The FCO of the UK particularly African Directorate is concerned that recognition of Somaliland will have a negative impact on Somalia. Susman describes that:

"The Africa Directorate pushed back aggressively, saying that recognition of Somaliland had the potential to de-stabilize the TFG and to unravel the Djibouti Agreement because of the strong nationalistic sentiments among the clans and movements in south Somalia."³³³

The Arab league also does not want a member country to be divided in general. Secondly, the Arab was initially concerned that recognition of Somaliland would lead to the secession of South Sudan from the North Sudan. The league was also concerned with the recognition of Somaliland will pave the way for Israeli military base in Berbera. The Nile politics also contribute to the Arab league's negative position towards the independence of Somaliland. Egypt demands heavily on the Nile water. Therefore, its interest lies in ensuring a strong and united Somalia that can leverage Ethiopia in order to ensure full and uninterrupted flow of Nile water to Egypt.

Shin observes that:

³³² Pham P (2007) Somaliland: On the Road to Independent Statehood? op. cit.

³³³ L. Susman, Behind the Scene UK Support to Somaliland, op. cit.

“Eighty six per cent of the water reaching the Aswan Dam in Egypt emanates from Ethiopia. The Nile River is of course, Egypt’s lifeline and the leadership in Cairo wants to maintain maximum leverage over Ethiopia. A unified Somalia that might one day reassert its claims to Somali- inhabited areas of Ethiopia and has close links to Egypt would add to this leverage.”³³⁴

The relationship between Somaliland and China seems to be improving. The recent tripartite agreement among Somaliland, Ethiopia and China on Berbera Corridor and the proposed gas pipelines going through Somaliland and gas exports through Berbera are good indicators of the improving relationship with China.

The United Nations’ relationship with Somaliland has recently improved. For the first time in history, Somaliland officials met the UN Security Council in Nairobi in May 2011 and second time in New York according to Hawlwadaag news agency’s interview with Somaliland’s Foreign Minister. The UN seems to have accepted that Somaliland would negotiate with Somalia once Somali’s crisis is resolved and should not therefore participate in the Somali reconciliation processes. The UN has not invited Somaliland to participate in the UN-sponsored conference that has recently taken place in Mogadishu.

³³⁴ D. Shin, *The Little Country that Could*, op. cit. p.4.

4.3.5 Conclusion

The critical analysis of the legal, external and internal factors hindering the recognition of Somaliland revealed that most of the legal factors if objectively assessed are not really applicable to the case of Somaliland. The international community has accepted the legality of the union of Somaliland and Somalia at faith value and has never questioned the complete legality of the union. Critically analysed, one can conclude that at least there was either no complete legality of the union or the union itself was completely unlawful. Hence, the protection of territorial integrity and sovereignty of the dissolved SDR has no legal basis and does not concern Somaliland and but concerns only the Italian territory of Somalia. Similarly, the principle of uti-possidetis was wrongly applied to Somaliland because Somaliland had more than century old international boundaries delineated during the colonial period in three international agreements. It does not intend to alter the same international boundaries.

Finally, the insistence of the international community that Somaliland must negotiate with Somalia to apply secession from the parent state has no legal foundation for two reasons. First, the initial merger between two states was unlawful. Secondly, Somaliland and Somalia were two independent countries which united unlike South Sudan and Eretria which were separate colonial entities. Therefore, we can conclude that international community's legal concerns about the independence of Somaliland, if objectively and impartially viewed are baseless.

However, apart from the legal factors, the analysis of the internal and external factors discloses that both factors contributed to non-recognition of Somaliland. The ineffectiveness of TFG has delayed the recognition of Somaliland because the international community has adopted a wait and see attitude until effective government emerges in Somalia. The diverging conflict of interests among the IGAD, African Union and some extent European countries have prevented these countries and organizations from making a collective decision on the status of Somaliland.

The concern that the recognition of Somaliland will lead to ethnic conflict but only among Somalis but also elsewhere in the content is an assumption but not reality on the ground. Somalis are one-ethnic group and the most homogenous community in Africa and hence no ethnic conflict. Lack of super powers' interest in Somaliland is the single most important factor which contributed to the non-recognition of Somaliland. Internally, Somaliland's lack of competent leadership, lack of foreign policy and diplomatic strategy, inadequate advocacy capacity, financial and human resource constraints as well as ineffective participation of the Diaspora in the advocacy of the recognition of Somaliland negatively contributed to the non-recognition of Somaliland.

CHAPTER FIVE

CONCLUSIONS

5.1 Summary

By the end of the 19th century and during European scramble for Africa, the Somali territories in the Horn of Africa have been partitioned into five namely; British Somaliland Protectorate, Italian and UN trusteeship of Somalia, French Somaliland (Djibouti), Ogaden (region 5 in Ethiopia) and Northern Front District (NFD present-day North-eastern Kenya). Since partition, Somalis have struggled to unite the homeland. Only two of the five Somali territories (British Somaliland Protectorate and Italian Somaliland) have managed to unite after decolonization in 1960s.

The process of the unification was hasty and this caused a serious alienation. The British Somaliland Protectorate unconditionally united with the Italian and Trusteeship of Somalia without legal foundation and equitable distribution of power and national resources. This led to its domination by the Southern Somalia. The South Somalia retained the capital city, national port, and obtained two thirds of the parliamentary seats as well as most of unitary cabinet including the president and the prime minister. Despite the northern dissatisfaction with south-dominated government, unity existed without major challenges. However, the 1969 coup which led Siad Barre to come to power was a turning point for the Somali crisis. Although the first decade of the military revolution was positively reviewed due to the dissatisfaction of the clan-based and corrupted civilian rule, the Ethio-Somali war exacerbated the already precarious situations. Barre's leadership was openly criticised after the Somalia's defeat in Ogaden. The Ethio-Somali war consequently resulted in the formation of armed opposition forces. The military regime responded with retaliatory measures against civilian population viewed as sympathizers to opposition groups. The military regime

perpetrated egregious human rights violations in the north (Somaliland) including murder, torture, and crimes against humanity. According to some commentators, such crimes in Somaliland were equal to ethnic cleansing or bordered genocide. However, the allied opposition forces finally overthrew Barre. The removal of Barre's regime from power did not lead to a better situation but worsened the situation in Somalia. Somaliland also declared its independence on 18th May 1991 and gradually embarked on state building and democratization. Despite unprecedented achievement in peace building, stability and security, rule of law and law and order as well as repeated calls for international recognition, the new republic of Somaliland was not internationally recognized as an independent state.

5.2 Findings

What factors hindered the recognition of Somaliland? A combination of factors is responsible for the lack of recognition of Somaliland. These factors are divided into three categories namely legal, external and internal factors. Five factors come under Legal factors which contributed to the lack of recognition. The first one is the limited or lack of understanding on the part of the international community that the SDR consisted of two independent countries which illegally united after decolonization. Because of the recognition of Somali Democratic Republic, as a single state by other states, Somaliland was grouped under the secessionist regimes where it did not fit well. So the argument based on its brief period of sovereignty and independence in 1960 and illegality of the union seems to have been rejected by the international community. As a result, Somaliland has paid a high price for its secession. Secondly, because of the rejection of Somaliland argument, the law of secession was applied to Somaliland which also is not applicable as such. The principal of *uti-possidetis* enshrined in the AU charter became one of the legal factors hindering the recognition of Somaliland as the international community understood the case of Somaliland as an act of secession instead of act of withdrawal from the failed union. In fact, the application of this principle to the case

of Somaliland works in the opposite direction and benefits Somaliland (provided political will from the big powers) as Somaliland had more than century old international colonial boundaries and changing those colonial boundaries would contradict the principle of *uti possidetis*.

Thirdly, the other legal factor is the wrong application of the principle of territorial integrity and sovereignty of SDR. The international community argues that it protects the territorial integrity of the dissolved SDR which they don't know or ignore where it came from. The dissolved SDR consisted of two independent states which unlawfully and voluntarily united and separated. The recognition of Somaliland will not impact the territorial integrity of Italian Somalia which was one party of the dissolved SDR.

The fourth factor is that the Republic of Somaliland is expected to follow the legal process and procedure of secession as per the domestic law. This is also called bilateral secession where the two concerned parties negotiate the secession. It is the same process and procedure that Eritrea and South Sudan. Finally, the deficiency of the law of secession of the international law in the context of failed states is another legal factor which hindered the recognition of Somaliland. The law of self-determination of the international law, from which the law of secession is derived, is deficient. The international community has a reservation to apply the law of secession in the context of state failure.

The other external factors which hindered the recognition of Somaliland are numerous. Lack of the political interest on the part of the super powers is the main one. Unlike South Sudan, Somaliland does not produce oil or any other lucrative commodity. Most of the African countries are multi-ethnic and have shaky governments. Hence the AU views that the recognition of Somaliland will set a dangerous precedent for the continent.

They believe that the recognition will encourage other separatist movements in the continent and that ethnic conflict will result in.

Western countries think that recognition of Somaliland will annoy many countries in the region and destabilize the TFG. They relegate the matter to the AU. They don't want to be criticized for opening what they called the Pandora 's Box as there is no prime interest or big deal to be made from the recognition of Somaliland. Diverging conflict of interests among the world and African super powers are among the factors seen as an obstacle to the recognition of Somaliland. Some of the African and IGAD countries such as Djibouti, Eritria, Sudan and Egypt, Saudi Arabia, Italy assume that recognition of Somaliland will threaten their prime interests in Somalia or the Horn of Africa. Others such as Kenya, Ethiopia assume that they will benefit from the independence of Somaliland as that will end the Somali irredentist policy. Such diverging interests have prevented the sovereignty of Somaliland to be discussed in the regional and continental forums.

The failure of Somali state followed by ineffectual TNG and TFG which failed to bring law and order back to Somalia for twenty years could be counted as the biggest factor hindering the recognition of Somaliland. As a result of the ineffectiveness of Somalia, the international community has developed "wait and see attitude" until effective government is fully established in Somalia which has the mandate and legitimacy to negotiate either unity or the sovereignty of Somaliland. The contemporary international system which does not encourage the creation of new independent states is the final external factor contributing to the non-recognition of Somaliland.

There are also several internal capacity factors which contributed to the non-recognition of Somaliland. The Somaliland's attitude and approach to recognition which totally distanced itself from Somalia as if Somalia has nothing to do with the recognition of Somaliland. Although Somaliland has a strong legal case, the contemporary African and international political systems call for bilateral secession where the two concerned parties negotiate and agree on a course of action. The chaotic situation and lack of Somaliland's support in resolving the crisis in Somalia further delayed the recognition of Somaliland. Somaliland's lack of foreign policy and diplomatic strategy can be seen the second factor which hindered the recognition of Somaliland as it lost the direction in pursuit of recognition.

MOFAIC lacked basic elements of advocacy and lobby strategy. Most of the staff who worked at MOFAIC and overseas missions including the leadership had little or no background knowledge, skills and experiences in diplomacy, politics or international relations notwithstanding their paucity. This is further complicated by low commitment and self-interests rather than national interests pursued by MOFAIC employees and Somaliland successive leadership. Lack of adequate financial commitment, and limited understanding of regional and international organization as well as limited role of Somaliland Diaspora contributed to the non-recognition of Somaliland.

5.3 Recommendations

Based on the findings of the study, it is recommended that the Somaliland administration:

- Develops a coherent and well-articulated foreign policy and diplomatic strategy in order to win international de-jure recognition;

- Considers changing its attitude and approach to recognition which totally distanced itself from Somalia. Adequate attention should be given to Somalia and IGAD countries and African Union. The invisible hand in Somalia can always be useful. It should prioritize how to start negotiation with Somalia and should wait until Somalia stabilizes which no one knows when it will occur;
- Builds its capacity to advocate and lobby for the recognition of Somaliland and should employ experienced, skilled and nationalistic diplomats and other necessary professionals etc;
- Adequately funds the overseas missions and other lobby groups;
- Uses other channels to influence Uganda and Sudan to allow Somaliland to join IGAD;
- Advocated, lobbies and influences key individuals in the UK and USA who are against the recognition of Somaliland. It should listen to the big bosses and follow their advice;
- Seeks membership in the AU, through the peace and security department and common wealth, EAC;
- Finalizes the process of full integration of eastern Sanaag and Sool region into Somaliland;
- Should not refrain from influencing the key opponents, be it countries or individuals and understand why they are against Somaliland.

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List of interviewees:

1. Amal Osman Ahmed- SONYO,
2. Mubarak Abdirahman-SONYO
3. Hamse Mohamed Ibrahim- SONYO
4. Shab'an SalebanEgeh- Sonyo
5. Edna Adan Ismail, Former foreign Minister of Somaliland
6. Musa BihiAbdi, Chairman of Kulmiye Party
7. Abdallahi Haji Ali, former TFG parliamentarian
8. Abdiqadir Mohamoud Dhaqane, former TFG parliamentarian
9. Mohamed Warsame Kimiko, former President of Galmudug State and Somali ambassador to UN and USA
10. Kayse Ali Jama, Business Hargiesa,
11. Tafaye Taye, Consular, Ethiopian embassy in Hargeisa,
12. Kalyago Andrew, First Secretary of Ugandan Embassy in Nairobi,
13. Dr. Ahmed Sh. Muhumed Aden, political officer in charge of Arab World, Ministry of Foreign Affairs , Somaliland
14. Halimo Haji Mohamed, NAGAAD, BOD
15. Shukri Ali Riyale, NEGAAD, BOD
16. Muhumed Mo'alim, Businessman, Hargiesa,
17. Mulki Mohamed Hassan, Somali Diaspora in the US
18. Abdirakarim Ahmed Hersi, politician, Djiobouti