

# De Facto Statehood?

## The Strange Case of Somaliland

BY ALEXIS ARIEFF

### Statehood and Sovereignty

A self-declared state that rose from the ashes of Somalia seventeen years ago, Somaliland has established a functioning government, held a series of ostensibly national elections, recruited and trained a uniformed military, and built strong relationships with regional governments and international bodies. These developments have led some American officials to re-evaluate their stance toward Somaliland against a backdrop of worsening security in southern Somalia and the prerogatives of defense cooperation in the Horn of Africa. Consequently, it is crucial to assess Somaliland's international status and diplomatic ties in the context of evolving international standards of statehood and the shifting geopolitical terrain of the United States' "War on Terror."

Somaliland presents a stark illustration of the mismatch between internationally recognized sovereignty and what might be called "stateness"<sup>1</sup> meaning de facto ability of a governing authority to exert control over its territory internally and protect it against external threats. Nowhere is this disconnect more evident than in sub-Saharan Africa, a region where state boundaries have remained largely untouched since decolonization. Nevertheless, governments remain unable, in most cases, to enforce territorial control, as the proliferation of non-state armed groups challenging the state's monopoly on violence attests.<sup>2</sup> In part, this phenomenon can be traced to the Cold War, a time when Africa fit into the superpowers' "strategic contest" insofar as individual African states professed an "actual or potential allegiance to one side or the other in the great game of global domination."<sup>3</sup> In this "zero-sum bipolar territorial game,"<sup>4</sup> it served no one's interests to point out how little power many governments held over their own people. As Brennan M.

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Kraxberger has written:

Indeed, it was during the Cold War that the United Nations intensified the promotion of territorial conservatism and the Organization of African Unity worked to defend the inviolability of inherited colonial boundaries in Africa... In previous historical periods, failing states would have disappeared or been swallowed by a more powerful neighbor.<sup>5</sup>

The preservation of territorial integrity is a broadly accepted tenet of international law, known as the principle of *uti possidetis juris*. This concept underlies the UN Charter<sup>6</sup> and has been particularly important in post-colonial African politics, forming the basis of the 1964 Cairo Declaration (a key document of the Organization of African Unity)<sup>7</sup> and the Constitutive Act of the African Union, which replaced the OAU in 2001.<sup>8</sup> While there have been some precedents for the recognition of breakaway African states, notably Western Sahara<sup>9</sup> and Eritrea,<sup>10</sup> in practice, recognition in Africa, as elsewhere, has flowed from geo-strategic considerations rather than legal reasoning.<sup>11</sup> This has placed Somaliland in a state of international limbo, while preserving the fiction of greater Somalia's "statehood."

### **Somaliland: An Introduction**

On May 18, 1991, amid the disintegration of Somalia's central government, leaders of the Somali National Movement (SNM) – a rebel army that had fought the Somali government for nearly a decade – and a group of northern traditional clan "elders" gathered in the northwestern Somali town of Burao<sup>12</sup> and declared the independence of the Republic of Somaliland. Mohamed Siad Barre, who had ruled Somalia since taking power in a 1969 military coup, had fled the capital, Mogadishu, months earlier, leaving behind chaos as rival clan-based militia battled for control over the southern half of the country.<sup>13</sup>

Throughout the 1990s, as a viable Somali national political order failed to emerge, a number of territories within Somalia's borders declared themselves independent or autonomous political units. This balkanization along clan lines by competing warlords resulted in the establishment of precarious administrations such as Puntland (incorporating five smaller regions in northeast Somalia, and encompassing areas dominated by the Darood and Harti clan families), Jubbaland (the region around Kismayo port, south of Mogadishu), Benadirland (around Mogadishu), and Hiranland (in central Somalia).<sup>14</sup> Only Somaliland, in Somalia's northeast, has endured as a self-proclaimed independent country. Since its inception, Somaliland has established

a relatively high degree of internal order and stability, and has successfully restructured its political institutions along democratic lines. Unlike the rulers of other self-described polities, Somaliland's leaders have refused to participate in a succession of internationally-backed mediation efforts aimed at instilling a durable political system in Somalia and reconstructing a central government.<sup>15</sup> The most recent iteration of these efforts culminated in 2004 with the formation of the Transitional Federal Government (TFG), a coalition which remains the internationally recognized government of Somalia despite having little claim to territorial sovereignty.<sup>16</sup>

Nearly seventeen years after its declaration of independence, Somaliland fulfills the broad criteria of statehood under the Montevideo Convention on the Rights and Duties of States, defined by the following parameters: a permanent population; a defined territory; a government; and the capacity

to enter into relations with other states.<sup>17</sup>

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The population of Somaliland is estimated at over three million permanent inhabitants.<sup>18</sup> Somaliland's territorial boundaries conform to those received at independence from Great Britain in 1960, and its government is both functional and effectively in control of most of the territory to which it lays claim. The administration in Somaliland's "capital," Hargeisa, is widely acknowledged both domestically

and internationally, with no significant rival factions challenging its claim to be the voice of Somaliland's population; elected and appointed officials fill positions including the Ministries of Foreign Affairs, Interior, and Finance.<sup>19</sup> The Somaliland government engages in an array of relations with states and intergovernmental organizations, with which it has entered into cooperative agreements regarding aid, elections monitoring, security and counter-terrorism, trade, and immigration.

However, no country has officially recognized Somaliland as a state, despite an active and ongoing campaign by the Somaliland authorities.<sup>20</sup> The recognition of new states is governed not solely by international law, but by a "complex calculus of factors that include... the self-interest of other states, politics, personality, and strategic considerations – including the management or prevention of conflict."<sup>21</sup> As one scholar has indicated, at stake in Somaliland is not just government recognition (i.e., the recognition by other states that the Somaliland government is a legitimate authority and can make credible commitments on behalf of its population), but also, and more fun-

damentally, state recognition, as the international community continues to insist that Somalia (encompassing Somaliland's territory) persists as a state despite the dissolution of all functional mechanisms of its government.<sup>22</sup> This lack of recognition is more than a formality: Somaliland stands as proof that beyond a mere acknowledgment of facts on the ground, recognition by other states is an "additional, and usually decisive, criterion of statehood."<sup>23</sup>

Without international recognition, Somaliland's government<sup>24</sup> cannot benefit from bilateral aid or receive loans from the International Monetary Fund or World Bank. Somaliland cannot become a party to international treaties. Furthermore, the area's formal classification as part of Somalia has handicapped economic development and trade, as foreign investors are reluctant to become involved in a territory ostensibly located within a "failed state" and war-zone. With no functioning central authority in Mogadishu, investors have little legal recourse under international law, nor are they able to obtain business insurance at rates reflecting Somaliland's relative stability and safety.<sup>25</sup> Somaliland's economy and government revenues depend in large part on livestock exports; however, government-issued veterinary certificates are not internationally recognized.<sup>26</sup> Somaliland's Central Bank cannot issue letters of credit, and while Somaliland has had its own currency since 1994, it is not accepted outside of the country, and even most large transactions within the country are conducted in US dollars.<sup>27</sup> Somalilanders living abroad find themselves in the same administrative void that applies to all single-nationality Somalis: most countries recognize only Somali passports issued before 1991 by the former government, despite the fact that their validity has since expired. Members of the Somali diaspora who are not naturalized citizens of another country or traveling with UN High Commissioner for Refugees (UNHCR) documents are thus in an illegal situation without the possibility of regularization.<sup>28</sup> Not a single country officially recognizes Somaliland government-issued passports (though at least two have tacitly agreed to do so).<sup>29</sup>

Nevertheless, Somaliland's authorities are expected to shoulder some of the international burdens of statehood, notably by cooperating with international efforts to repatriate Somali refugees. The UNHCR has supervised the return of over 200,000 refugees from Ethiopia and Djibouti,<sup>30</sup> and European countries including the United Kingdom, the Netherlands, Sweden, and Denmark have denied asylum to, and repatriated, Somalilanders on the grounds that their "homeland" is safe – all the while refusing to recognize a distinction between Somaliland and Somalia.<sup>31</sup>

Somaliland's claims to statehood, as put forward by its international repre-

sentatives, and in a 2001 government-issued “policy document” titled “Somaliland: Demand for International Recognition,”<sup>32</sup> rest on the principle of self-determination; Somaliland’s colonial history; local grievances linked to past repression by central Somali authorities, in particular during the regime of Siad Barre; the government’s ability to establish and enforce its territorial sovereignty; and its claim to majority support, good governance and a democratic polity. Given the discretion involved in international recognition, Somaliland’s relations with interstate organizations (in particular the African Union, the United Nations, and the Arab League, of which Somalia is a member), other countries in the region, Europe, and the United States, are particularly significant in evaluating its international status.

Somali society is based on kinship ties reflecting membership in clans genealogically traced to Arab ancestors. Within Somaliland’s territory, the largest clan is the Isaaq.<sup>33</sup> Competition between clans and sub-clans determined the distribution of political power in pre-colonial Somalia at any given moment.<sup>34</sup> Seeking to describe Somalia’s clan-based “coalitions of convenience” as units of political power, the scholar Martin Doornbos has written that Somalia constitutes a “political arena” rather than a nation per se (rebutting the assertion that Somalia is a “nation in search of a state”)<sup>35</sup>, in which “actors in pursuit of their specific interests will continuously keep an eye on the strategies of their opponents.”<sup>36</sup>

In 1886, Great Britain established a protectorate in northern Somalia, installing a system of indirect rule.<sup>37</sup> By 1900, France had claimed French Somaliland (current-day Djibouti) and Italy had established a colony in the South, while Ethiopia expanded eastwards to assert sovereignty over the ethnically Somali Ogaden region. Italy established a colony in southern Somalia, with direct administration, Italian settlers, and, from the 1930s, elements of fascism. Britain’s colony in Kenya, meanwhile, claimed ethnic Somali areas in the north (today’s Northern Frontier District of Kenya, or NFD).

Early Somali nationalism emerged in the twentieth century in opposition to colonial rule and “partition.” Pan-Somalism, which seeks to unite ethnic Somali populations throughout the Horn of Africa—including those in eastern Ethiopia and northern Kenya—under a single Somali state, rose to the forefront of political associations in North and South in the lead-up to independence, particularly given shared outrage over the 1954 Anglo-Ethiopian Treaty, which permitted Britain to cede parts of its Somali territory to Ethiopia.<sup>38</sup> British Somaliland became independent on June 26, 1960, while Italian Somalia became independent a day later. Thirty-five states recognized Somaliland’s independence, including the United States, and its notification

was registered at the United Nations.<sup>39</sup> On July 1, 1960, the two newly independent states merged to form the Somali Republic.

Unification was well received internationally, as the Somali Republic was seen as a likely prospect for political stability as the only post-colonial state in Africa with an ostensibly “homogenous” population, ethnically, linguistically, and religiously.<sup>40</sup> However, this apparent homogeneity masked deep institutional and historical divisions, while the process of unification was itself hastily and sloppily performed.<sup>41</sup> Signs of Southern political and economic dominance in the newly formed state emerged early on, as the Act of Union mandated a unitary, centralized state, not the federal system preferred by Somaliland leaders.<sup>42</sup> Centralization continued under the autocratic regime of Mohamed Siad Barre, Somalia’s leader from 1969 to 1991, who pursued a militaristic and aggressive form of pan-Somalism, seeking to unite all Somalis by force into a Greater Somalia. However, with his popularity and economy in tatters after Somalia’s devastating defeat by Ethiopia in the 1977-78 Ogaden War, Barre’s rhetoric of abolishing clan alignment gave way to the promotion of members of his own Darood clan. This was combined with state-orchestrated discrimination against members of the Isaaq clan, the largest clan in the North.<sup>43</sup>

In the early 1980s, a group of exiled Northern Isaaq businessmen, religious leaders, intellectuals, and former army officers founded the Somali National Movement (SNM), whose main objective was to overthrow the Barre regime.<sup>44</sup> The organization did not initially define itself as secessionist; its members saw Somalia’s unity as paramount, but fought for the establishment of a federalist state.<sup>45</sup> The Somali government responded to sporadic SNM attacks with reprisals against civilians—in particular Isaaq clan members—including “extra-judicial executions, disappearances, arbitrary arrest and detention, torture and harassment.”<sup>46</sup> In May 1988, the SNM launched a coordinated military campaign from neighboring Ethiopia. The resulting civil war was characterized by massive abuses of the northern civilian population by government troops.<sup>47</sup>

Despite the government’s scorched-earth campaign, the SNM managed to defeat government troops in the north, capturing Hargeisa and Burao. The weakened central administration in the South attracted the attention of proliferating Somali armed groups, some of which advanced towards Mogadishu.<sup>48</sup> Siad Barre fled the city in January 1991 as troops led by General Muhammed Farrah Aidid closed in, and the central government collapsed.<sup>49</sup> Aidid’s United Somali Congress (USC) captured the capital and one of its factions unilaterally formed a government, installing Ali Mahdi Muhammad

as “interim president.”<sup>50</sup> By this time, the SNM had established control over most of the territory within the borders of former British Somaliland.

### **“Independence”: 1991-Present**

At a meeting in May 1991 styled after a traditional clan conference, SNM leaders and northern clan elders declared Somaliland’s independence, repealing the 1960 Act of Union and declaring that independence was not an act of secession but rather a “voluntary dissolution” of a union of two sovereign states.<sup>51</sup> The first six years following the declaration of independence, however, were tumultuous and marked by inter-clan strife. Conflict between pro-Hargeisa militia and armed groups opposing the government’s efforts to extend its control throughout the entire territory began as early as 1992.<sup>52</sup>

A series of conferences organized in the mid-1990s by northern clans forged a consensus on peace, as well as agreements on political institutions and power-sharing. In 1993, clan delegates elected respected politician and former Prime Minister Mohamed Ibrahim Egal to be Somaliland’s president. They also established a political institution, modeled after the British House of Lords, that continues to play a central role Somaliland’s government today: an upper house of parliament, known as the Guurti, comprising traditional “elders” whose opinion and influence carry great weight in Somali society.<sup>53</sup> Egal’s charisma and political experience allowed him to mobilize different clans in support of the government, which “gave rise to a new national identity and unity.”<sup>54</sup>

On May 31, 2001, a draft constitution with a Preamble and articles explicitly reaffirming Somaliland’s independence was approved by ninety-seven percent of ballots cast in a “national” referendum, according to official results.<sup>55</sup> While complete figures reflecting domestic support for Somaliland’s statehood are impossible to obtain—official statistics on the results of the constitutional referendum do not reflect the rate of voter abstention, while several border provinces were unable to participate in the referendum due to “security concerns”—many observers have concluded that the 2001 referendum’s results nonetheless reflect majority support for independence.<sup>56</sup>

The constitution mandates a multi-party, democratic system of government with a strong president and a parliamentary legislature. It created a lower house of representatives chosen by direct election, while retaining the Guurti as an upper house with power to pass legislation and assist the government on matters related to religion, security, defense, tradition, culture, the economy, and society.<sup>57</sup> These institutions have served Somaliland well, installing a

stable and fairly representative system of government. When President Egal died of an illness while on official visit to South Africa in May 2002, power was passed on to his Vice President, Dahir Rayale Kahin (a member of a non-Isaaq minority clan), for the remainder of his term, in accordance with constitutional mechanisms.<sup>58</sup> Multiparty district council elections (2002), a presidential election (2003),<sup>59</sup> and parliamentary elections (2005) have been held in a peaceful manner, supervised by a domestic election council and with no violent contestation of the results; in 2005, the opposition won control of parliament.<sup>60</sup>

Despite some democratic shortcomings,<sup>61</sup> Somaliland today operates its own judicial system, boasts a private (though limited) press, and no longer generates refugees; in fact, it hosts a sizable community of refugees from southern Somalia. The government commands a uniformed army and police force.<sup>62</sup> Relative peace and stability since 1997 have allowed a small but robust private sector to flourish, spurred by local entrepreneurship, which in turn supplies the government with a more or less dependable (though small) revenue stream.<sup>63</sup> Visitors to Somaliland tend to wax euphoric about what the tiny territory's population has accomplished.<sup>64</sup>

### **Somaliland's Foreign Relations**

Somaliland's diplomatic strategy hinges on obtaining membership in the AU, particularly as Western countries have been so far reluctant to extend official recognition before African countries are willing to do so.<sup>65</sup> Somaliland submitted an application for membership to the AU in December 2005, basing its claim on its

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separate status during the colonial era and its brief existence as a sovereign state following independence in 1960.<sup>66</sup> The application followed an AU fact-finding mission to Somaliland, conducted earlier the same year, which concluded that Somaliland's situation was sufficiently "unique and self-justified in African political history" that "the case should not be linked to the notion of 'opening a Pandora's box.'"<sup>67</sup> The AU's acknowledgment that Somaliland's membership claim deserves any attention whatsoever is a stunning reversal; Somaliland's 1991 declaration of independence "was received in the political environment of post-colonial Africa as an unwelcome and embarrassing claim."<sup>68</sup>

The Somaliland government's case for statehood rests on a wide array of



overlapping justifications, including the principle of self-determination; the African Union's fealty to colonial boundaries, under the banner of *uti possidetis juris*; a purported "right to secede" in cases of severe human rights abuses; the government's ability to enforce its authority within its territory and defend it against external aggression; and its adherence to a democratic political system based on the rule of law.<sup>69</sup> While the first three of these arguments benefit from some grounding in international law, recognition—or non-recognition—of Somaliland's statehood has been stalled by domestic political considerations by AU members, and by the pragmatic calculations of Somaliland's neighbors and international partners.

Despite for the strong historical underpinnings of Somaliland's claim to respect "colonial borders,"<sup>70</sup> African Union members have interpreted its claim to independence as a unilateral secession from an internationally recognized state (the Somali Republic), and have retained a solid commitment to the concept that Somalia constitutes a single sovereign state whose territorial integrity must be maintained. Indeed, the AU has, with little—if any—internal debate, accorded Somalia's AU seat to two successive coalition governments in Mogadishu which have held little demonstrable local authority or sustainable power.<sup>71</sup> Other states, regional organizations, and the UN have refused to recognize Somalia's dissolution; thus the "determination of the international community not to lose the Republic of Somalia as a member of the family of states stands in the way of the Somaliland Republic being accepted as a state."<sup>72</sup>

On a more pragmatic level, Somaliland's claim rests on its government's ability to enforce its authority throughout the territory it claims. As noted above, uniformed security forces loyal to Somaliland's government control most of its territory, with the exception of the volatile eastern border provinces of Sool and Sanaag, which are claimed by authorities in the neighboring autonomous region of Puntland.<sup>73</sup> Independent statehood appears to command majority domestic support.<sup>74</sup> Somaliland authorities further argue that the country has "earned" its sovereignty via the practice of good governance and democracy.<sup>75</sup> Unfortunately, however, territorial sovereignty has mattered very little in postcolonial African politics in comparison with *de jure* sovereignty, while democratic credentials are hardly respected as criteria anywhere in the world.<sup>76</sup>

It is in the area of bilateral and multilateral ties that Somaliland's international status takes on the most significance. Somaliland's government entertains a wide array of *de facto* bilateral and multilateral relationships with the United Nations and its various agencies, the Arab League, European countries and

the European Union, and regional governments, as well as with the United States, a key player in the Horn of Africa. These have fluctuated according to each party's political and economic calculations, as the following section will demonstrate.

Before settling on an AU-driven strategy, Somaliland's leadership initially attempted to gain recognition through the United Nations.<sup>77</sup> Since 1991, however, the UN Security Council has focused its diplomatic efforts in the Horn of Africa on "resolving" Somalia's chaos by backing efforts to construct a central government in Mogadishu with sovereignty over the territory of the Somali Republic. In line with this policy, there has been no formal recognition of Somaliland by any UN officials or agencies.<sup>78</sup> Since 2004, the UN has recognized the Transitional Federal Government (TFG) as the de jure government of Somalia; TFG officials occupy Somalia's seat at the UN headquarters in New York.<sup>79</sup>

However, United Nations agencies on the ground have tacitly acknowledged Somaliland's separate status. During the ill-fated "United Nations Operation in Somalia" peacekeeping mission (1992-1995), the UN acquiesced to Somaliland's refusal to accept foreign troops on its territory, noting in correspondence with Somaliland's President Egal that "the peaceful reconciliation process [in Somaliland] has moved forward impressively" amid "the formation of a functioning administration."<sup>80</sup> As a former United States diplomat and outspoken advocate for Somaliland's international recognition has noted, the UN High Commission for Refugees, the World Food Program, and the World Health Organization have all conducted tacit negotiations with Somaliland authorities.<sup>81</sup> The United Nations Development Program (UNDP) has set up at least four offices in Somaliland territory which communicate directly with local authorities, while the UN-HABITAT agency currently oversees a Somaliland "component" within its Urban Development Program.<sup>82</sup>

Several European countries, while refusing to issue formal recognition, have interacted with Hargeisa as a de facto government. The European Commission (EC) maintains a larger aid program in Somaliland than elsewhere in Somalia, with development and humanitarian aid distributed via locally operating NGOs;<sup>83</sup> many Western European countries, including Italy, provide some form of financial assistance to Somaliland through aid agencies.<sup>84</sup> Strikingly, the EC provided over a million dollars in financial support towards the 2005 parliamentary elections in Somaliland.<sup>85</sup> While it is unclear whether any of these funds were directly disbursed to government authorities, the decision to finance elections for a self-described "national" institution in Somaliland indicates de facto recognition and support. The EC also sent election observers to monitor the 2005 vote, and plans to provide funding

for voter registration in Somaliland's next presidential election.<sup>86</sup>

British authorities treat Somaliland "tacitly as an independent state": relations with Hargeisa are handled through the U.K.'s embassy in Addis Ababa, whereas relations with Mogadishu run through its High Commission in Nairobi.<sup>87</sup> During a parliamentary session in December 2007, Minister of State Mark Malloch Brown stated that his government's policy was to "support international efforts to develop a peaceful and sustainable democracy in Somaliland [and] encourage the Somaliland authorities to engage in constructive dialogue with the transitional federal government to agree [on] a mutually acceptable solution regarding their future relationship," phrasing that would indicate a wide array of "acceptable" situations, including full statehood.<sup>88</sup>

Within the region, Somaliland's foreign relations are complex, reflecting the shifting geopolitical strategies of state actors. Ethiopia has come closest to full recognition, having negotiated bilateral agreements with Somaliland authorities in several arenas.<sup>89</sup> In 2000, President Egal was received in Addis Ababa "with state honors:" he reportedly occupied the presidential suite at the Sheraton, met with Ethiopian Prime Minister Meles Zenawi, and negotiated agreements regarding transportation and other forms of "cooperation."<sup>90</sup> Somaliland travel documents have been accepted by Ethiopian authorities since 2002.<sup>91</sup> In May 2005, Addis Ababa and Hargeisa concluded a "formal trade agreement" allowing Ethiopia to use Somaliland's Berbera port for importing and exporting.<sup>92</sup> The agreement also established a customs office at major border crossing points between Ethiopia and Somaliland, featuring in one such check-point "security forces from both countries, banking and governmental infrastructure."<sup>93</sup>

Ethiopia's close ties to Somaliland reflect both economic and political concerns. After losing its own domestic ports following Eritrea's secession and independence in 1993, Ethiopian authorities have focused on establishing dependable access to maritime transport.<sup>94</sup> Separately, due to its history of conflict with Somalia and its own ongoing struggles with Somali separatism in the Ogaden,<sup>95</sup> Ethiopia has sought since 1991 to prevent Somalia's resurgence as a regional power. This, combined with its fear of Islamist movements along its borders, has culminated in Ethiopia's apparently contradictory support of both Somaliland and the weak TFG in Mogadishu, which officially seeks to incorporate Somaliland into its territory.<sup>96</sup> Ethiopia's dual support is a sign both that Addis Ababa is hedging its bets and that it holds the upper hand in both relationships.<sup>97</sup> Ethiopian Prime Minister Meles Zenawi has reportedly stated that Ethiopia is "in favor of Somaliland independence,"

but his administration does not appear willing to be the first to extend formal recognition.<sup>98</sup>

Most Arab states are officially supportive of Somali unity and unwilling to consider Somaliland as an independent entity. Egypt's stance, which is particularly opposed to independence, stems from its desire to build Somalia into a regional counterweight to Ethiopia, out of its longtime fear of Ethiopia's potential for asserting control over Nile waters.<sup>99</sup> Additionally, Egypt is concerned that a sovereign Somaliland could provide strategic basing support to Israel and the United States at the mouth of the Red Sea.<sup>100</sup> Egypt's government has blocked Somaliland's recognition in the Arab League, which officially recognizes the TFG as the sole authority in Somalia. To the extent that Egyptian officials have communicated directly with Hargeisa, it has been to encourage Somaliland's participation in talks on Somali unity.<sup>101</sup> Saudi Arabia has ceded to pressure from Egypt and other Arab states to cease trade that benefits Somaliland's government.<sup>102</sup>

However, the Arab League as an organization engages in some direct relations with Somaliland, through a representative in Hargeisa.<sup>103</sup> Yemen, another one of its members, has recently broken with its previous policy of refraining from entering into relations with Somaliland, and in 2006 the Yemeni government negotiated a bilateral cooperation agreement with Hargeisa over fishing resources and anti-piracy campaigns in the Red Sea.<sup>104</sup>

Within the region, Djibouti and Kenya have positioned themselves as neutral towards Somaliland, both officially recognizing the TFG as sovereign while accepting "diplomatic" representatives of Somaliland's government in their respective capitals.<sup>105</sup> Both countries have hosted high-profile efforts to re-establish a Somali government, and both contain significant ethnic Somali populations.<sup>106</sup> Of the two, Djibouti has cultivated closer ties with Hargeisa, having negotiated agreements on trade and border control.<sup>107</sup> Conversely, the government of Eritrea, the sworn enemy of Ethiopia, supports the creation of a strong government in Mogadishu that could challenge Ethiopia's regional hegemonic status—so long as that government is not the Ethiopia-backed TFG.<sup>108</sup> Sudan, while officially hostile to Somaliland's independence—both out of diplomatic support for Somali unity and fear of setting a regional precedent for its own dissident provinces—has engaged in low-level contacts with Somaliland authorities over flights between Khartoum and Hargeisa, and FM radio relays between the two territories.<sup>109</sup>

Beyond ties to regional governments, the most potentially significant bilateral relationship for Somaliland's authorities is with the United States.

Somaliland's relations with the United States are predictably complex, reflecting the tortured history of American policy in the Horn as well as the post-2001 politics of the Global War on Terror. American officials were initially extremely reluctant to recognize Somaliland—or any other self-declared autonomous entity in Somalia—as an independent political unit, believing that partition would merely lead to the emergence of another unstable state in the region. A May 1991 cable sent by Secretary of State James Baker to American diplomats overseas stated:

The Somali National Movement (SNM) recently announced northern Somalia's secession under the name 'Somaliland Republic', with boundaries apparently the same as the old British Somaliland protectorate. [...]The U.S. of course does not recognize any new entity in Somalia. As we have made clear elsewhere, we do not think declaratory acts hold the key to solving Somalia's or the [H]orn's problems. Only negotiations can do that. SNM's unilateral declaration of independence could also serve to complicate a possible initiative by African states or the OAU on the political front by introducing new juridical problems. In our actions and statements with respect to Somalia, we wish to call as little attention as possible to the SNM's UDI [unilateral declaration of independence].<sup>110</sup>

Following the American peacekeeping debacle in Somalia in the early 1990s,<sup>111</sup> American officials disengaged from Somalia beyond encouraging reconciliation talks hosted in neighboring countries. Hargeisa lobbied the U.S. to extend diplomatic recognition, with President Egal visiting Washington and meeting with State Department officials in 1999, but US officials refrained from action beyond increasing the level of (indirect) development aid.<sup>112</sup>

Since 2000, however, relations have warmed, and in 2000 a U.S. Agency for International Development (USAID) delegation visited Somaliland, headed by the United States Ambassador to Djibouti. It was an unusual visit by a high-level United States official to a non-recognized African "state."<sup>113</sup> Cooperation has increased in particular since 2001, owing to Hargeisa's solidification of territorial control in the North and southern Somalia's continued collapse, as well as the U.S.'s newfound preoccupation with counter-terrorism in Africa.<sup>114</sup> The United States government-funded International Republic Institute monitored Somaliland's 2005 parliamentary elections, which were financed in part by USAID.<sup>115</sup> A diplomatic representative of Hargeisa resides in Washington and engages in regular discussions with American officials.<sup>116</sup> A former United States Assistant Secretary of State for African Affairs told

the scholar Jonathan Paquin in 2005 that “while waiting for some eventual Somalian government, we are doing what we could have done if we would have recognized Somaliland. We are giving aid. So the situation on the ground is not so different.”<sup>117</sup>

The United States legislature has served as a vector for pressure on the executive to boost ties with Hargeisa. In floor discussions, American congressmen have repeatedly expressed admiration for Somaliland’s stability and democracy, while referencing direct cooperation with local authorities. In 1999 draft legislation, the Senate Committee on Foreign Relations made mention of “the northern part of Somalia, referred to as Somaliland by the elected representatives of the people living there,”<sup>118</sup> while members of the House of Representatives Appropriations Committee in 2004 requested from the Secretary of State “a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.”<sup>119</sup> During congressional hearings in 2006 on the Islamist movement (known as the Islamic Courts Union, or ICU) that briefly took over Mogadishu and other parts of southern Somalia, Congressman Ed Royce queried whether “we should give more autonomy to Somaliland... [since] maybe if we had created the ability for them to use institutions like the World Bank and get the kind of insurance that would allow businesses to go in there, you [would have] had sort of a functioning example... so people would say, uh-huh, if we followed that model like the autonomous region in Somaliland, look at the level of support we have once we establish the rule of law, look what a difference the engagement of the international community makes in terms of financing and business and opportunity.”<sup>120</sup> Somaliland authorities have seized on the opening to propose cooperation with the United States over counter-terrorism and other security issues, including the use of staging facilities at Berbera.<sup>121</sup> In early 2008, President Kahin conducted a “state” visit to Washington.<sup>122</sup>

However, in spite of increasingly close ties between Washington and Hargeisa, unilateral United States recognition in the absence of AU leadership does not appear to be forthcoming. The State Department’s official position continues to be that the TFG is the sovereign government of all of Somalia. Concurrently with its increased counter-terrorism and developmental cooperation with Hargeisa, the United States has strengthened its support of the TFG, backing Ethiopia’s invasion of Somalia in late 2006 to oust the ICU and reinstall the TFG by force, and engaging in joint counter-terrorism strikes.<sup>123</sup> In December 2007, The Washington Post reported that escalating conflict in southern Somalia had generated a dispute between the Pentagon and State Department “over whether the United States should continue to back the

shaky transitional government in Mogadishu or shift support to the less volatile region of Somaliland."<sup>124</sup> The following day, the State department released a public statement titled "United States Policy on Somaliland," which declared that while "the United States continues to engage with the administration in Somaliland on a range of issues, most directly Somaliland's continued progress towards democratization and economic development," the official "policy on recognition [was] to allow the African Union to first deliberate on the question."<sup>125</sup> A former United States diplomat and Somalia expert noted in 2005 that despite "considerable sympathy for what Somaliland has achieved by way of internal stability, free elections, and the initiation of a democratic system of government... It is highly unlikely that the United States would move to recognize Somaliland before the African Union did so or, at a minimum, several key African states opted to do so."<sup>126</sup>

A further element in the United States' stance involves American-based corporations, due to the prospect of oil exploration on Somaliland's territory.<sup>127</sup> Several international oil companies, including American companies Exxon Mobil, Amoco, and Chevron, have held exploration concessions in northern Somalia since the late 1980s, some of which may fall under Hargeisa's control. In 1991, the American energy company ConocoPhillips discovered oil fields in northeastern Somalia, including ones that lie under Somaliland soil.<sup>128</sup> Somaliland has asserted ownership of some of these exploration permits, in particular after Puntland's attempt to "sell" oil leases in waters off Somaliland's coast to foreign investors in the late 1990s.<sup>129</sup> In 2001, several international oil companies applied directly to Hargeisa for licenses to explore for oil along the coast.<sup>130</sup> For the moment, the status of these negotiations is unclear, but American corporations' apparent desire to work directly with Somaliland's government places another ball in Somaliland's court.

### *A De Facto State?*

While Somaliland's prospects for international recognition may appear to be brightening, full statehood is unlikely to be achieved in the near future owing to the political calculations of relevant international actors, who calculate that recognizing Somaliland's independence provides fewer benefits than clinging to the prospect of Somali unity while engaging in back-door cooperation with Hargeisa. So far, the African Union has remained hampered by its members' highly conservative approach to "territorial integrity" (a term that approaches surrealism with reference to Somalia), while Western countries and donors' successive attempts to reconstruct a single Somali government through a series of "peace conferences" have proved more wasteful than effective at fostering the emergence of stability in the Horn of Africa. In

Doornbos's succinct analysis, "clubs of states [i.e., inter-governmental organizations such as the UN and AU]... tend to share a members-only vision, from which they can see the globe only as divided up into formally independent states that are recognized as members."<sup>131</sup> The international community is thereby handicapped by "the conviction that each country must have its own government, and that, if it fails in this respect, some other authority should put things back in order."<sup>132</sup>

Somaliland's government has established an impressive degree of control over the territory and population to which it lays claim. In addition to increasingly warm ties with the United States, it is clear from the above analysis that Somaliland's authorities engage in a wide array of direct relations with regional governments, the European Union, agencies of the United Nations, and private corporations. This is more than enough to conclude that the government of Somaliland, as a de facto authority, may engage in foreign relations and could be held legally responsible, for example, in cases involving foreign investment. There is however no official designation reflecting Somaliland's "intermediate" sovereignty, though this observation alone could bolster Somaliland's economic prospects and thus the viability of its governing system. ■

*-Kathrin Daepf served as lead editor for this article.*

## NOTES

<sup>1</sup> To use Brennan M. Kraxberger's term (Kraxberger, "The United States and Africa: Shifting geopolitics in an 'Age of Terror,'" *Africa Today*, 52, no. 1 (2005): 51-2).

<sup>2</sup> See, e.g., William Reno, *Warlord Politics and African States* (Boulder, CO: Lynne Rienner Publishers, 1999). For a different take on African state sovereignty, which posits that African polities have historically sought to enforce their sovereignty over people rather than territory, see Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, NJ: Princeton University Press, 2000).

<sup>3</sup> Zaki Laïdi, *The Superpowers and Africa: The Constraints of a Rivalry* (Chicago: University of Chicago Press, 1990), 32.

<sup>4</sup> Kraxberger, 53.

<sup>5</sup> Kraxberger, 51-2.

<sup>6</sup> United Nations Charter, Chapter 1, Art. 2, available at <http://www.un.org/aboutun/charter/chapter1.htm> (accessed January 9, 2008). UN Secretary General U Thant in 1970 stated, regarding the attempt by authorities in Nigeria's Biafra region to secede unilaterally, "As an international organization, the UN has never accepted and does not accept and I do not believe it will ever accept the principle of secession of a part of its member states." (Secretary-General's Press Conferences, in *UN Monthly Chronicle* 36 [Feb. 1970], quoted in Michael P. Scharf, "Earned Sovereignty: Juridical Underpinnings," *Denver Journal of International Law and Policy*, 31, no. 3 (2002-2003): 380.)

<sup>7</sup> Organization of African Unity, "Border Disputes Among African States" (July 21, 1964), OAU Doc. AHG/Res. 16(I).

<sup>8</sup> Art. 4(b), *Constitutive Act of the African Union*, Lomé, Togo (July 11, 2000), at [http://www.au2002.gov.za/docs/key\\_oau/au\\_act.htm](http://www.au2002.gov.za/docs/key_oau/au_act.htm) (accessed January 10, 2008).

<sup>9</sup> *Western Sahara Advisory Opinion*, I.C.J. Rep. 1975, p. 30.

<sup>10</sup> Eritrea became independent in 1993, after the Eritrean People's Liberation Front (EPLF) fought a successful guerilla insurgency to separate itself from Ethiopia, and following a UN-backed referendum. It became a member of the UN and received international recognition as a state the same year. However, Eritrea's case is somewhat unique in that its secession was agreed upon by Ethiopia's new government after 1991; Somaliland's inability to obtain Mogadishu's consent has thus handicapped Somaliland's success in using Eritrea as a precedent. International law does recognize international boundary changes by peacefully negotiated agreement, though such a situation is the exception rather than the rule (International Crisis Group, "Somaliland: Time for African Union Leadership," *Africa Report* No. 110 [May 23, 2006]: 15).

<sup>11</sup> In its advisory opinion on the status of Western Sahara, the International Court of Justice ruled that in the absence of pre-colonial sovereignty by one territory's rulers over inhabitants of the other, self-determination trumped unification at de-



colonization. However, universal recognition did not immediately follow from this legal reasoning; while over 80 countries have formally recognized the independence of Western Sahara (as the Sahrawi Arab Democratic Republic) at some point, many have since frozen relations pending a UN-supervised referendum, or cancelled relations altogether under pressure from Morocco (ICG 2006, 1).

<sup>12</sup> Also known as Burco, or Bur'ō.

<sup>13</sup> See Gerard Prunier, "Somalia: Civil War, Intervention and Withdrawal (1990-1995)," *Refugee Survey Quarterly*, 15, no. 1 (1996), particularly pp 45-54, for analysis of the various armed groups active in Somalia in 1991.

<sup>14</sup> Korwa G. Adar, "Somalia: Reconstruction of a Collapsed State," *Conflict Trends*, 2 (2001): 14, at [http://www.accord.org.za/ct/2001-2/accorc\\_2001\\_n2\\_a5.pdf](http://www.accord.org.za/ct/2001-2/accorc_2001_n2_a5.pdf) (accessed January 8, 2008).

<sup>15</sup> The self-proclaimed leaders of Puntland, Jubbaland, Benadirland and Hiranland agreed to participate in the Transitional Federal Government of Somalia (TFG), a coalition formed at United Nations-backed peace talks in Nairobi in 2004. Somaliland refused to participate in talks establishing the TFG on the grounds that "Somaliland is not a party to the Somali conflict" (*Somaliland Times*, "Government Clarifies Position on Somalia Peace Process," March 8, 2003, at <http://www.somalilandtimes.net/2003/59/5909.htm> [accessed January 13, 2008]). Puntland, the largest and most functional of the regions that did participate, had never sought complete independence from Somalia, but rather autonomy and eventual reintegration into an "anticipated Federal State of Somalia." (ICG 2006, 8.)

<sup>16</sup> The TFG has never been able to extend its authority beyond a small slice of southern Somali territory; since 2006, a civil war has pitted the TFG and its main regional sponsor, the Ethiopian government, against an Islamist insurgency. For an excellent and timely analysis of Somalia's political situation since the formation of the TFG, see Ken Menkhaus, "The Crisis in Somalia: Tragedy in Five Acts," *African Affairs*, 106 (2007): 357-390.

<sup>17</sup> Convention on the Rights and Duties of States (Montevideo Convention), December 26, 1933, available at <http://www.yale.edu/lawweb/avalon/intdip/interam/intam03.htm> (accessed January 8, 2008). While the convention is a regional American pact, and only binding as such on the western hemisphere states that have ratified it, the Montevideo principles are "considered widely acceptable as reflecting customary international law." (Crisis Group 2006, 11. See also See Anthony J. Carroll and B. Rajagopal, "The Case for the Independent Statehood of Somaliland," *American University Journal of International Law and Policy*, 8 [1992-1993]: 678.)

<sup>18</sup> Somaliland Ministry of National Planning & Coordination, *Somaliland in Figures* (Hargeisa: Government of Somaliland, 2004), 5. While many inhabitants of Somaliland are nomadic pastoralists, they reside more or less permanently within the borders claimed by Somaliland (Crisis Group 2006, 11).

<sup>19</sup> Alison K. Eggers, "When is a State a State? The Case for Recognition of Somaliland," *Boston College International and Comparative Law Review*, 31, no. 1 (2007): 219.

<sup>20</sup> See, e.g., Somaliland Ministry of Information, *Somaliland: Demand for International Recognition: A Policy Document of the Government of the Republic of Somaliland* (Hargeisa: Government of Somaliland, 2001).

<sup>21</sup> Crisis Group 2006, 10.

<sup>22</sup> Anonymous, "Government Recognition in Somalia and Regional Political Stability in the Horn of Africa," *The Journal of Modern African Studies*, 40, no. 2 (2002): 251-252. Though in the time since this article was published the Transitional Federal Government (TFG) has been formed with international support, and resides in Mogadishu, it is unable to enforce territorial sovereignty, and is deeply dependent on the Ethiopian military for its survival. (See Menkhaus 2007.)

<sup>23</sup> Crisis Group 2006, 12. This distinction in interpretation of the role of recognition in statehood reflects two theories, the "declaratory" theory (that a geopolitical entity becomes a state once it has satisfied the international criteria of statehood, while recognition serves merely as a political act of little significance) versus the "constitutive" theory (that a state becomes an "international person" only through recognition by existing states). See Carroll and Rajagopal 1992, 667.

<sup>24</sup> This paper uses "government" to refer to Somaliland's administration in Hargeisa. The terminology is chosen in order to avoid confusion, not to imply that these authorities are internationally designated as such.

<sup>25</sup> Christina Kiel (consultant to the Somaliland government through the non-profit organization Independent Diplomat), interview with author, January 7, 2008.

<sup>26</sup> Asteris Huliaras, "The Viability of Somaliland: Internal Constraints and Regional Geopolitics," *The Journal of Contemporary Africa Studies*, 20, no. 2 (2002): 165. Somaliland continues to export livestock, mainly to the Arab Gulf states, but its exports are subject to periodic bans due to veterinary safety concerns.

<sup>27</sup> Ibid. See also the official webpage of the Bank of Somaliland, at <http://www.somalilandgov.com/bank.htm> (accessed January 13, 2008).

<sup>28</sup> Anonymous 2002, 258.

<sup>29</sup> Marc Lacey, "The Signs Say Somaliland, but the World Says Somalia," *The New York Times*, June 5, 2006 (via Factiva). As will be discussed in a later section of this paper, Ethiopia and Djibouti border authorities have accepted the movement of most Somalilanders based on Somaliland-issued travel documents. Despite U.S. domestic regulations against deporting asylum-seekers to Somalia, American authorities have deported Somali legal residents to various regions of Somalia when they have been convicted of crimes in the U.S. (See Jodi Wilgoren, "Refugees in Limbo: Ordered Out of U.S., But With Nowhere to Go," *The New York Times*, June 4, 2005, via Factiva.)

<sup>30</sup> UN News Center, "UN Refugee Agency Starts Final Phase of Repatriation from Djibouti to Somaliland," 20 November 2007, at <http://www.un.org/apps/news/story.asp?NewsID=24726&Cr=Somalia&Cr1=> (accessed January 14, 2008).

<sup>31</sup> Crisis Group 2006, 12.

<sup>32</sup> Somaliland Ministry of Information, *Somaliland: Demand for International Recognition: A Policy Document of the Government of the Republic of Somaliland* (Hargeisa: Government of Somaliland, 2001).

<sup>33</sup> See Hussein Abdilahi Bulhan et al, Ruin and Renewal: *The Story of Somaliland, Report to the World Bank* (Hargeisa:

Center for Creative Solutions, 2004): 12. The report is based on field work and extensive interviews of Somalilanders, including ex-combatants in the civil war.

<sup>34</sup> Carroll and Rajagopal 1992, 655-656.

<sup>35</sup> David Laitin and Said Samatar, *Somalia: Nation in Search of a State* (Boulder, Colorado: Westview, 1987).

<sup>36</sup> Martin Doornbos, "Somalia: Alternative Scenarios for Political Reconstruction," *African Affairs*, 101 (2002): 99.

<sup>37</sup> This section is drawn from Ruth Gordon, "Growing Constitutions," *University of Pennsylvania Journal of Constitutional Law*, 1, no. 3 (1999): 558-569.

<sup>38</sup> Carroll and Rajagopal 1992, 659.

<sup>39</sup> Crisis Group 2006, 4; Jonathan Paquin, "Somaliland: A Nonrecognized Independent State: 1991-2005," draft book chapter, 248. (Page numbers refer to a draft document provided by the author.)

<sup>40</sup> Paquin, 248. Several scholars have convincingly refuted the notion of a homogenous Somali society; see, e.g., Ali Jimale Ahmed, ed., *The Invention of Somalia* (Lawrenceville, NJ: The Red Sea Press, Inc., 1995). Contributor Catherine Besteman, an expert on the minority Somali Bantu population, writes, "The image of Somalia as a homogenous nation of one people who speak one language, practice one religion, and share one culture has been pervasive in the media as well as in scholarly writings. Only recently have divisions based on language, religious brotherhoods, and occupation been recognized as significant distinctions in Somali society" (Besteman, "The Invention of Gosh: Slavery, Colonialism, and Stigma in Somali History," in *The Invention of Somalia*, 43-62).

<sup>41</sup> Carroll and Rajagopal 1992, 659-660. The authors report that the Act of Union approved by the southern Somalia legislature and proclaimed by the new National Assembly on January 31, 1961 was "significantly different" from the unification legislation passed in the North.

<sup>42</sup> Paquin, 248.

<sup>43</sup> Crisis Group 2006, 5.

<sup>44</sup> Paquin, 251.

<sup>45</sup> *Ibid.*

<sup>46</sup> Crisis Group 2006, 5.

<sup>47</sup> Human Rights Watch, Somalia Country Report, in *Human Rights Watch World Report* (1989), at <http://www.hrw.org/reports/1989/WR89/Somalia.htm#TopOfPage> (accessed January 9, 2008). See also, *Africa Watch* [a division of Human Rights Watch], *Somalia: A Government at War with its Own People, Testimonies About the Killings and the Conflict in the North* (New York: *Africa Watch*, 1990).

<sup>48</sup> See Prunier 1996 for an analysis of over thirteen armed "clan political organizations" involved in the Somali civil war from 1989 to 1991. Prunier refers to the SNM as "indisputably the most democratic of all the fronts, since it had five elected presidents since its creation, all of whom had served a full time in office, to be replaced by an elected successor" (Prunier 1996, 47).

<sup>49</sup> Barre died in exile in Nigeria, four years later.

<sup>50</sup> Paquin, 253. The move to install Mahdi as president not only alienated the SNM, it led to a split and in the USC and eventual war between factions loyal to Mahdi and Aidid, respectively (Prunier 1996, 48-50).

<sup>51</sup> *Ibid.*

<sup>52</sup> Bulhan et al 2004, 14-15.

<sup>53</sup> ICG 2006, 7.

<sup>54</sup> Bulhan et al 2004, 17-18. The authors note that not all clan militia disarmed; the 'Iidagale clan militia clashed with the government over control of the Hargeisa airport as late as 1994.

<sup>55</sup> *The Constitution of the Republic of Somaliland*, unofficial English translation by Ibrahim Hashi Jama LL.B, LL.M; available at [http://www.somalilandforum.com/somaliland/constitution/revise\\_constitution.htm#Index](http://www.somalilandforum.com/somaliland/constitution/revise_constitution.htm#Index) (accessed January 9, 2008). The referendum took place amid the installation in Mogadishu of a new, internationally-backed, ostensibly "national" government in Mogadishu, the Transitional National Government (TNG).

<sup>56</sup> Crisis Group 2006, 7.

<sup>57</sup> *Somaliland Constitution*, Jama transl., Art. 61.

<sup>58</sup> Crisis Group 2006, 7.

<sup>59</sup> Kahin was reelected in 2003; while opposition parties initially protested, given his slim margin of victory, they accepted the election results after exhausting the appeals process.

<sup>60</sup> *Ibid.*, 8.

<sup>61</sup> The U.S.-based advocacy organization Freedom House has concluded that Somaliland's 2003 and 2005 elections "did not meet international standards" and has questioned its judicial independence (Freedom House, *Somaliland Report, Freedom in the World* (2007), at <http://www.freedomhouse.org/template.cfm?page=22&year=2007=2007&country=7335> (accessed January 8, 2008)). Somaliland's authorities have also consistently sought to repress local independent media outlets (Committee to Protect Journalists, *Somalia Report, Attacks on the Press in 2007*, at <http://www.cpj.org/attacks07/africa07/som07.html> (accessed March 12, 2008)).

<sup>62</sup> Paquin, 262. Somaliland's annual government budget is roughly equivalent to US\$20,000 (David H. Shinn, "Somaliland: The Little Country That Could," *Addis Tribune*, November 29, 2002), over two-thirds of which in 2007 went toward salaries for civil servants and the military, fuel, and stationary (Dr. Abdulkadir Askar [Member of the Somaliland House of Representatives], "\$15 Million for Development Under the Somaliland Budget 2007," Sagal Group, available at <http://www.freewebs.com/sagalgroup/somalilandbudget.htm>

<sup>63</sup> See Ken Menkhaus, "Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping," *International Security*, 31, no. 3 (Winter 2006/7): 91; Huliaras 2002, 161-165; Gordon 1999, 581-582.

<sup>64</sup> E.g., Lacey, "Signs Say Somaliland"; Jeffrey Herbst, "In Africa, What Does It Take to Be a Country? [Editorial]," *The Washington Post*, January 2, 2004; Farhiya Ali Ahmed, "Somaliland: Elusive Independence," *The New African*, January 2006; Alex McBride, "Welcome to Somaliland," *The New African*, Aug/September 2006; Nicholas D. Kristof, "A Land of Camel Milk and Honey," *The New York Times*, February 27, 2007; Jeffrey Gettleman, "The Other Somalia: An Island of Stability in a Sea of Armed Chaos," *The New York Times*, March 7, 2007 (via Factiva).

<sup>65</sup> Crisis Group 2006, i; Eggers 2007, 214; Huliaras 2002, 171; Paquin, 272.

<sup>66</sup> Crisis Group 2006, i. The Crisis Group reports that "internal AU documents" indicate these might be the strongest aspects of Somaliland's claims.

<sup>67</sup> Lacey, "The Signs Say Somaliland."

<sup>68</sup> Anonymous 2002, 251. AU members, many of which face separatist insurgencies within their own territories, are primarily concerned with whether Somaliland's recognition could create a precedent for secession via self-determination (Huliaras 2002, 170). However, as the Crisis Group has noted, the AU's cautious acceptance of a peace deal between North and South Sudan that agrees on a future referendum on southern Sudanese independence poses much more of a genuine threat to the AU's refusal to consider armed struggle as a route to self-determination (Crisis Group 2006, 16).

<sup>69</sup> Somaliland Ministry of Information 2001 1-11.

<sup>70</sup> Somaliland points to the fact that its current territorial boundaries correspond to the former colonial borders of British Somaliland, which became an independent state on June 26, 1960 and was internationally recognized as such. Somaliland authorities argue that the May 1991 declaration of independence refers not to secession but rather the voluntary dissolution of a political union – one that was never fully accomplished in the first place – and that its status today is akin to that of other failed post-colonial unions such as those between Mali and Senegal, Senegal and the Gambia, and Egypt and Syria, none of which have had trouble being recognized as states.

<sup>71</sup> See Anonymous 2002, 254-255, on the TNG (2000-2002) and Menkhaus 2007 on the (current) TFG. Somalia's AU seat remained vacant, but was not abolished, from 1991 to 2000. Neither the TNG nor TFG has been able to pay dues to the AU, so Somalia has remained a non-voting (though diplomatically powerful) member (Crisis Group 2006, 14).

<sup>72</sup> Nii Lante Wallace-Bruce, "Taiwan and Somalia: International Legal Curiosities," *Queen's Law Journal*, 22 (1996-1997): 484.

<sup>73</sup> These areas fall within British Somaliland's post-independence boundaries, but are inhabited mainly by members of the Harti clan family, in particular two sub-clans, the Dhulbahante and Warsengeli. Puntland was formed as a homeland for Harti clan members and lays claim to both areas. Loyalties in these regions tend to be divided, and tensions between Puntland and Somaliland authorities over the issue have occasionally flared (Crisis Group 2006, 8-10). As Doornbos has pointed out, Somaliland and Puntland's competing claims to the Sool and Sanaag regions pit a justification of nationhood based on ex-colonial boundaries against one based on clan affiliation (Doornbos 2002, 103). The current president of the TFG, Abdullahi Yusuf Ahmed, is the former president of Puntland, further inflaming TFG-Somaliland relations. See Markus V. Hoehne, "Puntland and Somaliland Clashing in Northern Somalia: Who Cuts the Gordian Knot?" published by the Social Science Research Council, November 7, 2007, available at <http://hornofafrica.ssrc.org/Hoehne/> (accessed January 15, 2008); and David H. Shinn, "The Horn of Africa: How Does Somaliland Fit?" Presented at a Discussion Seminar Introducing Somaliland in Umea, Sweden, March 8, 2003, available at <http://www.somalilandtimes.net/2003/59/5908.htm> (accessed January 13, 2008).

<sup>74</sup> Crisis Group 2006, ii; Paquin 264.

<sup>75</sup> Somaliland Ministry of Information, 10.

<sup>76</sup> Kraxberger, 51-52. For a critique of the international community's adherence to colonial boundaries in Africa, see Herbst.

<sup>77</sup> Huliaras 2002, 173.

<sup>78</sup> Gordon 1999, 576.

<sup>79</sup> Despite Somaliland's stance during the talks that it would seek "to establish peaceful co-existence and fraternal relations with a future government in Somalia" (ibid), the government refused to recognize the TFG once it was inaugurated, given that the TFG's chosen president, Abdullahi Yusuf Ahmed, was the leader of Puntland and has pressed for the incorporation of Somaliland into greater Somalia (Marc Lacey, "Somalia: Somaliland Rejects New President," *The New York Times*, October 13, 2004, via Factiva). The TFG's Charter does not provide room for even the independence of Somalia's component territories (Crisis Group 2006, 18).

<sup>80</sup> From 1993 correspondence, quoted in Crisis Group 2006, 2.

<sup>81</sup> Schinn 2003.

<sup>82</sup> Gordon 1999, 576; UN-HABITAT, "Progress on Good Governance in Somaliland," May 25, 2005, at <http://www.unhabitat.org/content.asp?cid=1999&catid=5&typeid=6&subMenuId=0> (accessed January 13, 2008).

<sup>83</sup> Crisis Group 2006, 1. The EU has also repeatedly used the Berbera port as a transit point to ship humanitarian aid to Ethiopia (Schinn 2003).

<sup>84</sup> Gordon 1999, 576.

<sup>85</sup> Ibid, 8.

<sup>86</sup> Kiel, interview with author.

<sup>87</sup> Huliaras 2002, 171.

<sup>88</sup> United Kingdom Parliamentary Records, vol. 697, no. 22, December 11, 2007, available via Hansard search engine, <http://www.publications.parliament.uk/pa/cm/cmhansrd.htm>

<sup>89</sup> Eggers 2007, 213.

<sup>90</sup> Anonymous 2002, 256.

<sup>91</sup> Ibid.

<sup>92</sup> Anonymous, "Dilemma of the Horn: The West Pushes for Somaliland Recognition," *Defense and Foreign Affairs Strategic Policy*, 34, 2/3 (2006): 7.

<sup>93</sup> Ibid.

<sup>94</sup> Huliaras 2002, 170.

<sup>95</sup> See, e.g., Jeffrey Gettleman, "In Ethiopia, Fear and Cries of Army Brutality," *The New York Times*, June 18, 2007.

<sup>96</sup> Doornbos 2002, 104-105. Both the TFG and the Somaliland government have professed to be anti-terrorist and anti-Islamist (Doornbos 2002, 98; Huliaras 2002, 173). During the Arta peace process that gave rise to the TNG, Ethiopia lobbied against the unconditional recognition of the TNG on the grounds that the transitional government had close ties with Islamist groups in southern Somalia and a financial dependence on Arab states (Anonymous 2002, 255-256).

<sup>97</sup> Kiel, interview with author.

<sup>98</sup> Apte et al 2006, 9; Schinn 2003.

<sup>99</sup> Apte et al 2006, 13-14; Doornbos 2002

<sup>100</sup> Anonymous 2006, 7; Huliaras 2002, 170.

<sup>101</sup> Schinn 2003.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid, 18.

<sup>104</sup> Ibid, 15; Huliaras 2002, 174; Eggers 2007, 213; Doornbos 2002, 105.

<sup>105</sup> Kiel, interview with author.

<sup>106</sup> Djibouti hosted the Arta peace talks culminating in the TNG in 2000. Kenya was designated by the Intergovernmental Authority on Development (IGAD), a seven-country regional grouping, to host the 2004 peace talks that culminated in the formation of the TFG.

<sup>107</sup> Apte et al 2006, 10-11. Djibouti's Somali minority includes a sizable Isaaq population.

<sup>108</sup> Doornbos 2002, 105; Kiel, interview with author. Due to its enmity with Ethiopia, the party that Eritrea supports in Somalia has been the Islamist insurgency that has battled the TFG since 2006.

<sup>109</sup> Schinn 2003.

<sup>110</sup> U.S. Department of State, May 1991, Unclassified Document E6, case 200502026 (unclassified on January 20, 2006), quoted in Paquin, 254-255.

<sup>111</sup> See, e.g., Donatella Lorch, "Last of the U.S. Troops Leave Somalia: What Began as a Mission of Mercy Closes With Little Ceremony," *The New York Times*, 26 March 1994 (via Factiva); Peter J. Schraeder, "'Forget the Rhetoric and Boost the Geopolitics': Emerging trends in the Bush administration's policy towards Africa, 2001," *African Affairs*, 100 (2001): 392-3.

<sup>112</sup> Paquin, 256, 265.

<sup>113</sup> Ibid, 265; Huliaras 2002, 172.

<sup>114</sup> Doornbos 2002, 98. Previously, U.S. policy followed the precept that only a stable, central authority in Somalia could contain the proliferation of Islamist terrorism (Huliaras 2002, 171). On the evolution of U.S. anti-terrorism policy in Africa, see Kraxberger 2005; Greg Mills, "Africa's New Strategic Significance," *The Washington Quarterly*, 27, no. 4 (Autumn 2004); John Bellamy Foster, "A Warning to Africa: The New U.S. Imperial Grand Strategy," *Monthly Review*, 58, no. 2 (1 June 2006); and Letitia Lawson, "U.S. Africa Policy Since the Cold War," *Strategic Insights*, 6, no. 1 (January 2007).

<sup>115</sup> See IRI, "Parliamentary Election Assessment Report."

<sup>116</sup> Anonymous 2006, 7.

<sup>117</sup> Paquin, 265.

<sup>118</sup> H. CON. RES. 20, Concerning Economic, Humanitarian, and Other Assistance to the Northern Part of Somalia, received and referred to the Committee on Foreign Relations, October 27, 1999, available through the Library of Congress online database (<http://thomas.loc.gov/>); emphasis mine. The text also notes that "provision of economic development and humanitarian assistance to the people of such area does not constitute recognition of any particular claim to sovereignty by any de facto government of the region."

<sup>119</sup> H.R.2800, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Public Print), Sect. 699B (accessed via the Library of Congress); emphasis mine.

<sup>120</sup> "Somalia: Expanding Crisis In The Horn Of Africa," Joint Hearing Before The Subcommittee On Africa, Global Human Rights And International Operations And The Subcommittee On International Terrorism And Nonproliferation Of The Committee On International Relations, House Of Representatives, One Hundred Ninth Congress, Second session, June 29, 2006, available via <http://www.house.gov/international-relations> (accessed December 20, 2007).

<sup>121</sup> Ibid, Statement Of J. Peter Pham, Ph.D., Director, William R. Nelson Institute For International And Public Affairs, James Madison University.

<sup>122</sup> Kiel, interview with author. As Kiel noted, with some humor, "For Somaliland, this is an official state visit; for Washington, it's just a visit."

<sup>123</sup> Mark Mazzetti, "Pentagon Sees Move in Somalia as Blueprint," *The New York Times*, January 13, 2007. For an exhaustive discussion of developments in Somalia since 2006, see Menkhaus 2007.

<sup>124</sup> Ann Scott Tyson, "U.S. Debating Shift of Support in Somali Conflict," *The Washington Post*, December 4, 2007, via Factiva. Crisis Group had noted similar pressure to recognize Somaliland from Defense officials in the U.S., reporting that "at a meeting in Addis Ababa hosted by the U.S.-led Combined Joint Task Force – Horn of Africa, senior military officers