

Somaliland: the complicated formation of a *de facto* state

Markus Virgil Hoehne

Introduction

The recent debate about state formation highlights the conflict-ridden and complicated nature of this process.¹ States are increasingly recognised as heterogeneous and contested constructs. Different local or regional powers coexist and sometimes compete with official state institutions. They may even command their own armed forces, and establish their own legal and administrative structures.² Clearly, the once broadly accepted Weberian definition of the state as that authority with the legitimate monopoly of violence over defined territory is undergoing challenge at the beginning of the 21st century.³ Nonetheless, statehood is still the ‘entrance ticket’ to the world-system for those aspiring political recognition and the resources coming with international sovereignty. This explains why new states still are established, such as Croatia (1991), East Timor (2002) and most recently Kosovo (2008), and why other state-like entities continue to struggle for recognition, such as Transnistria, Northern Cyprus, Palestine, and Somaliland.

Some of the latter conform to the definition of statehood, insofar as they include permanent population, defined territory, and government. Yet, since the recognition of states is as much a legal as a political matter, not all state-like entities enjoy recognition. In Africa, in particular, the principle of the sanctity of the post-colonial borders, originally adopted by the Organisation of African Unity (OAU), and since upheld by its successor organisation, the African Union (AU), opposes secession and the formation of new states. From the perspective of existing governments, this principle helps to prevent large-scale instability due to the contested nature of most of Africa’s state-borders.⁴ The complicated nature of international recognition, together with the relative lack of resources and the centralisation of the economy in many African states also prevent local elites in the continent from pursuing secessionist politics. They rather compete for the resources of the existing state.⁵

In some cases at least, the gap, which results between the empirical reality of state-like entities and the politics of (non-)recognition is filled by the concept of *de facto* states. According to Scott Pegg’s definition, *de facto* states ‘feature long-term, effective, and popularly supported

organized political leaderships that provide governmental services to a given population in a defined territorial area. They seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood. They are, however, unable to secure widespread juridical recognition and therefore function outside the boundaries of international legitimacy.⁶

This article shows that the Republic of Somaliland in the Horn of Africa that seceded from collapsing Somalia in May 1991, but still lacks international recognition, fulfils most criteria of this definition. Interestingly enough, and in contrast to all other cases of secession in Africa, Somaliland's existence derives from the collapse of the 'parent state' of Somalia.⁷ This particular situation – secession from a collapsed parent state – is closely related to the ongoing problems the country faces regarding the recognition of its statehood.

Of course, Somaliland was not 'born' as a viable *de facto* state. It emerged in relation to complex social and political dynamics within the region and, partly, in response to external factors such as the situation in Somalia and the establishment of Puntland in north-eastern Somalia.⁸

Background to the setting

In colonial times, the Somali peninsula was divided between Great Britain, Italy, France and the Ethiopian Empire. The British established their protectorate of Somaliland in the northwest. The Italians administered the territory from the northeast to south Somalia. The British Protectorate became independent on 26 June 1960; four days later, Italian Somalia followed. On the same day, 1 July 1960, both territories merged to form the Republic of Somalia. The first decade after independence was characterised by internal problems of legal and administrative integration, and corruption and clanism within the political system.⁹ Externally, the so called 'Greater Somalia' policy of the government in Mogadishu, which aimed at uniting all Somalis in one state, led to major conflicts with Kenya and Ethiopia. In October 1969, a group of 25 military and police officers led by General Maxamed Siyad Barre toppled the democratic government of Somalia.¹⁰ The new rulers subsequently strengthened the military capacities of the country. The instability reigning in Ethiopia after the fall of Emperor Haile Selassie and the take-over of the *Derg* in 1974 prompted Somalia's attack on its neighbor in pursuit of its irredentist dream. This resulted in one

of the bloodiest inter-state wars in Africa, popularly known as the Ogaden war (1977-78). In this war, Moscow that was formerly allied with Mogadishu, sided with Addis Ababa. The devastating defeat of the Somali national army weakened the regime of President Siyad Barre. In the 1980s the Somali Salvation Democratic Front (SSDF) and the Somali National Movement (SNM) took up the struggle against the government in Mogadishu. The SSDF was predominantly a Majeerteen movement. Members of this clan resided in north-eastern Somalia. The SNM was dominated by Isaaq whose clan territories were in north-west of the country. Both guerilla fronts were hosted by Ethiopia. While the SSDF dissolved due to internal problems and conflicts with the *Derg*, the SNM continued its struggle. After the peace-agreement between Mogadishu and Addis Ababa in 1988 it was forced to enter Somalia. In reaction, the Somali government bombarded the main towns of the northwest, Hargeysa and Burco. Maxamed Siyad Barre clung to power by distributing resources and weapons that were largely provided by his western allies among his followers. Many of them were relatives of the President.¹¹ By manipulating Somali clans against each other Barre contributed to the disintegration of Somalia. The government was overthrown by Hawiye guerillas belonging to the United Somali Congress (USC) in January 1991. Fear and hatred between descent groups, and the lack of agreement between the various Somali guerrilla movements led to new violence and the complete state collapse in Somalia, which was followed by international intervention in southern Somalia and internal territorial re-organization in the north.¹²

The troubled foundation of Somaliland

The SNM and with it the Isaaq were the strongest military power in the northwest in early 1991. But instead of continuing the fighting along decent lines against the other clans in the region, such as the Gadabuursi and the Ciisa (belonging to the Dir clan-family) in the far west, and the Dhulbahante and the Warsangeeli (belonging to the Darood clan-family) in the east, which mostly had been supporting the government of Siyad Barre, the SNM proposed peace-negotiations. In May 1991 a conference (Somali: *shir*) was held in Burco. Guerrilla commanders, traditional authorities and clan representatives participated. The SNM leadership was not in favour of secession. Yet, the rank and file of the movement was. They remembered the

devastation of the civil war and particularly the harsh measures that had been taken by the previous Somali government against the civilians in the northwest. Also, the news coming from the south, from Mogadishu, was worrisome. Cali Mahdi, one of the two leaders of the USC, had usurped the presidency of Somalia. He had done so without the consent of his co-leader in the USC, Maxamed Faarax Caydiid, and without consulting the other guerrilla factions, e.g., the SNM. Mogadishu was on the verge to descent into extreme violence.

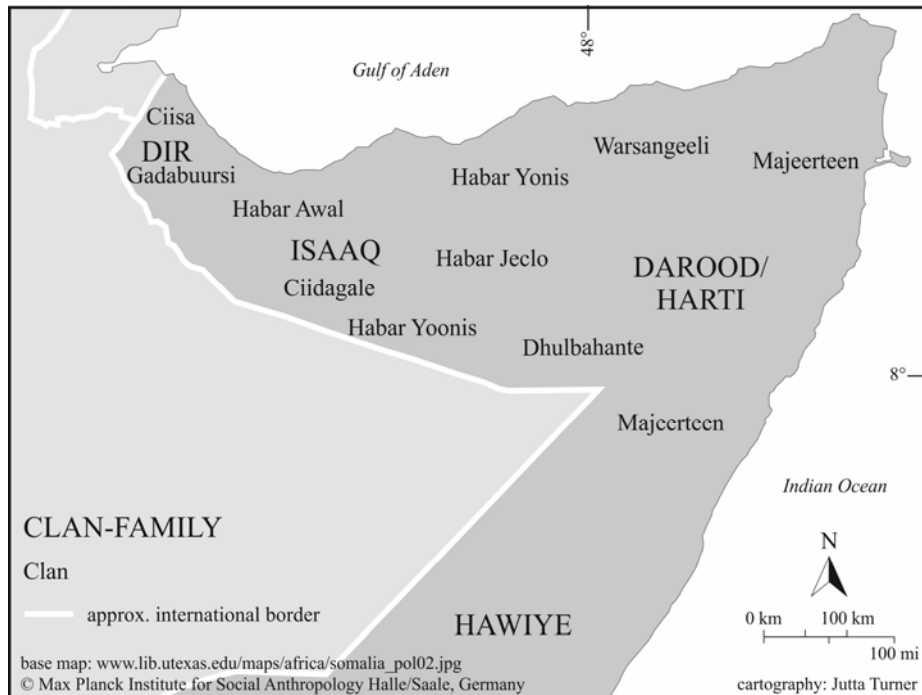
When Radio Mogadishu announced that the SNM leadership had agreed to meet with the southern groups in Cairo, large demonstrations happened in the major towns of north-western Somalia. The SNM leadership was compelled to declare the independence of the Republic of Somaliland on the 18 May 1991.¹³ The declaration happened ‘without the benefit of planning or careful considerations of the possible consequences’.¹⁴ The political leaders and the people in southern Somalia did not accept this step. Yet, caught up in civil war and warlordism, there was not much they could do. Even many members of the non-Isaaq clans in the region were not in favour of the secession. They nonetheless accepted it in the light of the superior military power of the SNM and the escalating violence in and around Mogadishu.¹⁵



Map I: Political divisions in northern Somalia, since 1991 © Max Planck Institute for social anthropology

Arguably, secession was essentially a security measure. It created political distance from collapsing southern Somalia and provided people in the northwest with some political orientation and the incentive to halt the escalation of further violence in the region. The most decisive feature of Somaliland at this point was its claimed territory: the Republic was declared in line with the borders of the former British Protectorate. A two-year interim-government led by the SNM was established in the capital city of Hargeysa. Cabdiraxmaan Axmed Cali Tuur, the last SNM Chairman, and Xassan Ciise Jaamac, his Vice-Chairman, became President and Vice-President of the Republic of Somaliland. The cabinet consisted of some guerrilla commanders plus six members of the non-Isaaq clans. The lack of state revenue, the destruction of the regional infrastructure due to the civil war, the high number of armed clan and free-lance militias, and splits within the SNM made any form of effective government impossible. In early 1992, intra-Isaaq fighting broke out over the issue of demobilisation between two rivalling clans, Habar Yonis and Habar Jeclo, in Burco and over the control of the port in Berbera. Some Gadabuursi elders offered to negotiate. A peace conference was held in the town of Sheekh in October 1992.

A peace and a national charter were adopted at a second big national *shir* in the town of Boorama in the Gadabuursi area in the first half of 1993. The national charter functioned as a provisional constitution for Somaliland. It provided for the separation of the executive, legislative and judicative branches of the government, and introduced a bicameral parliament, consisting of a House of Elders (*Golaha Guurtida*; commonly shortened to *Guurti*) and a House of Representatives (*Golaha Wakiilada*). Thereby, a hybrid political system was founded that incorporated ‘traditional’ and ‘modern’ elements of governance. The experienced Isaaq-politician, Maxamed Xaaji Ibraahim Cigaal was elected as the new president for a two years term. He had not been part of the SNM struggle. Yet as elder statesman he enjoyed respect. Cigaal had been the head of Somaliland before the unification with the south, and Somalia’s last Prime-Minister before the coup of 1969. His Habar-Awal clan occupied economic key positions in the north. This would prove crucial for Cigaal’s rule. Vice-President became Cabdiraxmaan Aw Cali Tolwaa, an SNM veteran and a member of the Gadabuursi clan. The Boorama conference had been a ‘watershed event in Somaliland’, since it established the political framework of the country for the coming years.¹⁶



Map II: Clan-territories in northern Somalia © Max Planck Institute for social anthropology

However, after the Boorama conference peace was still not firmly anchored in Somaliland. Cabdiraxmaan Tuur, the former president, abandoned the secessionist project and turned to the south where he joined Maxamed Faarax Caydiid in Mogadishu. He appeared together with Caydiid at a common press-conference in Addis Ababa end of April 1994, presented himself as SNM Chairman, and declared his support for a federal system for Somalia, including Somaliland. While Tuur followed his own personal agenda, he also represented some sections among the Isaaq, particularly among his own Habar Yonis clan, that were against secession and looked for other options in Somalia. In addition, he and some others managed to manipulate those clan members who, after Tuur's replacement, felt deprived of power in Somaliland, even if they not necessarily were against the secession. Finally, Cabdiraxmaan Tuur mingled with the UN that had staged its intervention in southern Somalia (UNOSOM) and was interested to expand its operations into Somaliland, which was refused by the Cigaal-administration.

Simultaneously, the government got involved in another conflict over the control of the airport of Hargeysa. Next to the port in Berbera, this airport was the second most important economic and political asset of the country. It was the gateway for goods and people, including representatives of the international community, into Somaliland. In the early 1990s it was held by

local militias of the Ciidagale clan. These militias refused any compromise with the government. The more the government threatened their position, the more did their resistance gain some backing within the Ciidagale clan.¹⁷

Both conflicts, the one with Tuur and his followers and the one over the airport, increasingly mixed, due to the genealogical factors involved: within the Isaaq clan-family, the Habar Yonis and the Ciidagale clans belong together as Garxajis. This provided a basis for their alliance against what they perceived as a Habar Awal dominated government that was aided by others, e.g., the Habar Jeclo, who, as mentioned above, were the traditional rivals of the Habar Yonis in Burco. Fighting escalated when government troops set out to seize the airport of Hargeysa and quickly spread to Hargeysa town and Burco. For one year, from mid-1994 to mid-1995, both places were haunted by sporadic episodes of violence and civil war that alternated with periods of tense stalemate. Ten-thousands of inhabitants fled the towns temporarily.

These events, however, concerned only a part of the polity of Somaliland. The Habar Yonis and Habar Jeclo residing in the Sanaag region managed to keep the politics in the centre and the inter-clan fighting at bay.¹⁸ The Habar Jeclo and Habar Yonis in Burco and further southwest, and their relatives living from east of Burco up to Ceerigaabo and the coast belong partly to different lineages. In Ceerigaabo Habar Yonis and Habar Jeclo reside together with Dhulbahante and Warsangeeli. They therefore had to keep some 'Isaaq-unity' against the local Darood clans. People in Ceerigaabo had already tasted the bitterness of internecine fighting between local SNM-supporters and local government-supporters in the last years of the anti-regime struggle between 1988 and 1991. This explains the differences of conflict dynamics in central Somaliland and further northeast.

Simultaneously, the non-Isaaq clans in the west and east existed in a limbo; they remained in peace but without any state administration. Governance was exercised locally, by traditional authorities, other community leaders (e.g., former military or police officers and teachers), and by members of the diaspora. The following example of administration-building in the Sool region illustrates the fluid nature of the process of local reconstruction and points to emerging tensions within the polity of Somaliland.

The members of the Dhulbahante clan held a *shir* in Boocame, a place in the southeast of Sool region in early 1993, when the second national Somaliland-conference was underway in Boorama. The Boocame conference had been co-organised by some Dhulbahante in the near

diaspora, in Nairobi (Kenya) who were largely against the secession of Somaliland.¹⁹ The diaspora-hardliners tried to play the ‘clan card’ and called for Darood-solidarity against the Isaaq dominating in central Somaliland. They wished to prevent members of the Dhulbahante clan from attending the Boorama conference. Yet, there were also voices on the conference that became known as ‘Boocame I’ that tried to prevent the community in Sool from being misled by Darood chauvinism.²⁰ The result of the controversial discussions was the establishment of a local council for the Sool region. It consisted of 33 men, mostly intellectuals and former professionals. The local traditional authorities cooperated with this council.²¹

During the meeting in Boocame an Isaaq delegation came and invited Dhulbahante delegates to Boorama. Around 50 Dhulbahante men were sent there. Some members of the clan perceived this as an attempt to ‘split’ the Dhulbahante community.²² Obviously, the *shir* in Boorama was essentially a state-building conference, as outlined above. When the Dhulbahante delegation came back from Boorama to the Sool region they found that during their absence things had changed. The anti-Somaliland faction had influenced the people, who now in their majority were against supporting Somaliland’s independence.²³

Between 1993 and 1996, the local council worked for peace in the Sool region. Its capacities, however, were limited since it lacked finances. Relations to the administration in Hargeysa existed. Particularly Garaad Cabdiqani, the highest-ranking traditional authority of Dhulbahante, was in contact with President Cigaal. Yet, in those days, Hargeysa had neither the interest nor the resources to engage with the Sool region.

‘Boocame I’ showed the will of the majority of the Dhulbahante clan to regulate its own affairs autonomously. It also revealed the increasing split within the Dhulbahante community. Some Dhulbahante, including Garaad Cabdiqani, were in fact moderately pro-Somaliland, since this seemed to be the way to peace and prosperity in the early 1990s. Others preferred to gain distance from Hargeysa, after they had been compelled by the circumstances to participate in the *shir* in Burco in 1991. The other non-Isaaq group that kept some distance to Somaliland was the Warsangeeli clan whose members reside in the east and northeast of the Sanaag region. The Warsangeeli also established some local administration led by their traditional authorities in the early 1990s. In contrast to Dhulbahante, however, the majority of them did not openly oppose the politics of Somaliland in the early 1990s.

The construction of an imagined community in Somaliland

Despite the fighting and instability in central parts of Somaliland, President Maxamed Xaaji Ibraahim Cigaal was able to undertake important steps regarding state building. He personally came from a wealthy merchant family and had good relations to the business class of his clan. Since his Ciisa Muuse sub-clan controlled the port of Berbera, Cigaal was able to raise some substantial funds in order to engage in some of the most basic tasks of the state: paying salaries to those in the administration and the armed forces, and engaging in demobilisation. Additionally, first steps regarding the economic consolidation of Somaliland were taken. The Habar Awal business community financed the introduction of a new currency, the Somaliland Shilling, in 1994. By early 1995 it had become legal tender in western and central Somaliland, up to the city of Burco.²⁴ The government started some basic taxation of the *qaad* trade,²⁵ the import and export in Berbera, and the businesses in the centre and the west of the country. The moderate state revenue was consumed by the administration in the capital, the security forces, the war efforts inside the country, and corruption. Thus, the only real service that was provided by the government, usually in cooperation with local traditional authorities, was basic security in central Somaliland, where the authority of the government reached. In the more peripheral regions the authority of Hargeysa was minimal.

The violent conflicts in central Somaliland, which had followed Tuur's anti-secessionist move, were mediated by various parties, such as the diaspora-based Peace Committee for Somaliland and local traditional authorities and members of the *Guurti* in Somaliland. This time, however, the elders did not act as a unified body of 'neutral' mediators, as previously in Boorama. In fact, the traditional authorities of the Isaaq clan-family and the *Guurti* members were divided. Some were in favour of and others were against the government of Cigaal. This weakened their overall influence and standing in Somaliland's politics.²⁶

A final national *shir* was held in Hargeysa from October 1996 to early 1997. It marked the end of large scale fighting in Somaliland. In contrast to the previous conferences in Burco and Boorama, the *shir* in Hargeysa was clearly dominated by the government and the incumbent president (whose term of office had been extended previously by the *Guurti* due to the fighting in Somaliland). The place of the *shir*, the capital city, was fully in the hands of the government that

also financed the conference. The voting delegates were all 150 members of the two houses of parliament plus 165 additional clan representatives. The members of the chairing committee (*shirgudoon*) who chose the additional delegates were under Cigaal's control. Therefore the selection process became problematic. The chairing committee preferentially endorsed delegates from various clans who were perceived as pro-government. The list sent by Garaad Cabdiqani, for instance, naming the participants from the Sool region was rejected by Cigaal. This strongly irritated the *garaad* who had been moderately pro-Somaliland in the years before.²⁷

Maxamed Xaaji Ibraahim Cigaal's plan worked out and in February 1997 he was re-elected as President of Somaliland, this time for a five years term of office. Cigaal had massively bribed delegates to secure his re-election.²⁸ Dahir Rayaale Kahin, a Gadabuursi who by then was a rather unknown figure, became new Vice-President. In addition, a new interim constitution of the country was approved at the Hargeysa conference. This constitution represented a compromise between Cigaal's wish for a strong executive, and many delegates' preferences of a parliamentary democracy. It also provided for the enlargement of the members of parliament from previously 75 to now 82 per chamber. The additional positions in the *Guurti* were mostly given to Habar Yonis and Ciidagale. The extra seats in the House of Representatives were divided among some small and so far not or not properly represented groups such as the Midgan. This was one way to incorporate and appease former opponents to the government.²⁹

Formally, the system of clan representation continued, but, as outlined above, many clan representatives at the national level had lost legitimacy. The hybrid political system established in Boorama 1993 had come with costs for the 'nationalist' elites, who had to accept traditional authority. It also had come with costs for the elders. Renders argued that already before Cigaal's coming to power the system of clan nomination for delegates/parliament members was hardly transparent.³⁰ Mostly urban-based and politically and economically well-connected men became clan representatives. In many cases, they were not even chosen by 'their people' but simply nominated themselves, or were pushed by influential interest groups. By 1996, particularly the members of the *Guurti* and leading traditional authorities of Somaliland had lost their 'innocence'. Their integration into the state apparatus of Somaliland had forced them to take sides and to get involved into 'national' politics. In many instances, this made them parties to ongoing conflicts, and susceptible to manipulation and corruption.³¹ Still, they continued to

occasionally intervene in situations of crisis and worked as mediators between clans, lineages, families and political interest groups.

The *shir* in Hargeysa also marked the final turning point in the already difficult relationship between Dhulbahante and the government of Somaliland. Again, as in the case of the *shir* in Boorama, some anti-Somaliland forces had organised a ‘counter-*shir*’ in Boocame in 1996, parallel to the meeting in Hargeysa. This conference became known as ‘Boocame II’. The local council established at ‘Boocame I’ had become inactive. ‘Boocame II’ strengthened the power of the anti-Somaliland faction within the Dhulbahante clan.

Despite its shortcomings, the Hargeysa-conference enabled Somaliland to move forward with political, economic and social reconstruction. In the second half of the 1990s, Somaliland as a polity took shape in a *quid pro quo* struggle for power and participation between the leading politicians, the business community, SNM veterans, traditional authorities, members of the nascent civil society, and diaspora actors. Despite the importance most people in Somaliland attribute to Islam, and the fact that Somaliland is officially an Islamic state, religious leaders did not play a very visible role in the state formation process in Somaliland. Within the government, civilians and bureaucrats successively took over from the former SNM cadres. In this context, Isaaq politicians who had served in the administration of Maxamed Siyad Barre up to 1990, came to power again in Somaliland. It was not uncommon to hear ordinary people in Hargeysa in 2003 and 2004 say that the members of the government are ‘*faqash*’. *Faqash* is a derogatory term that can be translated as ‘collaborator’ or generally: ‘filth’. The government in Hargeysa successively established more authority over central and western Somaliland with regard to general administration and the control of key economic resources. It also began to reach out to some more peripheral regions, particularly to Sanaag in the northeast and Awdal in the west of the country. The state institutions, however, did not hold the legitimate monopoly on violence. Clans and individuals retained their small arms. Even in the capital city, traditional authorities continued to act as *ad hoc* mediators between families, between state institutions, and between citizens and the government, in times of crisis. Among the population, criminal cases (from shop lifting to murder) were usually handled by family elders. In case the police got involved, it did so only in agreement with the relevant traditional authorities.

Individual financial remittances from Somalis abroad secured family survival and some moderate ‘wealth’ of people in Somaliland. Collective diaspora initiatives contributed to the

establishment of basic infrastructure like schools, hospitals and even universities. Diasporic actors increasingly got involved in politics. Some engaged in local peacebuilding, others supported local politicians or traditional authorities, or returned and tried themselves to build-up a political position back ‘home’ in Somaliland.³² The basis for these various social and political forces working in concert (not necessarily always in harmony) was mutual recognition and the will to keep the peace.³³ This arguably constituted a moderate and family-based form of ‘external’ interference that was controllable by the actors themselves. In contrast, the large-scale military and humanitarian interventions in southern Somalia between 1992 and 1995 clearly fuelled the conflict escalation there.³⁴

The vision of Somaliland as an independent state inhabited by a particular community or nation gained in substance through the establishment of Radio Hargeysa (in 1991), the foundation of several daily newspapers such as *Jamhuuriya* and *Haatuf* (throughout the 1990s and early 2000s), the introduction of a national currency in 1994, the introduction of a new flag for the country (in 1996), the composition of a national anthem (in 1996), the development of a Somaliland school curriculum (from 1997 onwards), the erection of national and civil war monuments (2001), and so forth. Particularly the symbolism of the current flag is interesting: For the first six years, Somaliland used the SNM flag, which was white with a green circle in the centre, and ‘Allahu akber’ (God is the greatest) written in Arabic on top. In October 1996, when the most recent national *shir* in Hargeysa began, a new flag was introduced, with green, white and red horizontal stripes, ‘La Illaha Illallah Muhammedan Rasuul Allah’ (There is no god apart from god and Mahamed is his messenger) written in Arabic in the green field, and a small black star with five corners in the white field. The meaning of the colours was: green for prosperity; white for peace; red for the fallen fighters. The black star indicated the ‘death’ of the idea of ‘Greater Somalia’.³⁵

Already since 1991, the 26 June and the 18 May were celebrated annually as the days of the original independence of Somaliland from British colonial rule, and the day of (renewed) independence, respectively. Other important celebrations, but not official national holidays, were the 6 April, as the Day of SNM (founded in London on 6 April 1981), and the 17 October, the Day of the fallen SNM fighters (Somali: *Maalinta Shuhadada*).³⁶ It commemorated a particularly decisive battle against the Somali national army in a place called Burco Duuray, on 17 October 1984. Another institution related to the vision of Somaliland as distinct polity was the Technical

Commission for the Investigation of War Crimes. This commission had been established in August 1997, after heavy rains in mid-May that year had disclosed several mass graves in and around Hargeysa containing the remnants of hundreds of bodies. It later changed its name into War Crimes Investigation Commission (*Xafiiska Badhitaanka Xasuuqa*). In December 1997 a team of UN forensic experts visited Hargeysa for an on-site assessment of alleged mass graves. After some excavations in some of the more than 100 potential sites of mass graves, they confirmed the suspicious character of the killings, which constituted human rights violations. Claims to install a war crimes tribunal were occasionally voiced. Nonetheless, President Cigaal was against such a tribunal. In an interview in May 2001 he argued that it would be very difficult to define the exact perpetrators, since there had been informers of the national army among the civilian population (meaning: Isaaq) in the north.³⁷

These above mentioned policies, symbols, memorials and practices facilitated the development of an ‘imagined community’ within Somaliland.³⁸ They added weight to country’s *de facto* statehood, in concert with the working of the political institutions created in Boorama 1993. Contrary to Bradbury’s (2008) presentation of the process of ‘becoming Somaliland’, who sweepingly brushes over regional and political differences in Somaliland’s history and politics, the processes of state formation and community building outlined so far concerned only a part of the country, namely the area from Boorama to Burco to Ceerigaabo and the people living there. Bradbury also ignores the fact that the historical experiences and political orientations within the groups that predominantly supported Somaliland were far from homogenous. Even in the centre of the polity an influential minority continued to exist that resented the definitive secession from Somalia and the ‘death’ of the vision of Greater Somalia.³⁹

Beyond ‘core-Somaliland’, the political consensus was fragile. Members of the Dhulbahante and Warsangeli clans in Sool and eastern Sanaag, as well as parts of southern Togdheer, increasingly distanced themselves from the idea of an independent Somaliland. This means that roughly 30% of the territory and 20% of the population of the polity were not integrated (see Maps I and II above). The members of these clans felt politically and economically marginalised by Hargeysa. Moreover, the non-Isaaq groups clearly had experienced Somali history differently than most Isaaq. The monuments, holidays and other symbols of Somaliland frequently did not instigate ‘heroic’ memories and a feeling of togetherness in them. To the contrary, Somaliland’s symbols rather stood for the defeat of values and visions, which

many Warsangeeli and Dhulbahante had upheld until 1991, and many continued to do so, even if political pragmatism had dictated some concessions to the Isaaq majority and the overwhelming firepower of the SNM.

The formation of Puntland, Somaliland's rival

The anti-secessionist position of Dhulbahante and Warsangeeli hardened in the second half of the 1990s. It finally found a new political home in Puntland.⁴⁰ Puntland was established as an (autonomous) regional administration (in Somali: *maamul goboleed*) in north-eastern Somalia in 1998. The region was mostly inhabited by Majeerteen and had been controlled by the regrouped SSDF forces in cooperation with local traditional authorities since 1991. In the mid 1990s the SSDF participated in several conferences organised in the towns of Sodere (Ethiopia) and Cairo, among others, which aimed at the rebuilding of Somalia. When these conferences did not yield any tangible result, the people and political leaders in the northeast decided to erect their own administration. They called for a clan conference, similar to the ones held previously in Somaliland. The *shir* that eventually led to the establishment of Puntland took place in the town of Garoowe between May and August 1998. Its participants came from all clans of the northeast. Additionally, members of the Dhulbahante and Warsangeeli clans residing in eastern Somaliland participated in the meeting.⁴¹ Genealogically, most of these clans belong together as descendants of an ancestor named Harti, who descends from Darood. Before the state-collapse of Somalia, Harti had not been very significant in Somali clan-politics. It only became an important genealogical reference point in the context of inter-clan fighting around the town of Kismaayo in the south,⁴² the defence of the Majeerteen in the northeast against Hawiye forces in Gaalkacyo,⁴³ and the growing distance of the Dhulbahante and Warsangeeli from Somaliland.

On 16 August 1998 the establishment of the State of Puntland was officially announced by its founding President, Colonel Cabdullahi Yuusuf. Garoowe became its capital. The Charter of the State of Puntland, which functioned as the polity's preliminary constitution, followed 'the pattern of the Boorama National Charter, which formalized the birth of Somaliland.'⁴⁴ Elsewhere I argue that Puntland emerged by mimicking the institutional framework that contributed to the emergence of Somaliland.⁴⁵ It was initially based on a similar 'formula', integrating clans and

their traditional and other leaders. The political aims behind it, however, were quite different from the ones pursued in Burco, Boorama and Hargeysa before. Most importantly, Puntland did not claim independence from Somalia. Article 1.4 of the Charter provided that ‘Puntland is part of Somalia, and it is striving to regain the unity of Somali people and the creation of a Somali government based on a federal system.’ Therefore, Puntland works as an autonomous regional administration (in Somali: *maamul goboleed*) in north-eastern Somalia, neighbouring Somaliland. Article 1.2 of the Charter confirmed that the territory of Puntland includes the regions ‘Bari, Nugaal, Sool, South Togdheer (Buuhoodle district), Mudug (with the exception of the districts of Hobyo and Xaradheere) and east, south and northeast of Sanaag.’ This means that Puntland, at least on paper, cut the Dhulbahante and Warsangeeli territories out of Somaliland.

Battera rightly presumed from the very beginning that ‘eastern Somaliland might become a buffer zone between two entities, without clearly defined sovereignty.’⁴⁶ He also thought that Puntland’s incorporation of the Harti territories in the north could convince Somaliland to give up its claim to independence. This was confirmed, in his eyes, by a statement of President Maxamed Xaaji Ibraahim Cigaal in the Egyptian newspaper *Al-Hayat* from 21 February 1999, in which he announced that he would be in favour of a confederation system for a united Somalia. This statement triggered vehement protest by the majority of people in central Somaliland.⁴⁷ In contrast, I argue that the establishment of Puntland rather strengthened core-Somaliland. It provided the ‘relevant other’ in northern Somalia against whom the own polity is continuously defined. Identification against another group is the precondition of any process of identity formation.⁴⁸ Certainly, (*de facto*) state formation, if successful, is always accompanied by the formation of a collective identity.

The first three years of Puntland were marred by internal conflict. While power-sharing among the different Harti clans was regulated (Majeerteen took the presidency, Dhulbahante the vice-presidency, Warsangeeli the speaker of the parliament, and so forth), tensions increased within the leading Majeerteen clan. The Cusman Maxamuud and Cumar Maxamuud lineages rivalled for political and economic dominance. The former was the ‘aristocratic’ lineage leading the Majeerteen. It dominated the port of Boosaaso, Puntland’s economic hub. Cumar Maxamuud was considered the ‘nomadic’ and ‘warrior branch’; it was the descent group of President Cabdullahi Yuusuf. Besides, Cabdullahi Yuusuf made himself enemies since he did not fulfil the constitutional demands for decentralisation. To the contrary, he was accused of running a ‘one-

man state', in which mostly supporters of the administration received posts and finances were handled in an in-transparent way by the president alone. Under President Yuusuf, the state became the largest employer, with around 7000 public employees, 4500 of which served in the security forces. The salary of public servants and security forces consumed around 90% of the government revenue. The growth of the security apparatus was on the one hand typical for Cabdullahi Yuusuf who was widely considered to be a 'soldier'. On the other hand, it was an effect of the 'demobilisation' of the clan-militias. Many irregular units had been integrated in the police or the army, which in fact had contributed to the security in the region.⁴⁹

In 2000, the government of Djibouti hosted a Somali national peace conference in Arta, a town southeast of Djibouti city. This conference was supported by the international community. It resulted in the establishment of the Transitional National Government (TNG). Since the Arta-conference ignored the existence of Somaliland and Puntland, both administrations boycotted this initiative. In Puntland, Yuusuf's opponents took their chance, allied with the TNG and mobilised against the president, whose term officially ended in mid 2001. In November 2001 some traditional authorities elected Jaamac Cali Jaamac of the Cusman Maxamuud lineage as new President of Puntland. Cabdullahi Yuusuf retreated to his home town Gaalkacyo, where he amassed his forces. In the aftermath of 11 September 2001, Yuusuf managed to brand Jaamac Cali Jaamac and his allies from the TNG government in the south as 'terrorists'.⁵⁰ This secured him the backing of Ethiopia. Yuusuf's faction ousted Jaamac Cali Jaamac from Puntland in early 2002. Fighting between different Majeerteen groups continued throughout 2002. Somaliland aided the anti-Yuusuf forces. An agreement within Puntland was reached in 2003, and Cabdullahi Yuusuf managed to re-establish himself as president for the coming years.

Democratisation in Somaliland

In the meantime, the people of Somaliland approached the transition from clan-representation to multi-party democracy. The conflict between President Ciigaal and the parliament over the development of the constitution had ended in a compromise in 2000. The constitution in its first article confirmed the independence of Somaliland. It affirmed a presidential system of government and demanded the installation of a multi-party electoral democracy. When the

referendum on the constitution was held in May 2001, it was essentially a vote for or against Somaliland's independence, particularly against the background of the establishment of the TNG that was recognised as the government of Somalia by the international community. The official result of the referendum was that 97% of all registered voters (about 1.18 million people) approved the constitution.⁵¹ International observers evaluated the referendum positively, even if they were not numerous enough to report authoritatively on the poll throughout the country. Particularly, in Sool, eastern Sanaag and southern Togdheer, not many people registered for the poll. Nonetheless, since the number of the actual voters represented approximately two thirds of all eligible voters, the 97% approval meant that roughly 65% of all eligible voters confirmed the constitution and therefore the independence of Somaliland.⁵²

The next steps were to introduce political parties and prepare local government elections. In the middle of the process, on 5 May 2002, Maxamed Xaaji Ibraahim Cigaal died while on a private visit to South Africa for medical treatment. According to the constitution, Vice-President Dahir Rayaale Kahin took over the presidency for the remainder of the term. People in Somaliland mastered the 'shock' of their president's unexpected death and progressed with democratisation. On 15 December 2002, six political organisations competed in local government elections. The first three positions were taken by UDUB (*Ururka Demoqraadiga Ummada Bahowdey*)⁵³, Kulmiye⁵⁴ and UCID (*Ururka Caddaaladda iyo Daryeelka*)⁵⁵. These became the three national parties that would shape Somaliland politics in the future.⁵⁶ UDUB, the party of the incumbent president, became the ruling party, while the other two parties took the role of the opposition. The first democratic presidential elections were held on 14 April 2003. Dahir Rayaale Kahin won by a minimal margin of about 80 votes. The result was contested by Kulmiye. The Supreme Court of the country decided in Kahin's favour and the opposition finally accepted, bowing to increasing public pressure. Parliamentary elections took place on 29 September 2005. While UDUB won the largest single share, Kulmiye and UCID together formed an opposition of almost 60% in the House of Representatives. Both the presidential and the parliamentary elections were deemed reasonably free and fair by international election observers.⁵⁷ Notably, the parliamentary elections only concerned the lower house of parliament. The members of the *Guurti* remained unelected.

Clearly, between 2000 and 2005, the development of Somaliland's *de facto* statehood had accelerated. This went along with the growing demand among the active supporters of

Somaliland for international recognition. The democratisation process also added to the argument of the tiny but vocal group of international ‘Somaliland lobbyists’, that Somaliland was ‘Africa’s best kept secret’, in the sense of being democratic, peaceful and showing signs of modest economic development, without being recognised.⁵⁸

Despite the impressive successes of Somaliland with regard to formal democratisation of the overall political system, several problems remained. First, in everyday political life, clan politics continued within the parties and therefore also within all government institutions, including the cabinet and the parliament. Leading positions were divided among members of different descent groups. In the absence of ideological differences between the three parties, the mobilisation of party supporters also followed clan lines.⁵⁹ This brought about the ‘unfinished’ status of democracy that characterises Somaliland until 2010.

Secondly, the democratisation process outlined above did only very incompletely, if at all, take place in southern Togdheer, Sool, and eastern Sanaag, where Dhulbahante and Warsangeeli resided. This resulted in the disproportionate under-representation of these clans in the government institutions of Somaliland.⁶⁰ The Harti-peripheries in the east largely remained outside of the reach of Hargeysa. When Puntland started to effectively interfere there, the conflict between Somaliland and Puntland took a violent turn.

Conflict between Somaliland and Puntland

Until the early 2000s, both, Hargeysa and Garoowe, refrained from actively engaging in the contested borderlands. When Puntland was weakened by internal conflict in late 2002, however, President Dahir Rayaale Kahin of Somaliland visited Laascaanood, the capital of Sool region. The visit on 7 December 2002 triggered a clash between troops of Somaliland and Puntland inside Laascaanood. Shocked by the event, Hargeysa withdrew its forces and local shadow administration from Laascaanood.⁶¹ The Puntland forces also retreated. For a year, Laascaanood was left to the local powers.

In December 2003, Puntland police forces took clashes between two Dhulbahante lineages as an excuse to intervene and occupy Laascaanood. The government of Somaliland had to react and sent its army to the region. The dominant sentiment in Hargeysa in those days was

that the Somaliland national forces had to defend the territory of the country. *The Republican*, one of the most influential English weeklies issued in Hargeysa, printed an article in which a Somaliland minister, who was one of the few Dhulbahante in the government, called on the people to safeguard Somaliland and to go to war over Sool. The minister was cited with the words that ‘there is no better cause than to fight in defense of one’s country or to be a martyr [...] I wonder why the people of Somaliland are not fighting for their territory.’⁶²

In fall 2004 the conflict between the two centres over the periphery in Sool came to a head, related to some ‘external’ events concerning Somalia. The TNG established in Arta had proven a failure. After the terror attacks on 11 September 2001, Western powers grew increasingly concerned about stateless Somalia. A Somali peace and reconciliation conference under the auspices of the Intergovernmental Authority on Development (IGAD), and financially backed by the international community, had been opened in Kenya in October 2002. Somaliland refused to participate, but Puntland went there. The agenda to establish Somalia as a federal state was in accordance with the provisions of the Charter of Puntland. The Transitional Federal Government (TFG) was established in mid-2004. Its members elected Cabdullahi Yusuf, the President of Puntland, as new President of Somalia on 10 October 2004. One of the first announcements of the new president clarified that he would not tolerate the splitting-up of Somalia. Against this background, the confrontation between Somaliland and Puntland took a new turn. On 29 October 2004, the armies of Somaliland and Puntland clashed some 30 kilometres west of Laascaanood. Several dozen soldiers fell on both sides or were wounded. Politically, the clash did not bring about any decisive result; Laascaanood continued to be under Puntland’s rule. However, the politicians in Hargeysa and their constituencies, who by 2004 had developed a strong feeling of belonging to a state known as Somaliland, could not ignore the problems at the eastern margins of their polity anymore.

The situation remained tense, but for some years, no further fighting escalated in the contested borderland. Cabdullahi Yusuf’s TFG got caught up in fighting against Islamic courts and Islamist militants in southern Somalia between 2006 and 2008. Maxamuud Muuse Xirsi (also known as Cadde Muuse), a Majeerteen from the Cusman Maxamuud branch was elected new president of Puntland in January 2005. He did not make Laascaanood his priority. The situation changed again in mid 2007, when Axmed Cabdi Xabsade, the Minister of Interior of Puntland, a senior Dhulbahante politician, fell out with Cadde Muuse. Xabsade turned to the government in

Hargeysa for help and in October 2007, Somaliland forces ousted the Puntland army from Laascaanood.⁶³ Up until 2010, the town and the surrounding areas remain under Somaliland's control. Occasionally, politicians in Garoowe vow to take back the lost territory.

It is worth noting that the conflict between the two administrations in the north is not about land or resources (even if reportedly oil can be found in the regions Sool and Sanaag), but about political vision. Somaliland longs for international recognition. It needs to control the contested borderlands to bolster its claim to be an established state. Puntland envisions a unitary but federal Somalia. This aim compels it to prevent Somaliland's *de jure* independence. By undermining the borders claimed by Hargeysa, Puntland complicates the position of Somaliland tremendously.

Somaliland 2007-2009

The future of Somaliland hinges not only on the conflict with its neighbour Puntland. The years 2007 to 2009 have shown how precarious the country's domestic situation is. The government of Dahir Rayaale Kahin is facing growing internal opposition. In 2007, the president and his family came under attack when *Haatuf*, one of several independent newspapers in Hargeysa, issued reports [alleging?] the involvement of the president's wife in a corruption scandal in Boorama, the hometown of the presidential family. The heavy handed reaction was that armed police raided the office of *Haatuf*. The managing editor and several journalists were arrested and put on trial. The court proceedings were highly dubious. Despite public outcries in Somaliland, the Diaspora, and internationally, the trial continued and in March 2007 the *Haatuf* journalists were sentenced to several years of imprisonment. In addition, the court ordered the *Haatuf* Media Network (HMN) to pay a fine and called for the suspension of the HMN's license. Within weeks, President Kahin pardoned the journalists. HMN continued publishing. Yet the government had made its position clear, and many journalists understood the warning.⁶⁴

This conflict over the freedom of expression was followed by a struggle over political participation in Somaliland. A group of Somaliland intellectuals, former politicians and businessmen formed a political organisation called *Qaran* (Nation) in Hargeysa in April 2007. The government argued that *Qaran* was illegal since article 9 of the constitution allowed only for

the existence of three political parties. The leadership of *Qaran* and its followers stressed that article 22 of the constitution provided that ‘every citizen shall have the right to participate in the political, economic, social and cultural affairs in accordance with the laws and the Constitution.’⁶⁵ While these contradictions were not yet reconciled, the government already took action. The three *Qaran* leaders were arrested in Hargeysa in July for allegedly engaging in unauthorized political activities with the intent to cause subversion. The court proceedings followed the model of the previous case of *Haatuf*, and the three politicians were sentenced in August 2007 to several years in prison, and a five year ban from holding public office. In late December 2007, they were released by order of the president. The ban from holding public office remained in force. In early 2008, *Qaran* formed a joint opposition committee together with Kulmiye, Somaliland’s leading opposition party. Its aim was to remove President Dahir Rayale Kahin from power in the upcoming presidential elections.

The preparations of these elections turned into a major crisis between 2008 and 2009. According to the constitution, the elections had to take place in April 2008. Yet neither the administration nor the opposition had taken the necessary steps for holding the vote. Already the nomination of the seven members of the National Electoral Commission (NEC) through the government and the opposition took longer than expected. After its establishment, the NEC was continuously criticised for its ineffectiveness and even inability to organise the elections. The elections had to be postponed repeatedly, and the president’s term was prolonged accordingly. The process was complicated by the agreement between the government of Somaliland, the European Commission and the international NGO Interpeace to organise a country-wide voters’ registration that should result in the issuing of voters’ and ID cards.⁶⁶ The Somaliland parties and NEC opted for a sophisticated biometric registration system based on fingerprint identification, against the explicit advice of the donors and Interpeace. The ID cards were supposed to contain photographs. Registration involved the taking of fingerprints, in order to be able to sort out double registration. This process was technically very ambitious and highly symbolic – for the first time, all citizens of Somaliland should be able to receive a document identifying them as ‘Somalilander’. It started in October 2008 and proceeded relatively quickly from western to eastern Somaliland, despite a host of logistical problems. It came to a sudden halt when Somaliland and Puntland were shaken by five concerted suicide bomb attacks on 29 October 2008. In Hargeysa, the presidential palace, the UNDP compound and the Ethiopian liaison office

were attacked. In Puntland, two offices of the Puntland Intelligence Service (PIS) were bombed in the town of Boosaasso. In Somaliland alone, more than 20 people were killed and about 30 were injured. It was commonly suspected that the perpetrators were closely related to Islamic extremists based in southern Somalia, who also had supporters in the north. With regard to Somaliland, the attacks most probably aimed to end the relative peace and stability of the country and to undermine its *de facto* statehood. Somaliland's independence has never been accepted by southern leaders. It also was against the Islamist agenda of a strong, united and Islamic state of Somalia in the Horn of Africa.⁶⁷

The voters' registration in Somaliland continued after a break of about six weeks in late November 2008. Initial registration concluded by end of the year; until February 2009, 'late comers' had a chance to make use of supplementary registration. For the first time, the national policies of the government in Hargeysa had reached out to and partly were implemented in the territories inhabited by Dhulbahante and Warsangeeli. At least in Laascaanood and some surrounding areas the voters' registration had taken place.

Just after the first region (Saxiil) had been registered, in October 2008, it had already become obvious to close observers that many people had registered several times and circumvented registration rules.⁶⁸ Nonetheless, the members of the politically responsible actors in Somaliland as well as the donors let the process continue. Public 'mourning' about misconduct during the voters' registration started only in January 2009. About 1.4 million registrations were counted, over 50% without fingerprints.⁶⁹ It should have been clear to all involved parties (particularly the actors in Somaliland) that the deceit of external observers and the exaggeration of the numerical strength of the own group constitute a 'tradition' in the Somali society that resisted many attempts to count and register accurately since colonial time. Registration and census is a classic state-technology of control and a 'power game'. People in Somaliland reacted accordingly. Since certain locations in Somaliland could easily be identified as strongholds of UDUB, Kulmiye or UCID respectively, it was clear that the multiple registrations, particularly in Boorama, Hargeysa and Burco and surroundings had the aim to enhance the voting powers of the different party constituencies. In early 2009, representatives of the three parties lamented the 'misbehaviour' of the respective opponents' supporters, and sought to play down the fraud of their own followers. Soon it became clear that sorting out the extra registrations was not only a technical issue. Representatives of the EC and Interpeace repeatedly visited Hargeysa in early

2009 to contribute to the solution of the crisis. However, neither the opposition party leaders nor the government were ready to compromise. It again became impossible to hold elections on 29 March 2009, the date that had previously been set.

In early March 2009, the *Guurti* prolonged the president's term for the second time (since April 2008). It referred to provisions in the constitution concerning the 'security situation' (article 83 [5]) that arguably did not apply to the situation. This unconstitutional delay, in the eyes of many, caused rising tensions in Somaliland. Calls of the opposition parties for demonstrations were regularly met with threats from the administration that declared any demonstration illegal, accused opposition leaders to undermine the 'peace and stability' of Somaliland, and deployed armed police and military in the major cities to keep the situation under control.⁷⁰ Nonetheless, demonstrations took place in the capital and the regions in August and September 2009, and at least one person died when the police opened fire during a demonstration in Hargeysa on 12 September. On 25 September, the *Guurti* extended the term of the President and Vice-President again 'until one month after holding the presidential elections', without presenting a date for these elections. This decision meant that a vacuum of power in the country and possibly further escalations of violence were prevented, yet, the election crisis was not solved.

The tensions within Somaliland only dissolved after presidential elections finally were held on 26 June 2010. The candidate of the opposition, Axmed Maxamed Maxamuud Siilaanyo, the Chairman of the Kulmiye party, won. While it is too early to assess the consequences of this election, e.g., with regard to Somaliland's conflict with Puntland or the incomplete integration of the Dhulbahante and Warsangeeli in Somaliland, it is clear that the second peaceful presidential elections sent a very positive signal regarding the continuing democratization of the country.

The issue of international recognition

The main arguments in favour of Somaliland's recognition are the following: first, Somaliland existed as an independent state between 26 and 30 June 1960. Second, the union of Somaliland and Somalia on 1 July 1960 was a voluntary union between two states. Third, northerners were treated unfairly in the newly established Republic of Somalia, where power and resources were concentrated in the south. Many northerners expressed their disappointment with the union

through the boycott of the constitutional referendum in early 1961. Fourth, under Siyad Barre people in the north were systematically oppressed by the government in the south that, at latest from 1988 onward, launched a genocidal campaign against the Isaaq. Against this background, Somaliland 1991 'revoked' the union and re-established its independent statehood.⁷¹

This is presented as the historical aspect of the issue. With regard to the period since 1991, the argument continues that Somaliland's case complies with the basic requirements of the Montevideo Convention on the Rights and Duties of states. Somaliland is comprised of clearly demarcated boundaries, a permanent population, and a government. Since its borders go back to treaties between the colonial powers and were 'inherited' upon independence on 26 June 1960, Somaliland's claim for recognition is even 'consistent with both the letter of the AU Charter and the spirit in which it has historically been applied.'⁷² Somaliland's case is completed by outlining the public support for independence inside the country, expressed in the constitutional referendum 2001, the economic viability of the country, and its democratic credentials 'in full accordance with the requirements of the current dominant narratives of western donors.'⁷³

This line of argumentation is presented to the outside world in writing (in official government publications) and whenever Somaliland officials address audiences/partners inside and outside of the country.⁷⁴ Arguably, over the past decade or so it has condensed into a dominant discourse on the matter that informs the talks (to outsiders) of many Somaliland supporters.⁷⁵

This claim for recognition is met by two very different approaches to recognition under international law. The constitutive approach stresses that an emerging state has to be recognised by existing states in order to become a state. Recognition is a *conditio sine qua non* for state formation under international law. The declaratory approach, on the other hand, maintains that recognition is a political act that is independent of the actual existence of a new state. The constitutive approach clearly emphasises the agency of the existing states. This guarantees that once recognised the new state can count on some support from the existing states. But it detaches recognition from the question of internal stability and effectiveness of the newly recognised state. The declaratory approach prioritises effectiveness and the *de facto* existence of a state. This, however, does not necessarily mean that diplomatic relations between the existing states and the 'newcomer' will be established. Without acceptance from other states, however, even a highly effective polity cannot participate in international relations.⁷⁶

The case of Somaliland is complicated by the fact that it seceded from a collapsing parent state. Schoiswohl, who has written the most detailed legal analysis on Somaliland's claim for recognition, outlined that in international law secession is generally understood as a separation of a part of a territory of a state carried out by the resident population with the aim to create a new independent state or to accede to another state. This happens without the consent of the previous sovereign. Still, recognition usually hinges on the later acceptance of the secession by the former sovereign. In case the new political entity emerged from a collapsed state and proved a reasonable degree of stability and continuity, it can acquire statehood even without the recognition of the parent state.⁷⁷ This conclusion, however, remains theoretical. Somaliland can be understood as a state in the doctrinal sense (and according to the declaratory approach), but as long it is not treated as such by the international community, its statehood does not yield the expected results including international sovereignty.⁷⁸

It is noteworthy that an AU fact-finding mission dispatched to Somaliland in early 2005 evaluated the case of Somaliland favourably. The mission found that since 1991, a democratic order has been established in Somaliland. It confirmed the emotional attachment of the people to the claimed independence and a firm determination not to return to the failed union with Somalia.⁷⁹ Most importantly, the AU delegation stressed that the case of Somaliland should not be linked to the notion of 'opening a Pandora's box'. This referred to the issue of the contested (colonial) boundaries in Africa.⁸⁰ In December 2005, President Dahir Rayaale Kahin submitted Somaliland's application for membership in the AU.⁸¹ Since then, however, the case is pending.

Recognition is not an aim in itself. It has to be asked what it would bring to Somaliland and its citizens. On the one hand it would endow Somalilanders with the rights and liberties enjoyed by citizens of recognized states, including freedom to travel abroad legally, engage in economic transactions more easily, have one's documents and certificates acknowledged in other countries, and so forth. It would also open Somaliland to international cooperation and, most probably, assistance on a large scale. On the other hand, recognition may have severe negative repercussions for the nascent democracy in Somaliland. Shortly before the first presidential elections in 2003 Matt Bryden pointed out that Somaliland would pass the test of statehood easily, particularly if compared with its undemocratic, highly militarized and internally divided neighbours in the Horn of Africa. Nonetheless, 'in reality, the foundations of democracy and rule of law in Somaliland are still fragile and the transition has far to go.'⁸² He confirmed that

corruption was endemic, and clan-based interest groups would cling to power. He stressed that only the government's relative poverty and its lack of coercive authority rendered it somewhat accountable to the public. 'But if Somaliland receives recognition, all that could change.'⁸³ To endow a government that displays a growing tendency to disrespect the laws of its own country and keeps its population 'hostage to peace' by arguing that any oppositional move would endanger the country's chances for recognition, may worsen the situation.⁸⁴

Conclusion

No one could have predicted the success of Somaliland's state and, to some extent, nation-building process in the early 1990s. Certainly, Somaliland today is not simply the continuation of the (ex-)British protectorate, even if this is frequently stressed by political actors in and supporters of Somaliland. Somaliland has to be understood as a complex new state, born out of civil war, which in fact provided the drive to engage in secession and state-formation, and shaped by complex political dynamics since 1991. The common experiences of guerrilla struggle and hardship provided a basis for state-formation in central Somaliland, where Isaaq reside who filled the ranks of the SNM and constitute the majority of the population of Somaliland. The peaceful hand-over from the SNM to civilian leaders, unparalleled in African post-colonial history, paved the way for the establishment of Somaliland's hybrid system of government in Boorama 1993. This system carried the polity a long way. The most important factor on the way to a *de facto* state, however, were countless everyday practices and decisions of ordinary people who increasingly left their guns at home when tensions arose, tolerated power-hungry and corrupt leaders patiently, worked for slow but steady transitions of the system of government, endured economic hardship due to lack of resources and non-recognition, and relied on self-help and their relatives abroad rather than on help from the government or the international community. In many cases, the financial remittances sent by the diaspora facilitated family survival in the absence of jobs and public services.

Finally, a number of external factors aided Somaliland's gestation. The continued state-failure of and warring in Somalia, which over the past two decades was complicated by external interventions, forced people in Somaliland to move on. To return to a collapsed Somalia is no

option after the successful peace and democratisation processes in Somaliland since 1991. The establishment of Puntland in north-eastern Somalia in 1998 seemingly threatened Somaliland. Puntland was constructed as ‘counter-polity’ to Somaliland. It capitalised on the fact that the above mentioned *de facto* state-formation of Somaliland had happened largely in central and western Somaliland. The eastern regions of the country were hardly integrated. The members of the Dhulbahante and Warsangeeli clans residing there did not share the negative experiences of the Isaaq under the regime of Maxamed Siyad Barre and therefore were not motivated to secede in 1991. They tolerated the declaration of independence in 1991 in order to avoid further fighting in the region. Yet, over the 1990s they distanced themselves from Hargeysa and finally engaged in the establishment of Puntland. They are united with the Majeerteen dominating in north-eastern Somalia in the vision to re-establish a unitary Somalia. I argued, however, that this seeming threat to Somaliland’s state formation in the long run contributed to Somaliland’s stabilisation, at least in its centre. Puntland provides the ‘relevant other’ against which Somalilanders, who share the vision of gaining international recognition, define their identity and polity. By engaging in military conflict over the contested borderlands with Puntland, Somaliland eventually established some control over the so far peripheral and not well-integrated territories. The process of state and nation building in Somaliland is still ongoing.

Notes

¹ C Tilly, Reflections on the History of European State-Making, In C. Tilly (ed.) *The Formation of Nation States in Western Europe*, Princeton: Princeton University Press, 1975; C Tilly, *Coercion, Capital, and European States, AD 990-1990*, Cambridge: Basil Blackwell, 1990; C Clapham, Degrees of Statehood, *Review of International Studies* 24, 1998; JS Migdal Joel S. and K Schlichte, Rethinking the state, In JS Migdal and K Schlichte (eds.) *The Dynamics of States*, Burlington: Ashgate, 2005; M Doornbos, *Global Forces and State Restructuring. Dynamics of State Formation and Collapse*, London: Palgrave, 2006.

² C Clapham, Rethinking African states. *African Security Review* 10(3), 2001; A Bellagamba and G Klute, Tracing emergent powers in contemporary Africa, in A Bellagamba and G Klute (eds.) *Beside the state: emergent powers in contemporary Africa*, Koeln: Ruediger Koeppel, 2008, 9-11.

³ B Kapferer, New formations of power, the oligarchic-corporate state, and anthropological ideological discourse, *Anthropological Theory* 5 (3), 2005, 286.

⁴ J Herbst, The Creation and Maintenance of National Boundaries in Africa, *International Organisation* 43(4), 1989.

⁵ P Englebert and R. Hummel, Let’s stick together: Understanding Africa’s secessionist deficit, *African Affairs* 104 (416), 2005.

⁶ S Pegg, Scott, *International Society and the De Facto State*, Aldershot: Ashgate, 1998, 4.

⁷ L Ciabbarri, No representation without redistribution: Somaliland plural authorities, the search for a state and the 2005 parliamentary elections, in A Bellagamba and G Klute (eds.) *Beside the state: emergent powers in contemporary Africa*, Koeln: Ruediger Koeppe, 2008, 57.

⁸ For reasons of space and lack of reliable data this text does not analyze the local and regional economy at any depth and only occasionally refers to the wider political dynamics in the region, particularly the politics of Ethiopia, Djibouti and some Arabic states toward Somalia in general, and Somaliland in particular.

⁹ In Somali society, groups belonging together by patrilineal descent cooperate or compete with regard to sharing resources. Besides descent, also co-residence and adoption provide a social basis for group-belonging, particularly in central and southern Somalia.

¹⁰ Somali place and personal names in this text generally follow the Somali orthography. The Latin ‘c’ stands for a sound close to the Arabic ‘ع’ (ayn); ‘x’ denotes ‘ح’ (ha), as in, e.g., Cali or in Faarax.

¹¹ Barre was Marrexaan. His mother was Ogadeen. An important companion of the President, Axmed Sulebaan Daffle, a son in law of Barre and high government official, was Dhulbahante. Their clans provided the backbone of the regime.

¹² D Compagnon, *Political Decay in Somalia: From Personal Rule to Warlordism*, *Refuge* 12 (5) 1992.

¹³ J. Drysdale, *Somaliland: the anatomy of secession* (Booklet, no publisher indicated), 1992, 25.

¹⁴ M. Bradbury, *Becoming Somaliland*, London, James Currey, 2008, 82-83.

¹⁵ Interview with Garaad Cabdiqani, Laascaanood, September 2002; Interview Cabdisamid Cali Shire, Garoowe, 05.12.03.

¹⁶ Bradbury, *Becoming Somaliland*, 98.

¹⁷ K Eikenberg, *Somaliland: Der Konflikt in Hargeysa*, AG KAD (Arbeitsgemeinschaft kirchlicher Entwicklungsdienst) Informationen zum Horn von Afrika 1, 1995.

¹⁸ U Terlinden, *Emerging governance in Somaliland: a perspective from below*, in E.-M. Bruchhaus and M.M. Sommer (eds.), *Hot Spot Horn of Africa Revisited*, Hamburg, Lit Verlag, 2008, 51-67.

¹⁹ Interview Yassin Faraton, Laascaanood, 04.11.2003.

²⁰ A second *shir* was held in Boocame in 1996/97; see below for details on ‘Boocame II’.

²¹ Interview Jaamac Cabdullahi Shurie, Laascaanood, 11.09.2002.

²² Interview Cabdillahi Qalaffo, Laascaanood, 18.12.2003.

²³ Interview Yassin Faraton, Laascaanood, 04.11.2003.

²⁴ East of Burco the old Somali Shilling continued to be used, since there the economic ties to the rest of Somalia were strong.

²⁵ *Qaad* is a mild drug. The leaves of the *qaad* tree (*catha edulis*) are chewed for their stimulating effect. The leaves are imported from eastern Ethiopia into Somaliland.

²⁶ M. Renders, *Traditional leaders and institutions in the building of the Muslim Republic of Somaliland*, Unpublished PhD dissertation, University of Ghent, 2006, Chapter 4; Bradbury, *Becoming Somaliland*, 116-123.

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- ²⁷ Interview Garaad Cabdiqani, Laascaanood, 28.10.2003.
- ²⁸ Bradbury, *Becoming Somaliland*, 126.
- ²⁹ Interview with Muuse Cali Faruur, Hargeysa, 15.02.2009.
- ³⁰ Renders, *Traditional leaders and institutions*, Chapter 5.
- ³¹ MV Hoehne, *From pastoral to state politics: Traditional authorities in Northern Somalia*, in . Buur and HM Kyed (eds.), *State recognition and democratisation in Sub-Saharan Africa: A new dawn for traditional authorities?*, New York, Palgrave, 2007.
- ³² MV Hoehne, *Diasporisches Handeln in Bürgerkrieg und Wiederaufbau: Beispiele aus Somalia und Somaliland*, *Friedens-Warte* 85 (1-2), 2010.
- ³³ L Ciabbari, *No representation without redistribution: Somaliland plural Authorities, the Search for a State and the 2005 Parliamentary Elections*, in A Bellagamba and G Klute (eds.), *Beside the State: Emergent Powers in Contemporary Africa*, Köln, Rüdiger Köppe, 62.
- ³⁴ The example of the role of members of the Dhulbahante diaspora at the Boocame conference (above) shows that diasporic actors also could engage in conflict escalation.
- ³⁵ In contrast the five-pointed white star on light blue ground of the old Somali flag had expressed the idea of Greater Somalia, including the British and the Italian Somalilands as well as the Somali territories in Djibouti, Ethiopia and Kenya.
- ³⁶ *Shuhada* ist he Somali plural of the Arabic loanword *Shihid*, denoting a fighter died in jihad. The SNM had termed its struggle against the Barre-regime as jihad.
- ³⁷ Africa's 55th President, Egal of Somaliland, May 2001, <http://www.afrol.com/Countries/Somalia/backgr_egal_interview.htm>
- ³⁸ B Anderson, *Imagined Communities: reflections on the origin and spread of nationalism*, London: Verso, 1983.
- ³⁹ During an interview, a former Minister in Somaliland came to praise the beauty of Mogadishu before the war. He concluded: 'I tell you one thing: if there is law, order and a government in Mogadishu, and if people are given their property back and anybody can feel save in Mogadishu, nobody will stay in Hargeysa; everybody will go to Mogadishu' (Interview Anonymous, Hargeysa, 19.09.2003).
- ⁴⁰ M Bryden, *New hope for Somalia? The building block approach*. *Review of African Political Economy* 26 (79), 1999.
- ⁴¹ F Battera, *Remarks on the 1998 charter of the Puntland State of Somalia*, Working Paper, United Nations Development Office for Somalia (UNDOS), 1999; M Doornbos, *When is a state a state? Exploring Puntland*, in P Konings, W van Binsbergen and G Hesselting (eds), *Trajectoires de libération en Afrique contemporaine*, Paris: Karthala, 2000; AY Farah, *Somalia: Modern history and the end of the 1990s*, in WSP (ed.), *Rebuilding Somalia: Issues and Possibilities for Puntland*, London: HAAN, 2001; AY Farah, *Troubled transition in Puntland State of Somalia (PSS), 1998-2001*, Unpublished paper. Nairobi: UNDP resource centre, 2004.
- ⁴² Kismaayo, an important port-town circa 450 kilometres south of Mogadishu, hosted a significant Majeerteen population since the time of Italian colonialism. Also Dhulbahante had emigrated there already in the early 20th century. In the early 1990s the town was heavily contested between two splinter groups of the Somali Patriotic Movement (SPM) that originally had been an Ogadeen movement. One of the splinter groups was the SPM (Harti).

⁴³ USC forces loyal to Maxamed Faarax Caydiid tried to expand to the northwest in 1991. SSDF/ Majeerteen troops under Cabdullahi Yuusuf fought against them in Gaalkacyo until 1993. The conflict ended with the division of the town in a Hawiye and a Darood/Harti part.

⁴⁴ F. Battera, Remarks on the 1998 charter of the Puntland State of Somalia, Working Paper, United Nations Development Office for Somalia (UNDOS), 1999, 4.

⁴⁵ MV Hoehne, Mimesis and mimicry in dynamics of state and identity formation in northern Somalia, *Africa* 79 (2), 2009.

⁴⁶ Battera, Remarks on the 1998 charter, 12.

⁴⁷ *Ibid.*, 13.

⁴⁸ F Barth, Introduction, in F. Barth (ed.), *Ethnic Groups and Boundaries. The Social Organization of Culture Difference*, London: Allen and Unwin, 1969.

⁴⁹ Farah, *Troubled Transition*.

⁵⁰ The TNG had close relations to some reform oriented Islamist groups in Somalia, particularly to Al Islaax. The latter, however, is clearly not a militant or terrorist organization.

⁵¹ The number of 1.18 million voters must have included a large number of people who voted two or more times. In the parliamentary elections (2005) only 674.000 voters were counted.

⁵² M Bryden, A State-within-a-failed-state: Is Somaliland Headed for Recognition or Reunification?, in P. Kingston and I.S. Spears (eds.), *States-Within-States: Incipient Political Entities in the Post-Cold War Era*, New York: Palgrave Macmillan, 2004, 178.

⁵³ Literally: 'Party of the Democratic Peoples Alliance'. The abbreviation 'UDUB', however, refers to the Somali word *udub* that denotes the central pillar in the nomadic hut.

⁵⁴ The party name Kulmiye is not an abbreviation. Etymologically, it comes from *kulan* meaning: meeting.

⁵⁵ Literally: 'Party of Justice and Welfare'. The abbreviation UCID refers to the Somali word construction *u cid* that means 'responsible/care for' (*Somaliland anaga u cid ah*, meaning: we are responsible/care for Somaliland).

⁵⁶ Article 9 of the Constitution of Somaliland provided that not more than three national parties must exist in Somaliland. This was a measure against clan-factionism.

⁵⁷ U Terlinden and MH Ibrahim, Somaliland – a Success Story of Peace-Making, State-Building and Democratisation?, in E-M Bruchhaus and MM Sommer (eds.), *Hot Spot Horn of Africa Revisited*, Hamburg, LIT Verlag.

⁵⁸ I Jhazbhay, Somaliland: Africa's best kept secret, a challenge to the international community?, *African Security Review* 12 (4), 2003; DH Shinn, Somaliland: the little country that could, *CSIS Africa Notes* 9, 2002.

⁵⁹ This did not mean that 'pure clanism' reigned and that one party was controlled and supported by only one clan. Within every party, all clans had their share. Yet, positions within the government and the parties were rather awarded on basis of clan belonging than of individual merit and elections.

⁶⁰ SJ Hansen and M Bradbury, Somaliland: A new democracy in the Horn of Africa?, *Review of African Political Economy*, 3 (113), 2007, 470-471.

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- ⁶¹ MV Hoehne, Political identity, emerging state structures and conflict in Northern Somalia, *Journal of Modern African Studies*, 44 (3), 2006, 406-407.
- ⁶² *The Republican* issue 304, 17-23.07.2004, p. 1.
- ⁶³ MV Hoehne, Puntland and Somaliland clashing in northern Somalia: Who cuts the Gordian knot?, 2007, <<http://hornofafrica.ssrc.org/Hoehne/>>
- ⁶⁴ MV Hoehne, Newspapers in Hargeysa: Freedom of speech in post-conflict Somaliland. *Africa Spectrum* 43 (1), 2008, 100.
- ⁶⁵ The English translation of the Constitution of Somaliland is available on <http://www.somalilandlaw.com>.
- ⁶⁶ Most of the resources were provided by EC, DfID/UK, USAID, SIDA Sweden, Norway, DANIDA/Denmark; together they form the Democratization Program Steering Committee.
- ⁶⁷ MV Hoehne, Somalia: Update on the current situation (2006-2008). Bern: Schweizerische Flüchtlingshilfe SFH, 2008, 13-15.
- ⁶⁸ Personal communication with an anonymous source based in Nairobi, 26 September 2009.
- ⁶⁹ In the parliamentary elections (2005), during which ink was used to prevent multiple voting, only about 674.000 voters were counted.
- ⁷⁰ Observations of the author in Hargeysa, January to May 2009.
- ⁷¹ Ministry of Foreign Affairs, The case of Somaliland's international recognition as an independent state, 3-6.
- ⁷² *Ibid.*, 10.
- ⁷³ Ciabbari, No representation without redistribution, 55-56; Ministry of Foreign Affairs, The case of Somaliland's international recognition as an independent state, 12-48.
- ⁷⁴ For the description and analysis of an impressive performance of Somaliland's claim upon a visit of British parliamentarians to Hargeysa in January 2004 see Hoehne, Political identity, emerging state structures and conflict in Northern Somalia, 402-404.
- ⁷⁵ Interviews, Hargeysa, July and October 2004, December 2008, January 2009.
- ⁷⁶ M Schoiswohl, Status and (Human Rights) Obligations of Non-Recognized De Facto Regimes in International Law: The case of Somaliland. Leiden, Boston: Martinus Nijhoff Publishers, 2004, 32-35.
- ⁷⁷ *Ibid.*, 48-58.
- ⁷⁸ The case of Eritrea is different, since its independence in 1993 was recognised by the government in Addis Ababa.
- ⁷⁹ The mission only visited central and western Somaliland, particularly the cities of Hargeysa, Berbera, Burco, Sheikh and Boorama. It did not approach the regions contested between Somaliland and Puntland.
- ⁸⁰ AU, Resume: AU fact-finding mission to Somaliland (30 April to 4 May 2005), 2005.
- ⁸¹ International Crisis Group (ICG), Somaliland: time for African Union leadership, Africa Report No. 110, 2006, i.
- ⁸² M Bryden, The banana test: is Somaliland ready for recognition?, *Annales d'Ethiopie* XIX, 2003, 363.

⁸³ Ibid.

⁸⁴ The term 'hostages to peace' has recently been used as title for the Human Rights Watch report on the situation in Somaliland (Human Rights Watch, 'Hostages to peace': Threats to human rights and democracy in Somaliland, 2009, <http://www.hrw.org/sites/default/files/reports/somaliland0709web.pdf>). Originally, it has been employed by Matt Bryden already a few years ago. He argued that '[o]rdinary Somalilanders today seem to want more, referring to themselves as hostages to peace – desirous of change but fearful that any tinkering with their political system might trigger ist sudden implosion' (Bryden, *The Banana test*, 363).