

SOMALILAND: PASSING THE STATEHOOD TEST?

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INTRODUCTION

Encompassing an area of 68,000 square miles (176,000km²), the Republic of Somaliland, known during the colonial period as British Somaliland, lies between the 8th and 11th parallel and 42° and 49°E meridian within what is recognised by the international community as the state of Somalia. From the start a *de facto* unequal partner in the state of Somalia and later even a targeted minority, Somaliland ultimately extracted itself from a degenerate Somalia by declaring statehood on 18 May 1991. Consequently, Somaliland, whose unilateral declaration of statehood has not been recognised by a single member of the international community, exists in what has been referred to as a “*diplomatic no-man’s land*.”¹ The purpose of this paper is both to evaluate, from an international legal and a political perspective, Somaliland’s assertion of statehood and to consider the prospects for a new littoral state in the Horn of Africa. By way of background to this analysis, the paper commences with a short historical overview of Somaliland.

HISTORICAL CONTEXT

Somaliland is the product of a British desire to secure its Gulf of Aden trade routes and to supply its prized port of Aden.² In the wake of the establishment of Aden in 1839 and the opening of the Suez Canal in 1869, the British grew to appreciate the strategic nature and abundance of convenient food supplies associated with the northern Somali coast. During the 1880s, Britain successfully concluded treaties with the key Somali tribal families inhabiting the area, the Issaq and Dir.³ South and east of this region, the Italians consolidated their own interests among the Hawiya, Darod and Sab family-tribes. Unlike the British, who committed minimal resources to Somali areas under their hegemony, the Italians had every intention of establishing a full-fledged colony in southern Somalia.⁴

By the turn of the twentieth century, all of the Somali peoples of the Horn lived under the political control of foreign powers. The British not only controlled the Somalis living in today’s Somaliland, but also the Somalis, largely Darod, living within what became the British colony of Kenya. The French oversaw the colony of French Somaliland, present day Djibouti, predominantly comprised of the Issa members of the Dir family tribe. The Ethiopians ‘controlled’ Somalis, also of the Darod family, living in the Ogaden and, as noted, the Italians maintained control over Somalis living in Italian Somaliland.

While there was a brief period during World War II when the far-reaching Somalis were at least technically unified,⁵ the northern Somalis and the southern Somalis existed under two very different and separate Somalilands. British Somaliland and Italian Somaliland were characterised by distinct clan/tribal loyalties, economies, educational systems, governments, currencies, even different written languages – English in the north and Italian in the South.⁶ Not surprisingly then, at the time of decolonisation in 1960, the disparate statuses of the North and South translated into a reluctance among Northerners to fully unite with the South.⁷ This reluctance was apparent in the voting results for the 1961 referendum on the Constitution for the newly unified Somalia. Although the North was estimated to have a population of 650,000 in 1961, only 100,000 people in Northern Somalia voted and one-half of those voters cast ballots against the Constitution.⁸

The constitutional arrangement resulting from the merger of British and Italian Somaliland lasted for nine years. In 1969, Siad Barre overthrew the constitutional system and initiated what would become a twenty-one year rule. Under the banner of pan-Somali nationalism, Barre attempted to incorporate the Ogadeni Somalis into

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Somalia by attacking Ethiopia in 1978. Following Ethiopia's defeat of Barre, many Ogadeni Somalis who had supported Barre fled into the Issaq regions of northern Somaliland.⁹ The influx of the non-Issaq refugees not only sparked tribal-related rivalries, but led to competition for scarce resources in an already failing economy.¹⁰ In response to the ever-worsening political and economic circumstances, Northern Somalis formed the Somali National Movement (SNM) with the aim of toppling the Barre regime. Barre, in turn, dispatched Ogadeni and non-Issaq militias to disperse the SNM, leading to an oppressive situation in the North that lasted through the 1980s.¹¹

On 18 May 1991, the Somali National Movement unilaterally declared the former British Somaliland, former administrative component of the Republic of Somalia, to be the independent state of the Somaliland Republic. Barre had been toppled earlier that year, and the South had subsequently dissolved into inter-clan anarchy. Somaliland claimed the borders associated with the former British Somaliland, determined by agreement between Great Britain and its colonial rivals, France and Italy.¹² To the southwest, Somaliland shares a 463 mile boundary with Ethiopia, agreed upon by Great Britain and Ethiopia in 1897.¹³ Somaliland's eastern border lies alongside Somalia's administrative sector known as Puntland. Puntland, which includes people of Sool, Southern and Eastern Sanaag Regions and Buhoodle District, has itself declared itself a new regional state in Somalia.¹⁴ To date,

Puntland's leadership has not gone so far as to advocate independence or secession; rather, Puntland has supported Somali unity.¹⁵

ARGUMENTS FOR/AGAINST SOMALILAND STATEHOOD

Under the generally regarded international law definition of state, an entity seeking statehood must be prepared to demonstrate that it possesses:

1. a permanent population;
2. a defined territory;
3. government; and,
4. the capacity to enter into international relations with other states.¹⁶

Criteria for Statehood

The requirements of a permanent population and defined territory provide the physical bases for the existence of the state, while the government and international relations requirements evidence the legal order necessary for the state to function within the international community. Seemingly a straightforward factual inquiry, these relatively subjective criteria of statehood can be somewhat problematical to apply. For instance, how many people constitute a population? Nauru with a population of 6,500 has been accepted as a state, but will the 2,000 strong currently non-self-governing Falkland (Malvinas) Islands be considered sufficiently populated? What is meant by a defined territory? Even though Israel's boundaries have yet to be decisively delineated, Israel unquestionably exists as a state. Likewise, to what extent (both territorial and political) must the requisite government be able to govern? Croatia was accepted as a state even though at the time of its acceptance large parts of its territory were controlled by non-governmental forces.¹⁷

As to the criterion of the capacity to enter into international relations, debates have ensued over whether this criterion requires not just the capacity, but the corresponding ability to conduct international relations. International legal scholars such as Ian Brownlie maintain that the international relations criterion is best understood as a proxy for the criterion of independence.¹⁸ By independence, Brownlie is referring to the fact that no other sovereign with legitimate title to or control over the territorial entity in question exists. In the case of East Timor, for example, competing sovereigns, Portugal and Indonesia, formally relinquished any claims to title over the country allowing East Timorese independence.¹⁹ Thus, the actual ability to carry out an effective international relations regime is secondary to the absence of a competing sovereign with the right to maintain international relations on behalf of the prospective state.

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In addition to the inherent subjectivity issues, other, political factors have influenced the statehood test. Although Article 16 of the *Montevideo Convention* declares that “*the political existence of the state is independent of recognition by other states*”, recognition by other states in the international community – the “*largesse of the doctrine of recognition*” – has been a key factor in attributing statehood.²⁰ Taiwan, as one example, arguably meets the statehood criteria under the *Montevideo Convention*, but, because of the political situation with the People's Republic of China, most states have been unwilling to recognise it as such. Thus, without recognition by the rest of the international community, most usually demonstrated by acceptance into the United Nations as a member state, prospective states will find it difficult to achieve the status of statehood.²¹

Whether or not the prospective state has exercised self-determination through universal suffrage usually impacts the recognition process and may, for practical purposes, be considered an additional political factor in the statehood calculus.²² As part of the decolonisation process, former dependencies were legitimised as independent states through the exercise of self-determination. Notably, with the decolonisation process largely complete,²³ the appearance of entities potentially eligible for self-determination will necessarily involve the diminution or

disappearance of existing states.²⁴ The greatest barrier to statehood for many prospective entities will be the clash between the internationally acknowledged value of self-determination and the equally cherished value of territorial integrity.²⁵ For prospective African states, the achievement of statehood is arguably more daunting in that the values of self-determination and territorial integrity are not perceived as commensurate. The Organization of African Unity (OAU), in the name promoting continental political stability, considers the preservation of colonial state borders paramount.²⁶

ARGUMENTS IN FAVOUR OF SOMALILAND AS A STATE

Peace Dividend

It has been argued by some commentators that Somaliland, an oasis of stability in a region of chaos, is a positive example to the rest of the international community and, as such, deserves what many like to call a “*peace dividend*.” Inherent in this argument is the acknowledgement that Somaliland otherwise generally fulfils the criteria of statehood. Indeed, commentators point to the fact that Somaliland has a defined territory of its own (*see* footnote 14 *supra*) as well as people identifying themselves with that territory – people mainly but not limited to the Issaq clan. At least on the relative scale, Somaliland possesses an effective government, and, in terms of its capacity to engage in foreign relations, it would seem, as outlined below explains, no competing authority exists.

Moreover, Somaliland bears all the trappings, so to speak, of a state. Somaliland has adopted a flag, a coat of arms and a national anthem.²⁷ In addition, the Government has issued currency, stamps, and passports.²⁸ More significantly, Somaliland has drafted a constitution, scheduled for referendum by 2002,²⁹ and has successfully staged three national elections, most recently in 1997 in which current President Mohamed Egal was re-elected.³⁰ Recently, President Egal requested that the United Nations at least grant Somaliland an “*interim special status, like the Palestinians or the Kosovars, whereby Somaliland can deal with donors and international financial institutions.*”³¹

With regard to its economic viability, another quasi-criterion of statehood, Somaliland’s economy has been characterised as surprisingly resilient, even after Somaliland suffered through the Arabian Peninsular ban on its most critical export, livestock (lifted in 1991).³² The private sector, now guided by new company and investment laws, is fuelled by remittances.³³ Entrepreneurs import electric generators, recondition them and use them to supply electricity at reasonable rates.³⁴ External telephone and fax facilities are available via satellite.³⁵ The port of Berbera, moreover, is the most active Somali seaport and the second most important seaport for Ethiopia after Djibouti.³⁶ Thus, all told, as an example to some of its more belligerent or dysfunctional neighbours, Somaliland, which already looks and acts like a state, deserves recognition.

Somalia is Dead

As concluded by the UN...Somalia, possessing no national government, lacks all of the attributes of statehood.

The evidence of Somalia’s demise is legion. To be sure, little or no development has taken place in Somalia in ten years. There is no police force, judiciary, civil service, electricity or postal service.³⁷ Virtually all of the infrastructure of government – from buildings and communications facilities to furniture and office equipment – has been looted, and government archives, records, libraries, files and museums have been destroyed.³⁸ As concluded by the United Nations in the Secretary-General’s Report of August 1999 on the *Situation in Somalia*, Somalia, possessing no national government, lacks all of the attributes of statehood.³⁹

If one accepts that Somalia has ceased to function as a state in international law, the major reason for the international community’s failure to accord Somaliland recognition is removed. How can Somaliland be condemned for seceding from Somalia if there is no Somalia from which to secede? In any event, despite the United Nations’ determination that Somalia lacks all the attributes of statehood, the international community has been hesitant to declare Somalia deceased. One

authority on this issue has suggested that the international community's hesitance stems from the fact that, since international law depends on the continued existence of states, international law would be "*spelling its own doom if it were to readily issue death certificates...*"⁴⁰

Somaliland is Not Divisive

...the unification of all Somalis...would entail a violation of the territorial integrity of three modern African states.

Clearly, based on the historical development of the Horn of Africa, a singular, all-inclusive Somali political entity has never existed – whether indigenous or resulting from colonialism.⁴¹ Indeed, although Somalia's flag bears a five pointed star representing the unity of Somalis divided into five different states, in fact, the state of Somalia united only two of the separated Somali peoples – those who had lived under Italian and British colonial rule. Somalis under French rule, Somalis living in Ethiopia, and Somalis in Kenya have always remained separate. Consequently, the unification of all Somalis, at this point, would entail a violation of the territorial integrity of three modern African states.

Thus, in the sense that the Somali people were never truly united, a separate Somaliland is not in and of itself a divisive force among the Somali people. Moreover, in the sense that Somalia, as a union of Northerners and Southerners, was never a fully cohesive whole, a separate Somaliland is not necessarily discordant. Due to their distinct colonial experiences, the Northerners and Southerners, also members of different clans, were, as noted above, distinguished by language and dialect, clan loyalty, and level and orientation of economic development. Consequently, the Northerners were not able to fully assimilate into Somalia, precipitating the North's eventual bid for autonomy.

The Human Rights Imperative

International legal scholars maintain that human rights jurisprudence in general, and more specifically, the principle of self-determination serve as the theoretical and normative basis of the right to secede.⁴² The Preamble to the *Universal Declaration of Human Rights*, for example, does recognise the right to rebel against a government guilty of egregious violations of human rights. In the 1988 civil war, Barre specifically targeted what he viewed as the "*wealthier and independent Issaq clan*" for summary executions and torture, in addition to diverting investment and livestock development from the Issaq.⁴³ Government forces laid over a million unmarked land mines, South African mercenaries were engaged as pilots to bomb rebel-held areas in the North, and the wells used by the Northern Somali pastoralists were poisoned.⁴⁴ In all, more than 50,000 people were estimated to have been killed as a result of the bombardment of towns and massacres by ground forces taking revenge against the Issaq population.⁴⁵ Somaliland's first President, Abdirahman Ahmed Ali, in offering an explanation for the decision to declare a separate state, summarised the human rights based theory for independence as applied to Somaliland:

*As for the decision to separate, it is the outcome of the old practices related to Siad Barre and the new practices related to Ali Mahdi and his supporters. How can we agree to a government most of whose members joined Siad Barre in destroying us...?*⁴⁶

The Eritrea Precedent

In 1991, Somaliland's near neighbour, Eritrea, a former Italian colony forcibly assumed into the state of Ethiopia during the de-colonisation period, achieved an unlikely victory in a 30 year war for independence against the Government of Ethiopia. With the assistance of the United Nations, the Eritrean leadership conducted a national referendum in which the Eritrean populace voted overwhelmingly for a fully independent state. That same year, the new state of Eritrea was accepted as a member of the United Nations.

The Eritrean story emphasises the importance of the colonial experience as a boundary-defining exercise. Although in close physical proximity to Ethiopia, Eritrea's separate colonial experience solidified its discrete identity. In that way,

Somaliland, a former British colony, has perhaps as good a case as Eritrea for independence. Somaliland is defined by its unique and discrete colonial history under the British, while the South is the product of an entirely different experience under Italy.

ARGUMENTS IN OPPOSITION TO SOMALILAND AS A STATE

In the eyes of both the OAU, whose policy of adherence to colonial boundaries is clear, and the international community, which still recognises Somalia as a state,⁴⁷ the secession of Somaliland would violate the territorial integrity of the state of Somalia. While the United Nations Charter acknowledges a right of self-determination, the Charter, at the same time, guarantees the territorial integrity of each of its Member States.⁴⁸ Consequently, the member states within the international community are obliged to uphold the integrity of Somalia.

Violation of Territorial Integrity

In addition, the international community's intransigence in maintaining its recognition of Somalia has been bolstered by efforts currently underway at the Djibouti Conference to provide for national reconciliation in Somalia. The Djibouti Conference, which opened on 2 May 2000, is a United Nations supported attempt to bring Somali clan-based leaders together to choose a transitional government for Somalia.⁴⁹ The fact that the talks have not collapsed, and the Conference invitees have even elected a new national President have fuelled United Nations' hopes that Somalia can be resurrected.⁵⁰ Furthermore, one of the governing concepts upon which the Djibouti Conference is based is the notion of concentrating on successful local political units, building blocks, to rebuild the Somali Republic.⁵¹ Since Somaliland, considering its relative peace and order, is one of the key building blocks for a renewed Somali republic, the United Nations must continue to encourage Somaliland's re-integration into Somalia.

Somaliland: Divisive and Divided

Not only have opponents of an independent Somaliland taken issue with the fact that it purportedly further divides the Somali nation, these critics have also rightly pointed out that Somaliland itself is in many ways divided. Despite Somaliland's claims to a peaceful, cohesive republic, varying levels of civil strife have persisted in Somaliland since independence. Indeed, Somalilanders were killed in sub-clan fighting in 1992, and the Somaliland National Assembly and constitution have been suspended more than once between 1994 and 1996 due to civil war.⁵² Furthermore, there is Puntland, the administrative sector of Somalia which has claimed the regions of Sol and Sanaag.⁵³ Included within the British colonial borders, Sol and Sanaag are considered by Somaliland to be internal territory, and fighting has consequently occurred between Somalilanders and Puntlanders in Las Anod, capital of Sool region.⁵⁴

The 'Self' of Self Determination

From the perspective of the OAU, self-determination is to be exercised only once, specifically, at the time of decolonisation from Europe. In short, self-determination was not designed to be subject to continuous review. Therefore, Somaliland, whose inhabitants agreed to the union with the South at decolonisation from Britain in 1960, have determined their destiny and may not, so to speak, "*change their minds.*"

Furthermore, if Somaliland's right to (a second) self-determination is acknowledged, many foresee a potential domino effect.⁵⁵ Where does the right to self-determination end? Who are the selves entitled to self-determination? In the Horn alone, there are numerous groups who at various times have agitated for some kind of autonomy, i.e. the Afar in Eritrea, Puntlanders, Somalis in Ethiopia and Kenya. Following the Somaliland example, the Horn could theoretically be reduced to a series of small, fragmented political entities of questionable viability.

Statehood Fatigue

On a related note, from a psychological point of view, there is the question of whether the international community is willing to absorb another state. Since the Second World War, the international community has experienced a proliferation in

the number of member states. Before WWII, there were fewer than 70 states and by the turn of the 1980's the number of states had more than doubled to 160. Today, the global statehood count is just shy of 190. All told, the international community, still endeavouring to absorb the myriad of new states resulting from the end of the Cold War, is experiencing what might be termed statehood fatigue – a hangover from the mass influx of new states over the past decade or so. While the international community is loathe to admit it, the shine appears to be fading from the once heralded notion of self-determination.

The Eritrea Precedent

As discussed above, Somaliland's near neighbour, Eritrea, was recognised as a separate, independent state following secession from Ethiopia. However, the Somaliland and Eritrean situations are not entirely analogous, especially when the reasons that Eritrea's statehood was ultimately recognised are properly taken into account. To be sure, there are several unique reasons why recognition of the Eritrean state was not only possible but palatable to the international community. For one, the Eritrean rebel movement in coordination with the diaspora ran a well-orchestrated public relations campaign for separation aimed at external audiences.⁵⁶ Secondly, Eritrea enjoyed outstanding military success, defeating Ethiopia soundly.⁵⁷ Eritrea's two-year preparation for a voluntarily monitored democratic referendum impressed the international community.⁵⁸ Finally, and most importantly, once Ethiopia itself sanctioned the secession of Eritrea, any OAU ruling to the contrary essentially became irrelevant.⁵⁹

With regard to Somaliland, while there is a strong diaspora in terms of financial support, there has not been the kind of targeted public relations campaign evidenced by the rebels and diaspora in Eritrea. Furthermore, no neat, clear cut 'victory' by Somaliland over Somalia can be identified, and, since declaring independence, Somaliland has yet to execute a national referendum. Finally, there is no indication that Somalia will sanction the separation of Somaliland; to the contrary, both the Djibouti Conference leaders and the United Nations affirmatively support a single, unified Somalia.

PROSPECTS

At least semantically, the United Nations, which maintains four field offices in the territory, has demonstrated some movement with regard to acknowledging Somaliland. Previously, the United Nations had only referred to the Government of Somaliland as "*the community leaders of the northwest.*" Of late, the United Nations has employed the more state-like term, "*Egal Administration.*" Granted, the United Nations Department of Political Affairs still maintains that the word "*Somaliland*" is not in the United Nations vocabulary. And, significantly, all semantics aside, the United Nations is clearly investing its political capital in the national reconciliation of Somalia through the vehicle of the Djibouti Conference.

The Arab League, which retains Somalia as a member, has backed the national reconciliation conference in Djibouti and has repeatedly called upon Somali leaders to develop a national authority so that Somalia may resume its place in the international community and the Arab family.⁶⁰ Because the Arab League Gulf states serve as a major source of foreign exchange through remittances from Issaqs working in the Gulf, Somaliland has the difficult task of advancing its independence while simultaneously guarding its economically critical relationship with the Arab World.

With respect to the West, now that there is no longer any superpower strategic rivalry at risk in the Horn, Western governments have some flexibility in their dealings with Somaliland. The United States acknowledges Somaliland's distinctiveness in that Somaliland has a functioning governmental structure while Somalia is a "*failed state.*" The United States has established a full time desk officer for Somaliland at its embassy in Djibouti – matters relating to Somalia are handled separately from the

United States embassy in Nairobi. Notably, a high-level American delegation, led by the United States Ambassador to Djibouti, held talks with President Egal in Somaliland last month.⁶¹ By sending a United States Ambassador to a breakaway region, the United States may be signalling that it is becoming more open to an independent Somaliland.⁶²

The former colonial power Britain, for its part, is not strongly opposed to recognition of Somaliland, but has simply not been engaged enough in the situation to do more than accept the *status quo*. This may be changing. The British have set up a special parliamentary committee on Somaliland affairs, and the head of the committee has announced that a British delegation will visit Somaliland before the end of the year.⁶³

As for the Horn region itself, each of Somaliland's neighbours has its own interests and agenda with respect to the self-proclaimed state. In short, Ethiopia's long-term interest lies in a weak, enfeebled Somali state. Thus, Ethiopia, which boasts a sizeable, somewhat unassimilated, Somali population, remains involved in Somalia as a way of limiting opposition from anti-Ethiopian movements, specifically the Ogaden National Liberation Front (ONLF), the Oromo Liberation Front (OLF) and al-Itahaad al-Islami, an Islamist organisation viewed by Ethiopia as potentially destabilising.⁶⁴ For these reasons, the partitioning of Somalia is generally consistent with Ethiopia's interest. Although Ethiopia, denied a littoral by Eritrea's independence, must have access to the port of Berbera, Ethiopia enjoys a close relationship with Puntland.⁶⁵ In retaliation for Ethiopia's support of Puntland, Egal deployed troops along the Somaliland-Ethiopia border. For Eritrea, currently engaged in what has proved to be a bloody border dispute with Ethiopia,⁶⁶ support for a united Somalia provides a useful way of tacitly assisting opponents of the Ethiopian Government.⁶⁷ The Eritrean President recently attended the swearing in of the new Somali President.⁶⁸

Djibouti, which also boasts a significant Somali population, is at odds with Somaliland over its sponsorship of the Djibouti conference.⁶⁹ Not surprisingly, Somaliland has opposed the conference referring to it as "*a political offensive, openly aimed at Somaliland, since it negates...the people's fundamental rights of independence.*"⁷⁰ Somaliland, not represented at the conference, is concerned that Djibouti will write it into an eventual reconciliation plan.⁷¹ In retaliation for Djibouti's interference, Somaliland has directed that any conference participants should be arrested upon entering Somaliland, has banned all flights of Air Djibouti into the country, and has even issued a directive barring the public from watching Djibouti TV.⁷² Djibouti, in turn, expelled the Somaliland representative to Djibouti and closed its liaison office.⁷³ Puntland is likewise opposed to the Djibouti Conference.⁷⁴

With regard to its other neighbours, Kenya, in contrast to Ethiopia, seeks a peaceful, stable Somalia, since thousands of Somali refugees live in northeast Kenya. As such, Kenya supports the Djibouti Conference.⁷⁵ Like Kenya, Yemen is concerned about refugee flows, but, in all, Yemen has remained sympathetic to Somaliland, maintaining a quasi-embassy there. Future difficulties between Yemen and Somaliland could arise, nonetheless, over Red Sea fish resources – Somaliland patrols having captured and prosecuted Yemeni fishermen fishing in Somaliland waters.⁷⁶ Finally, the Sudan's position with respect to Somaliland is not easy to ascertain. Although Sudan did send large quantities of food and other aid after Somaliland's 1991 declaration of independence, Sudan has since focused on Somalia where opportunities for influence appear more abundant.

CONCLUSION

From a purely international legal standpoint, Somaliland could indeed pass the statehood test – it has a permanent population, largely Somali Issaqs; a defined territory, based on British colonial boundaries; and a government, that, on the relative scale, has achieved order and stability. If it is acknowledged that Somalia, as we knew it, is no longer, the international community would further have to acknowledge Somaliland's capacity to enter into international relations (in the sense that no competing sovereign exists). Yet, to date, Somaliland has not been recognised as a state by the international community. It is this political factor – “*the largesse of the doctrine of recognition*” – that holds Somaliland back.

What, then, are Somaliland's prospects for eventual recognition? In short, Somaliland is at the crossroads of the legal and philosophical struggles between territorial integrity, self-determination, and unresolved issues regarding what to do when political institutions collapse. During the late 1980s and early 1990s with the fall of communism, Western states enthusiastically waved the banner of self-determination in a rush to recognise the dismemberment of the former Soviet block. But, when it came to other parts of the world, especially Africa where the OAU code dominates, this enthusiasm rapidly waned.⁷⁷

Indeed, the international community is not only reticent to recognise Somaliland, it generally supports United Nations' efforts to reconcile Somalia through the Djibouti Conference. Unlike Eritrea, who protested its forced political integration into Ethiopia from the outset, Somalilanders originally chose unity with Somalia thereby, as far as the OAU and United Nations is concerned, sealing its fate for good. As for the United States and Britain, although signs of interest in Somaliland do exist, both countries appear to be maintaining a wait and see attitude. Somaliland's neighbours in the Horn likewise seem ready to await the outcome of the Djibouti Conference.

Thus, at this time, Somaliland's destiny appears to rest with this latest United Nations effort for reconciliation. If the Djibouti Conference fails and Somaliland is able to carry out a national referendum, its chances of recognition are strong. If the Djibouti Conference succeeds, even if only partially, one option awaiting Somaliland may be the confederal one. Considering the Eritrea precedent one last time, the international community may want to exercise caution in applying confederal solutions in the Horn.

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Notes

- ¹ Gough, 1999: 17.
- ² Touval, 1963: 32.
- ³ See *British and Foreign State Papers*, Volume 76: 101-107. These treaties allowed the British, among other things, the right to reside on the Somali coast.
- ⁴ See Gordon, 1999: 562-563, citing George B. N. Ayttyey (1991) *Indigenous African Institutions*.
- ⁵ In 1940, the Italians were able to capture both Ogaden from the Ethiopians and Northern Somaliland from the British. A year later, the British re-conquered their territory as well as Italian Somaliland.
- ⁶ See Touval, 1963: 116.
- ⁷ Yet, having said that, in keeping with general notions of African unity which characterised this period, the idea of Greater Somalia, a unification of all Somali peoples, was very popular among educated Somalis at the time. See, i.e., Bradbury, 1997: 11.
- ⁸ Adam, 1994: 25. One of the pejorative terms assigned to Southerners by the Northerners is "Weyla Weyn" which came into popular parlance after the Southern village of Weyla Weyn registered a 'yes' vote higher than the total Northern constitutional vote.
- ⁹ Lyons and Samatar, 1995: 17.
- ¹⁰ *Ibid.*: 17.
- ¹¹ The largest offensive against the North occurred in 1988 when approximately 80% of Hargeisa was destroyed and as many as ten thousand Northerners were killed (McMullen, 1993: 424).

- 12 See Article 1, October 7, 1899 *Order in Council*. Somaliland's border to the west with Djibouti, an arbitrarily drawn straight line separating Issa kinspeople, was delineated by an Anglo-French Agreement of 1888. Its eastern border with Somalia was delineated by the Agreement between Great Britain and Italy of May 5, 1894 which described a boundary from 8°N 48°E running northwest to 9°N 49°E and then along the 49th parallel to Bandar Ziyada on the Red Sea coast. The May 5, 1894 Anglo-Italian Agreement further specified the southern boundaries of Somaliland abutting the present day state of Ethiopia. At the time of the writing of this paper, Somaliland had not taken a position with respect to its maritime boundaries.
- 13 Treaty of the 14th of May, 1897 between Great Britain and Abyssinia and Exchange of Notes of 4th June, 1897 between Great Britain and Abyssinia. This boundary was demarcated from 8°N 47°E up to the Djibouti/Somaliland/ Ethiopia tripoint by a 1931-1934 Anglo-Ethiopian Commission.
- 14 Gilkes, 1999: 572.
- 15 *Ibid.* Many suspect that Puntland has not sought independence, because Colonel Yusuf, its President, aspires to be President of Somalia as a whole.
- 16 This definition is derived from Article 1 of the Montevideo Convention on Rights and Duties of States (1933).
- 17 See Shaw, 1997: 142.
- 18 Brownlie, 1990: 73.
- 19 *Agreement on the Question of East Timor*, 5 May 1999 (Indon.-Port.), U.N. Doc. A/53/951 (1999).
- 20 See Carroll and Rajagopal, 1993.
- 21 Shaw, 1997: 146-147.
- 22 See *Ibid.*: 145. Western Sahara has yet to be recognised as a state, for example, and until a United Nations sponsored referendum, pending now for almost ten years, is actually carried out, it most likely will not.
- 23 There are only seventeen non-self-governing territories remaining: American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, East Timor, Falkland Islands (Malvinas), Gibraltar, Guam, Montserrat, New Caledonia, Pitcairin, St. Helena, Tokelau, Turks and Caicos, United States Virgin Islands and Western Sahara. The exception of course would be if the notion of "territory" is expanded to encompass products of human technology such as ocean platforms, space stations and biospheres.
- 24 See Articles 1 and 2 of the Charter of the United Nations.
- 25 OAU Accord of 1964: "Considering that border problems constitute a grave and permanent factor of dissension...all Member States pledge themselves to respect the borders existing on their achievement of national independence."
- 26 Somaliland's flag, coat of arms, and national anthem are available for viewing on Somaliland's website: www.somaliland.com.
- 27 The Government introduced the Somaliland shilling in October 1994.
- 28 The Somaliland Parliament has recently approved the dissemination of some 5,000 copies of the constitution so that the general public can study the document in preparation for the constitutional referendum. *BBC Summary of World Broadcasts*, 6 July 2000, based on a report from *Xog-Ogaal*, Mogadishu.
- 29 Saleh Bali, 1996/1997.
- 30 Morris, 2000.
- 31 *Middle East International Profile: Somaliland* (November 1999); Prunier, 1988: 228.
- 32 Gordon, 1999: 582.
- 33 *Ibid.*: 582.
- 34 Fisher, 1999).
- 35 *Report of the United Nations Secretary-General in Somalia*, 1999: 13.
- 36 *Ibid.*: 15.
- 37 See, i.e., DeYoung, 1999.
- 38 *Report of the United Nations Secretary-General in Somalia*, 1999: 15.
- 39 Bruce, 1997: 453 at 476.
- 40 Bruce, 1997: 472.
- 41 See, i.e., Carroll, and Rajagopal, 1993; Nanda, 1981.
- 42 McMullen, 1993: 427.
- 43 *Ibid.*: 427; Omaar, 1994: 233.
- 44 *Report of the United Nations Secretary-General*, 1999: 14-15; Bradbury, 1997: 11.
- 45 *FBIS*, Daily Report, Africa, 7 December 1992: 12.
- 46

- 47 There is still a name plate and seat for Somalia at the United Nations.
48 Article 1.2 and Article 2.4 of the Charter of the United Nations.
49 Representatives from Somaliland are not present at the Djibouti Conference nor are
the various Somali warlords who wield *de facto* authority in the country.
50 On 25 August 25 2000, the Djibouti Conference attendees chose Abdiqassim Salad
Hassan as President, now hailed as Somalia's first head of state in ten years. *United
Nations Integrated Regional Information Network Report*, 31 August 2000.
51 Gilkes, 1999: 571.
52 Bradbury, 1997: 19-25. Gordon, 1999.
53 Gilkes, 1999: 572.
54 *BBC World Service* (1999) 'Clash in Somalia's Sool Region', (23 December).
55 See, i.e., McMullen, 1993: 430.
56 Adam, 1994: 36.
57 *Ibid.*: 36.
58 *Ibid.*: 36.
59 *Ibid.*: 36.
60 *The Economist* (2000) 'When the Battle's Lost and Won', (12 August). Somalia has
been a member of the Arab League since 1974.
61 *Xog-Ogaal* (2000) 'Somaliland President Holds Talks With US Fact-Finding Mission',
(22 August).
62 Or maybe not. With regard to the elections held at the Djibouti Conference, the State
Department announced, "...we encourage the leadership elected at the Djibouti
Conference to reach out to those areas in Somalia, such as Somaliland, which have
already done much to reestablish stability, security, and representative local
administration" (*FDCH Political Transcripts* 'Richard Boucher Holds New Briefing',
31 August 2000).
63 *BBC Summary of World Broadcasts* (2000) 'Somaliland Officials Visit Britain to
Lobby for Official Recognition', (12 August).
64 Gilkes, 1999b.
65 United Nations Integrated Regional Information Network Update, Horn of Africa 4
August 2000.
66 See Pearce, 2000.
67 Gilkes, 1999b.
68 *AP Worldstream* (2000) 'President Inaugurated with Four African Leaders in
Attendance', (27 August). Ethiopia sent its Prime Minister. The heads of state of
Yemen and the Sudan were also in attendance.
69 Djibouti's problems with Somaliland actually date back to the Afar rebel movement's
recognition of Somaliland in 1992. See Clarke, 1992.
70 *Mandeeq* (Hargeisa) (2000) 'Somaliland Council of Elders Says No to Unification
with Somalia', (3 April).
71 *BBC News Online* (1999) 'Somaliland Accuses Djibouti Over Peace Plan', (1
December).
72 *BBC News Online* (2000) 'Somaliland Government Reportedly Bans Djibouti TV',
BBC Summary of World Broadcasts (31 May 2000); United Nations Integrated
Regional Information Network (2000) 'Air Djibouti Planes Banned', (11 May); *BBC
Summary of World Broadcasts* (2000) 'Somaliland Announces New Measures Against
Supporters of Somali Government', (29 August).
73 *BBC News Online* 'Somaliland Discusses Djibouti Expulsion', (17 April).
74 *The Economist* (2000) 'When the Battle's Lost and Won', (12 August; *Agence France
Presse* (2000) 'Somali Warlords Reject the Country's President Elect', (26 August).
75 *Agence France Press* (2000) 'Kenya Welcomes Political Developments in Somalia',
(1 September).
76 *BBC News Online* (1999) 'Somaliland Fines Illegal Yemeni Fisherman', (21 January).
77 Adam, 1994: 36.