

Somaliland Statehood, Recognition and the Ongoing Dialogue with Somalia

Somaliland development series #3

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Contents

PART ONE.....	iv
STATEHOOD, RECOGNITION & THE TALKS WITH SOMALIA.....	iv
Paper One: Overcoming Diplomatic Isolation: Forging a New Somaliland Approach.....	1
Paper Two: Legal Aspects of Somaliland Case in the New Engagement Policy with Somalia.....	21
Paper Three: Challenges to Somaliland Independence.....	36
Paper Four: Lack of Recognition: A Blessing in Disguise?.....	49
Paper Five: The Somali Talks and the Somaliland Case.....	58
Paper Six: Somaliland Independence and Union experience.....	69
PART TWO:.....	77
SOMALILAND DEVELOPMENT.....	77
Paper Seven: The Role of Remittance in the Economic Development of Somaliland.....	78
Paper Eight: Somaliland: An Early Warning to Manage the Politics of “Oil Economy” and Opportunities to learn from the Available Wealth of Global Experience.	87
Paper Nine: The Salient Role of Youth in Somaliland Development.....	98
Annexes.....	105
Annex – 1: Annual Conference Report.....	105
Annex -2: The way forward to recognition.....	117
Annex-3: Statement from the H.E. Minister of Foreign Affairs.....	119

PART ONE

STATEHOOD, RECOGNITION & THE TALKS WITH SOMALIA

Paper One: Overcoming Diplomatic Isolation: Forging a New Somaliland Approach

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Abstract

This monograph examines the multidimensional challenges against Somaliland's quest for establishing foreign policy goals with an effective diplomacy to overcome the isolation state of affairs since its establishment. The study has identified the nexus between two interrelated key factors: '*diplomacy*' and '*foreign policy goals*', which are two valid perspectives in international relations. The study emphasizes that policy-making requires accurate, deep and timely knowledge of any situation that could influence the decision-making circles and may lead thinking twice. It makes clear the necessity for approaching '*diplomacy*' driven by concrete foreign policy objectives with professional, skilled, and influential diplomats those could play an important role in designing the nation's exit strategy from the political limbo it remains in since its inception, and sketch the survival strategy of the people's will. The study extensively draws from secondary sources including: relevant literatures written by both Somali and non-Somali scholars in the field. The conclusion suggests the need for re-making and re-conceptualizing the nation's foreign policy strategies to overcome the very weaknesses of its '*diplomacy*' whose success is based on integrated and collective approaches to sustain Somaliland's foreign strategy in the long-term.

Key Words: diplomacy, foreign policy, recognition, *de facto*, *de jure*, Somaliland, Somalia, diplomatic isolation, geopolitics, geostrategic

Introduction

Usually, when the international relations of Somaliland are studied, the focus does not extend beyond narrative diplomatic history and the careers of individual Somaliland statesmen. Indeed, '*Somaliland diplomacy*', to many scholars, means

no more than Somaliland foreign policy. However, though the state had a foreign policy right from the beginning, diplomacy developed very little until recently, and to the role of diplomacy as a domestic factor in the formulation of foreign policy remained of less significance or even missing.

From the very beginning to its recent history, Somaliland had interactions with both regional governments and the countries too far beyond the boundaries of the region that were unbroken and intensive. These interactions ranged from bilateral relations to multilateral cooperation and covered a range of issues including: economics, politics, culture, trade, and others (ICG 2006; Nasir 2011). But, a more pessimistic picture appears when we look at those who engage and deal with the external relations, who make and implement Somaliland foreign policy and say nice things about diplomacy, which can be described, in shorthand way, as reaching out directly to foreign countries to convince Somaliland's irrevocable right to exist, while it ignored in establishing long-lasting policies to bridge the gap between Somaliland and the outside world.

Against this background, as a small and newly emerging state, some may argue that public diplomacy could be the best approach that Somaliland can reach both the foreign publics and governments simultaneously. This could be true, if we go back to history of world nations, for instance, the U.S government carried out public diplomacy several times from 1965 to recent 9/11 attack to justify its "*war on terror*" aimed to inform or influence public opinion in other countries (Jan 2005; John 2005; David et al. 2007). This kind of engagement was a deliberate act designed to communicate with international actors, meaning not only states and governments, but also other subjects of international law such as: both inter/non-governmental organizations (IGOs/NGOs), and individuals (Rosen & Wolf, 2004; Seib, 2009).

So, it seems obvious that the President Silanyo has the opportunity to change and tackle all the weaknesses and gaps that existed within Somaliland foreign policies and its approaches. In fact, those of us who have contributed to this thought and analysis hope that it will prove useful to the regime by offering an array of approaches to diplomacy that are worthy of implementation. Therefore, as the Japanese experience illustrates, Somaliland's foreign affairs are also inseparable

from domestic political legitimacy (R. Auslin 2004). This is, therefore, diplomacy needs a constituency both within the government and among members of the broader public who are willing to assert that this must be made a more integral part of Somaliland's interaction both with the regional and international community.

Regardless of the above critique, the overwhelming question regarding 'diplomacy' is the extent to which Somaliland has been successful. However, there is an equally important, and for some, a far greater series of questions to consider: What is Somaliland's diplomats' role in managing their tasks, and what are the benefits and dilemmas associated with targeted countries? Answering these questions requires a commitment, not only from the Silanyo–Saylici regime's policies, but also from the individual figures including: Diasporas and other renowned Somaliland intellectuals across the globe.

The purpose of this study, then, aims to explore some aspects of Somaliland diplomacy from the viewpoint of how it formulated and conducted its foreign policy objectives linking with both geopolitics and geostrategic dimensions of the Horn region, in particular Somaliland. The study attempts to find valid answers to some critical issues which include: how Somaliland formulates its policies vis-à-vis other states or inter/ non-governmental organizations, and how it carries out these policies, what sort of means and instruments were used to conduct diplomacy, and who were the agents carrying out those policies who have been widely neglected to research. The study aims to suggest the interventions that need intentionally to be established by Somaliland policy-making circles to contribute and fuel its momentums to translate from *de facto* status to *de jure* statehood.

Methodology

The findings of this study primarily originated from an in-depth desk review of literature including: books, journals, published and unpublished research papers, and direct observation which reflect the author's experiences on the subject matter and the perceptions of the citizens. The literature contains many examples of diplomacy and foreign policy approaches that aimed to help the study, while Somaliland diplomacy has been and remained a rather under-researched area.

Furthermore, though there has been well-established literature on the social, economical, political, and to some extent, cultural systems of the Somaliland State, studies dealing with its external relations are comparatively scarce and very few of these have been devoted to an analysis of diplomacy.

Conceptual Clarity

At first sight, the most important definition that needs to be understood is the term ‘diplomacy’, which is highly emotive in international relations. Thus, it is worth to define in this context what exactly we mean by diplomacy? According to the scholars, the term has been characterized as “*the master-institution*” or, more closely to the clause, as “*the engine room*” of international relations (Christer & Hall 2005). This notion is considered to be one of the principal institutions of the modern [world] states system as it emerged and developed together with sovereignty and territorial integrity aftermath of Westphalia Peace Accord in 1648¹. Against this argument, there are others who sound that diplomacy is far from being not only an invention of capitalism or of the modern nation state, or of classical antiquity either, but also is found in some of the most primitive communities and seems to have been evolved independently by peoples in all parts of the world (Collin, 2004; Miller, 2005). In either view, it received little attention among the contemporary policy-makers and practitioners due to the absence of active engagement of political scholars and researchers those specialized in international relations, particularly those from Africa.

In the proper sense of the word as we use it today, it may be described as ‘the fundamental means by which foreign relations are conducted and a foreign policy objectives implemented, and by which sovereign nations conduct affairs with one another and develop agreement on their respective positions ranging from war to peace, through alliances, boundaries, trade and others (Alan & Berridge, 2001; Yurdusey, 2004). It is important to note that diplomacy is the device of foreign policy that aimed to carry forward the formulated policies through representation, bargaining, negotiation, and other peaceful means, which are regarded as the chief functions of the term. In this situation, it deserves to mention that such arrangements may be conducted publicly or out of view, but once mutual interests

¹ Retrieved from a DVD, about a paper presented at Maansoor Hotel in an event organized by Hargeisa Readers’ Club (HRC), Hargeisa, 7 January 2011; titled: “*In Search of an International Identity: A Comparative Analysis in the Case of Somaliland and South Sudan*”.

and consensus are recognized, official policy formulation proceeds (Miller, 2005). Nevertheless, extreme flexibility and tact are commonly attributed to successful diplomatic efforts, which are regulated by law and custom. In this regard, this notion by its means and methods, involves mutual dependence, permanent relations, living together, the need for the other, plus some idea of equality and mutual recognition among world personalities.

In many regards, and among its many definitions, diplomacy may be summarized as ‘the persons, institutions, rules and concepts concerning the art and style of the implementation of foreign policy’. Therefore, the Foreign Ministry, as the institution related to diplomacy, is regarded also as a domestic factor in the formulation of foreign policy (James & Berridge, 2001). Nevertheless, one may observe that functions of the two concepts are inseparable; this is, therefore, diplomacy can be likened to the constructor of a building who is also one of its architects.

In Somaliland, its foreign policy has been carried out under conditions of a changing geopolitical landscape, accompanied by the accumulation of many actors in domestic politics encircled by turmoil in many parties of the wider Horn region. These problems include: forms of statelessness, state fragility, resources scarcities, and environmental problems aggravated by external actors. Despite the growth of a state of confusion in international relations in the Horn region, for the past decade due to America’s “*war on terror*” which has not been generally favorable to Somaliland, ‘*Somaliland diplomacy*’ neither has acted proactively, responsibly, nor consistently and pragmatically².

This study is a first attempt aimed at lifting the veil on a range of approaches towards diplomacy and bridges the gap between the policy and practice. It is mentioning some essential dimensions of diplomacy with the Somaliland context that aims to be a starting point for exploring further Somaliland diplomacy that extends beyond narrative history of foreign policy. And finally, the study closes with a few ways forward policies that, if implemented, could ensure success for the nation’s “*war on recognition*”.

² Observed from the policies and practices of Somaliland’s foreign policy and the general situation of the wider region

Background

According to history, Somaliland was certainly one of the British colonies in Africa, and its origin as a political entity from the establishment as the British Somaliland Protectorate dates back in 1884 (Douglas 1961; Michael 2004; Gorka, 2011). Except for a brief occupation of Italy (1940-1941) following the Second World War, the territory remained under British control until 26 June 1960, when it received its independence as the State of Somaliland. Notification of that independence was accurately registered with the UN and over 34 governments including: the five veto powers of the UN Security Council (UNSC) reportedly recognized the new state (ICG 2006; Charles 2009). On 1 July 1960, the UN Trusteeship administered by Italy also achieved its independence.

In 1960, the two regions united to form Somali Republic as part of the realization of the Greater Somalia ambition. Although initially Somaliland people were enthusiastic about forming a union with its Italian counterpart; the euphoria quickly changed to disenchantment as many in Somaliland felt increasingly marginalized in government and other sectors of society (Mesfin 1977; Lewis 2002). Indeed, when the idea that Somaliland was a separate polity before 1960 is added to the argument that it was part of the Somali state system until its total collapse in 1991, it would seem impossible to avoid the conclusion that Somaliland was not only outside the social and political system of Somalia, but also ill-disposed towards creating a Somali state for all (Dualeh, 2002). In this situation, one may argue that the people of Somaliland were not only alien, but also hostile to Somalia rules, institutions, and ways of conducting state affairs.

In 1969, a military junta led by General Mohamed Siad Barre ousted one of the very few civilian governments in Africa in October 1969, led by Mohamed Ibrahim Egal³. The new military junta instituted a Marxist regime, and became a close ally of the Soviet Union (Bradbury, 2008). However, the military government has not only deposed the civil-elected administration, but also

³ Son of businessman, the first Prime Minister of the State of Somaliland when it gained its independence in 1960; the ousted and last civil-elected Prime Minister of Somalia in 1969, and the second President of Somaliland from 1993-2002

introduced the centralization strategy aimed to control the state authority under the leadership of the late General Mohamed Siad Barre. In many regards, one may say that Somalia's unending tragedy, agony, and state collapse are the product of a long-term abuse of power and state institutions.

In 1977, the uneasy relations between Ethiopia and Somalia, which basically emanate from claiming people and land in the adjacent area (irredentism) led Somali military government to go to war against Ethiopia. This war is considered as one of the bloodiest wars ever witnessed in the Horn of Africa in the cold war era (Bereket 1980; Nasir, 2011). Nonetheless, Barre's expansionist ambitions ended with the Somalia's catastrophic defeat by Ethiopia and its allies in the 1977–1978 Ogaden War.

Therefore, following that military fiasco, the Siad Barre regime started to blame military officials for the national humiliation that created breaks among the inner circles of the ruling regime. This consequently led Somalis to go in establishing liberation movements along clan lines (Nasir, 2012). As part of that political and social dynamics that existed within the Somali state, then, Somaliland business and political elites living in the United Kingdom opted to form the Somali National Movement (SNM) in 1981. The SNM was one of a growing number of Somali groups that aimed to topple Siad Barre regime (Schoiswohl, 2004). At the beginning of 1980s, the Siad Barre regime became increasingly unstable, while the SNM expanded its operations in the North region. Therefore, the ruthless regime in Mogadishu responded by instituting harsh and brutal measures in the North aimed to humiliate the SNM supporters (Bulhan 2008; Gorka 2011).

As a result of Somalia's failure to purge the moral and material support of the SNM in the North, the military junta instantaneously and indiscriminately used its means and materials to launch raids and bombing campaigns to assert control over North Somalia (the current Somaliland). Therefore, by the end of the 1980s, it became apparent that SNM control was looming in all over the North, including the major towns of Hargeisa and Burao, and the regime was on the verge of collapse (HRW 2009; Hoehne 2011). As a consequence of these confrontations and crisis, the Somali regime finally collapsed in 1991. On 18 May, the same year, the SNM without prior notice declared Somaliland's independence within

the borders it inherited from the British Government on 26 June 1960 as a State of Somaliland, leaving Somaliland and its people free to determine their own political direction and destiny.

Although SNM is perhaps the most prominent advocate of this account of the development of the Somaliland state from the Grand Conference in Buroa 1991, it has been shared by many. Basically, it is important to note that the principal institutions of the Somaliland state system began to emerge in 1993 from Borama National Conference (IRI 2005; ICG 2006; Eubank 2010). This Congress, then, adopted National Charter, with a Parliament consisting two chambers, the “*Lower and Upper Houses*”, plus the Executive organ. This structure was an amalgamation of both traditional and western-style form of governance (Medhane, 2002). From 1997 onwards, Somaliland became more institutionalized in the capital city and the administration gradually expanded into the other parts of the country.

It is quite remarkable that, on 31 May 2001, a public referendum was conducted with an overwhelming 97.7 per cent approving the interim Constitution adopted at the Hargeisa Conference in 1997. The Constitution was an advocate for multi-parties politics and democratic elections (IRI 2005; ICG 2006). Since then, Somaliland has held one of the freest series of elections in the region and has one of the most functioning constitutional democracies in the Muslim world. Yet, this new republic still has no international legal status, while Somalia has had no effective central authority since 1991, is still accorded *de jure* recognition.

Since then, the region’s self-declared independence remains unrecognized by any country or international organization and still it faces challenges which make it fragile economically, socially, politically and in terms of security due to the denial of *de jure* recognition by neighboring and distant states.

Somaliland Territory and Geopolitics

During the cold war, geopolitics was not more than the U.S–Soviet struggle for global primacy and domination. But what does geopolitics mean today for our “*unipolar world*”? Indeed, though the importance of territory has been disputed under globalization due to various factors including: growing transnational and multinational corporations, regional cooperation and mutual dependence, and

others (Waters, 1995; Stiglitz, 2002). Today's global politics demand a new look at the concept of territory and geopolitics together. Therefore, geopolitics remain a vanguard factor that sustains the connection between the states with territory.

In the more recent past, traditional geopolitical analysis is transformed into a critical device for interrogating hegemonic geopolitics after the cold war, and is employed in the service of reconsidering discourses of danger that include: *'failed states'*, communal violence, small arms smuggling and proliferation, transnational crimes, such as terrorist networks, piracy, and drug trafficking (Gray, 2007; Judy 2007). As a point of illustration, these factors indicated earlier should be linked with a more peaceful and just international order which has not emerged following the demise of the USSR. Therefore, the development and application of a new paradigm of U.S foreign policy; the construction and demonization of the *'rogue states'*, Arab uprising events in the Middle Eastern countries, the lingering conflict in Somalia, unilateral invasion of Iraq, the drone attacks in Pakistan; and the war continuing in Afghanistan as part of America's *"war on terror"* should be attributed to geopolitics and geostrategic factors (Barry & Honey, 2000; Stern, 2003; Pervez 2006; Charles-Phillipe & Grondin 2006; Hobsbawn, 2007; Princeton 2009). Therefore, *"territory"* demonstrates how a critical geographical analysis, informed by political theory and history, can offer an urgently needed perspective on regional and global politics together.

Of all of these theses, when examining Somaliland's attitude towards diplomacy one should, as already stated, take into consideration the geopolitics and geostrategic dimensions of the Horn of Africa due to various factors including: enormous natural resources and arable land plus fresh water endowments, where the largest rivers such as the Nile, Wabe Shebelle, Genale-Dawa and others originate (Nasir, 2011). Contrary to these natural resources, it is one of the most diversified regions on the earth, in terms of culture, ethnicity, and religion. Apart from these natural resources endowed and diversity, the region also bridges the three ancient civilizations: Africa, Arabia, and India together. In this regard, the association between Asians in particular the Arabs and the Horn African region has been one of long standing. In fact, the origins of present-day Horn African–Arab relations are rooted in the early history of mankind and civilization. Arabs had settled in the Eastern and Northeastern Africa, establishing strong trading

links with Arab peninsula, in particular Yemen and Oman, even before the emergence of Islam as a religion in 7th century (R. Demant, 2006; Deegan, 2009).

On the other side of the argument, the geopolitics of the Horn should be considered as one of the leading factors that made countries in the Horn of Africa to be the playing ground of the Superpowers and serve as cold war proxies who devastated the environment and endangered its citizens, and eventually led to their present destitution and abject living conditions (Zegeye & Maxted, 2001; Woodward, 2006; Berouk 2011). Whatever cold war effects are, after celebrating the end of the cold war, we have yet to positively identify the new political era that followed, except emergence of other contending actors. Nevertheless, more than two decades after the fall of the Berlin Wall, the political hallmark of today's world remains defined by the past images, as a more peaceful and just international order has not emerged (Samuel 1996; Martha & Tom 2000).

Indeed, after the cold war has ended, political disorder and disintegration including: ethnic conflicts, civil wars, failing states, and others have following and should be characterize this era (Martha & Tom 2000; Deegan, 2009; William 2009). In the Horn of Africa, for instance, the cold war has made many countries as orphans of the cold war such as Somalia which remained without central effective authority, albeit several weak internationally-backed governments including: the current fledgling Federal Government.

In many regards, Somaliland by virtue of its strategic location at the intersection of Africa and Asia, notably facing Yemen, plays a pivotal role in the post-cold war system of states in the Horn region (Rothberg, 2005; Atarodi 2010). It lies, one could say, at the epicenter of a series of conflicts, real and potential, in both continents. On contrary, it also has enjoyed noticeable growth in both economic prosperity and democracy since 2000s. This is telling us that things in many areas are improving (Menkhaus, 2005). And because Somaliland has been, and remains, a faithful Western ally, some scholars argue that Washington should take the lead in not only recognizing, but also actively supporting Somaliland, a brave small state in size whose people's commitment for peace and democracy building mirrors America's values as well as her strategic interests (ICG, 2006; Woodward, 2006).

Fundamentally, though Somaliland shares values and geostrategic dimensions with its neighbors, it also has relationships, which stand equally on a range of issues including: common national interests and collaborative action to advance those mutual interests. In this domain, there is more cooperation than conflict in Africa. Yet, as underlined by many scholars and studies, Somaliland intelligence agencies contribute to the regional security and stability ranging from intelligence sharing and counterterrorism cooperation to joint efforts in combating piracy (ICG 2006; Nasir 2012). Therefore, one may describe Somaliland as a neglected strategic asset for the international community that will increasingly strengthen to the benefit of the regional stability and security.

On contrary, while the international actors have an interest to establish close relations with Somaliland covering both bilateral and multilateral areas, Somaliland has failed to establish concrete external policies aimed at improving these relations and deepen cooperation with international actors to maximize the strategic benefits that Somaliland can derive from these relationship. This could be attributed to the lack of committed, talented, and professional diplomats, plus absence of written foreign policy objectives with an effective diplomacy which is very underdeveloped and remained weak since the last two decades of its lifetime, to name a few.

In the final analysis, Somaliland remains part of the geostrategic Horn region. And as a matter of fact, Somaliland's strategic location may offer a new opportunity by using its diplomacy and redesign the component of its foreign policy to overcome structural weaknesses and meet the new challenges presented by a history of two decades of unsuccessful foreign policy plus incompetent diplomats. In many regards, these political dilemmas, gaps and weaknesses that exist within its policies and institutions, and left unchecked, could undermine the long-term success of Somaliland's existence as a state.

Identifying key foreign policy objectives

At first glance, foreign policy should be defined as a system and set of goals organized and coordinated by professional and skilled figures aimed to change or deal with the behaviour of other states under the coordination and auspices of the

Ministry of Foreign Affairs or Department of State, for instance, the U.S. (James & Berridge, 2001; David et al. 2007). Thus, foreign policy ranges from policies to practices, and from covering on establishing goals and objectives to launching diplomatic relations both in the form of bilateral and multilateral agreements. Indeed, contemporary foreign policy is increasingly perceived to be about values rather than interests as traditionally conceived, while ethics are today held to play a central role in foreign policy (Collin 2004; Chandler & Heins, 2007).

On the other side of the coin, foreign policy decision making is an important avenue of research because the way decisions are made can shape the eventual choice, as foreign policy decisions are shaped by many factors and many variables which deserve to be taken into account when decisions are made. The role of information processing, framing, and cognitive biases in decision-making, points to the need for a psychological approach to foreign policy decision-making. It is worth to emphasize how factors such as the personality and beliefs of leaders, leadership style, emotions, images, cognitive consistency, and the use of analogies influence and shape foreign policy decision-making (Mintz & Derouen, 2010). Overall, these factors call into question the explanatory power of the rational model. Decision makers are not necessarily “*irrational*” but rather are limited in their ability to carry out all the steps of the rational model (Ibid). Therefore, most of what we read about international affairs concerns only the actions of states and their leaders, but it can be illuminating to understand what goes into the decisions that presage the actions and events.

In the Somaliland context, the moves of Somaliland and countermoves of the United Nations, and regional, inter/non-governmental organizations such as the Arab League and Inter-governmental Authority on Development (IGAD), and other relief agencies, in reaction to Somaliland’s demand its right to exist should be attributed to the absence of clear and concrete foreign policy goals and objectives plus absence of policies and weaknesses within decision-making circles, to name a few. Therefore, one may observe that Somaliland’s main obstacle to acquire the *de jure* recognition it demands should be linked with the earlier mentioned actors those representing Somaliland both in regional and international forums⁴.

⁴ Ibid. 1.

For these to happen, clear and concrete foreign policy objectives should be framed and recognized as way forward tools to tackle the long-standing isolation of Somaliland from the international community⁵. These factors should be included: a) recognizing the geostrategic considerations of Somaliland, b) political calculations which is one of the prime factors which determine foreign policy formulations. Apart from these factors, alternative factors should be established to use it, including: a) searching for alternatives, b) identifying alternatives, c) choosing an alternative, and, d) executing the alternative.

On the other hand, the debate about the emergence of Somaliland as an independent state following Somalia's state collapse in 1991 has dominated the politics of the Somalis and those interested, involved or benefited from the Somalia's chaos and crisis situation including: countries in the region and those far beyond the borders of Somalia, such as some dominant Arab states in particular Egypt and Saudi Arabia, and other European countries most likely Italy (HRW, 2009).

As a continuation of Somaliland's public decision, Somaliland has adopted an orthodox version of foreign policy; these interpretations are based upon the assumption not only to determine the relations between Somalia, but also described to be in a state of continuous conflict with those who lead and advocate the unity of Somalia. Therefore, Somaliland did not take part officially any peace reconciliation since its inception with Somalia's warring factions. It is therefore concluded that Somaliland, which was not part of the Somali state since its total collapse in 1991, did not share its rules and institutions. And that is why it had, or is supposed to have had, a negative attitude toward negotiating Somalia⁶.

Against this background, some current endeavors, such as dialogue with the Federal Government of Somalia for the interests of the two nations need to be fine-tuned and expanded. In so doing, to an extent this contradicts the principles laid out in the Somaliland bylaws, London Conference on Somalia in 2012 was an important trigger for the present debate on Somaliland's new policy to engage

⁵ Ibid. 1.

⁶ Observed from the practices in Somaliland political system since its inception, and the perceptions of the citizens towards Somalia unity

negotiations with its neighbor and former partner, the Somali Republic; but for many citizens it was not the right time to engage such negotiations⁷.

Nevertheless, one of the most distressing and debilitating features of Somaliland state, and one that has profoundly affected the policies and strategies of the state, has been the seemingly endless incompetent diplomats, institutions disorder, and countless foreign relations expenditure which have been characteristics of the Somaliland external relations for many years. Without this changing and absence of action in the range of areas identified above (written foreign policy, diplomatic service reform), the likely scenario for Somaliland to acquire the *de jure* recognition it demands since its inception will remain in limbo.

Forging Approaches: Making Diplomacy Work

Although the available literatures for the study of Somaliland history in general are so limited due to civil wars, when the matter of concern is '*Somaliland diplomacy*', the presence of sources of biographies, memoirs and letters cannot simply be obtained. Therefore, it is worth looking at diplomacy beyond the experiences of Somaliland⁸.

As far as the issue of diplomacy is concerned, some may argue that establishing concrete foreign policy with an effective diplomacy could help Somaliland to attain legal recognition and may end up Somaliland's diplomatic isolation from the international community.

Besides establishing clear foreign policy objectives, the rules of the diplomacy may take the form of leading factor convincing international actors to answer Somaliland's long standing question for recognition, support moral rules, and respect established practice in international relations. Such rules include: those constitutional ones that identify the right to self-determination as a state and as sovereign people, plus the rules of coexistence such as that requiring respect for sovereignty and the will of the majority.

⁷ Somaliland successive governments adopted defensive foreign policy approaches while its legislative bodies passed laws outlawing its citizens to attend such peace conferences

⁸ There are shortage of resources both human capital and affiliated materials in the Somaliland Ministry of Foreign Affairs and liaison offices abroad

These initiatives seem to indicate a true and paradigm shift in commitment towards greater openness and engagement to international politics. The emerging process should not be an easy task; however, overcoming the usual efficiency constraints should be added with developing foreign policy objectives and institutionalizing diplomacy. Contrary to the general expectation that the ‘diplomacy of a weak state is also weak’, Somaliland faces a number of formidable challenges on its road both to regional and global integration. These are related to the lack of politically committed, professional and skilled diplomat, and the legacy of its in-ward looking politicians, which have not only hampered the internal political dynamics of this tiny unrecognized nation in the Horn of Africa, but also the *de jure* recognition it demands since its establishment in 1991⁹.

The fact remains, however, as a clear dividing-line, since the 1991 Somaliland had been content to receive permanent diplomatic missions from some regional and distant nations like Ethiopia and Denmark, and consular outstations¹⁰. But, the international community still fails to respond to Somaliland’s quest for recognition. Apart from these ups and downs from the international community, this failure could be attributed partially to domestic politics in Somaliland including: absence of clear and concrete foreign policies that could carry forward the nation’s ambition to be an independent state among world nations.

Of course diplomacy will not provide the answer to all – of even most – of these problems. It could help to encourage more efforts by local, regional, and international actors, but that has not always proven to be a good thing in Somaliland, delinking government from their elites and from the needs of the public. This crude critique, however, overshadows the image of the nation, and fundamentally, there is a need to open up space for the elites and public to participate the reconstruction of their country in terms of both politics and social sectors.

⁹ In Somaliland politics, there is a kind of ‘tit-for-tat’ policy or in a broader sense, ‘in-ward looking’ politics, between/among politicians and political parties. This kind of politics not only hampers the nation’s promising recovering, but also undermines the trauma healing and confidence-building among the citizens

¹⁰ Somaliland has entered into formal and informal cooperative arrangements with wide variety of states and intergovernmental organizations including: Djibouti, Ethiopia, Kenya, South Africa, Denmark, United Kingdom, the United States of America and the U.N. The Cooperation has covered a range of issues, including: security, trade, immigration and development assistance

There is one telling instance. It is not excessive to say that, the rise of nations goes hand in hand with their ability to master diplomacy. Conversely, their decline is also accompanied by the loss of their ability to do so. In Somaliland, overcoming these challenges requires a number of sacrifices from the parties involved including: comprehensive domestic reform coupled with an effective strategy that could lead Somaliland to assert its image in international forums. Therefore, while Somaliland has pursued the later goal on several unilateral, regional and multilateral fronts, it appears that Somaliland has failed to reform its domestic policies which reflect its international image including: establishing clear foreign policy objectives while choosing diplomacy as the main vehicle in overcoming diplomatic isolation.

Conclusion

Though at present no comprehensive research on Somaliland's diplomacy is done, the purpose of this study is to illuminate some of the more essential aspects of Somaliland's strategy towards outside world to overcome the state of diplomatic isolation it remained since its establishment in early 1990s. The two basic and most central themes of the study were in proposition of the establishment of foreign relations strategy plus interpretation and its implementation in accordance with the principles, provisions, policies, and practices enshrined in international law.

With the exception of the conceptual clarity of the study, it emphasized the benefits associated with the geopolitics of the region and strategic location of Somaliland in particular. Therefore, beyond its hoped-for usefulness in designing its foreign policy, to attract the interest of those who pay attention to Somaliland find it lacking. In this regard, the study connected this failure not only with the Somaliland incompetent decision-making circles, but also foreign policy officials those engage tours, which cost many and bleeds the nation's scarce resources. In this situation, the conclusion should be a way forward manifesto that could contribute Somaliland's endeavor to break the vicious circles of international politics, and the cycle of diplomatic isolation both in the region and distant world nations. Therefore, diplomacy should be regarded as the best way that Somaliland can protect its interests in the long-term.

It is important to acknowledge that diplomacy would not in itself resolve any of these problems, all of which require sustained and systematic action on the part of all of the interested parties. In some respects, indeed, diplomacy might place Somaliland more prominently in the limelight, and attract from those whose interests would be adversely affected by diplomatically isolated Somaliland.

To this end, one needs to rethink and reformulate issues that are creating positive public posture in the country and redesign new forms of cooperation with the international actors. Absent of that collective will, the Somaliland future can easily be mapped for a political limbo at least for one reason: failure to establish clear foreign policy objectives with professional and skilled diplomats. In many regards, written foreign policy objectives as a national policy and diplomacy as a practice are not “*deniable tools*” and also not different from education, health, environment, and other strategic policies. However, diplomacy is irreplaceable and cannot be denied apparently. It is a more vital actor for state survival than military, and it carries a lot of emotion in times of crisis and isolation.

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Paper Two: Legal Aspects of Somaliland Case in the New Engagement Policy with Somalia

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Abstract

This monograph examines the multidimensional nature of Somaliland's quest for recognition and attempts to unveil the isolated state of affairs that Somaliland remained since 1991. The study will examine the legal aspects of the Somaliland case in general and in the new era -Engagement policy- which has recently started. On the other hand, the study discovers the contending ideas of the recognition over the emergence of a new state, while it underlines that the recognition is a matter of choice of the recognizing state. The study has extensively drawn on secondary sources including: relevant literatures written by both Somali and non-Somali scholars in the field. The conclusion that could be drawn from the study is to convince both the regional and international community to find valid answers to Somaliland's long awaiting quest for recognition, which need to be addressed through firm analysis.

Keywords: Secession, dissolution, recognition, state emergence, state extinction, parent state, self-determination, sovereignty, territorial integrity, unilateral declaration.

I. Introduction

Somaliland in the northern tip of the Horn of Africa is bounded by Djibouti, Ethiopia, 'Puntland State' of northeast Somalia, and Yemen across the Red Sea. The people of Somaliland are ethnic Somali, sharing with other Somalis a common language, religion (Sunni Islam), and a traditional livelihood system based around nomadic pastoralism. Most come from three main 'clan families' – the Isaaq, Dir (Gadabursi and Iise) and Harti (Warsengeli and Dulbahante) of the Darod clan federation (Walls and Kibble, 2011). But there are, also, other small clan groups which are scattered across the country.

After being a British protectorate since 1884, Somaliland became an independent country on June 26, 1960. The rest of present-day Somalia, then administered by Italy, became independent several days later. Within days, the two independent regions decided to merge. But Somalilanders felt slighted almost from the start, since most of the power went to the south of the country. It is not a surprise to note that Somaliland voters rejected a referendum on a unitary constitution in June 1961 and, later that year, military officers in Hargeisa began an unsuccessful rebellion to reassert Somaliland's independence (Ibid).

Following that disenchantment, a coup happened in 1969 led by General Mohamed Siad Barre to seize state power. The new military junta led by Siad Barre instituted a Marxist regime, and became a close ally of the Soviet Union (Mohamed and Ulf, 2008). Although initially enthusiastic about forming a union with Italian Somaliland, the euphoria quickly changed to disenchantment as many in the North of Somalia felt increasingly marginalized in government and other sectors of society (Michael, 2004). While the authoritarian government of Siad Barre was becoming increasingly unpopular with Somalis, nowhere was the regime more resented than in the North (Lewis, 2002).

Historically and culturally, Somaliland is certainly a separate region from the rest of Somalia before it hastily and voluntarily united with the Italian part of Somalia (Gilbert, 2008). The first formal treaties between the sovereign leaders of the people of Somaliland and the British were signed in the 19th century. Somali leaders in the north sought political protection from the British Government as a “quid pro quo for the export of their livestock, which Britain needed at its coaling station in Aden” (Michael, 2004). British Somaliland Protectorate was officially founded in July 1887, after signing so-called “protection treaties” with various northern Somali clans. However, it was briefly independent for five days in 1960 after the British withdrawal, before throwing in its lot with the former Italian south, a decision which its people have regretted ever since. In this brief period, over 34 countries, including Egypt, Israel, and the five Permanent Members of the Security Council, recognized ‘Somaliland’ diplomatically; and interestingly Israel was the first to do so (Charles, 2009).

Somaliland contends that it is a legal anomaly whose recognition would set no precedent relevant to the rest of Africa. Somaliland did exist as an independent state in 1960, albeit only for a matter of days, before voluntarily merging with the rest of Somalia. Somaliland currently exists within the old colonial boundaries of British Somaliland (Nasir, 2011). Therefore, it argues that it is simply returning to its previous status as an independent state and that its existence in no way threatens the inviolability of inherited colonial boundaries (Somaliland Ministry of Foreign Affairs, 2002). One of the most commonly articulated concerns about the idea of Somaliland's independence is that it would set a dangerous precedent by sanctioning a redrawing of the African map.

African states and some Western governments have treated the inviolability of Africa's colonial boundaries as a core principle for the sake of preserving stability. Similarly, proponents of Somaliland independence must also confront the objections of many Somalis who definitely reject the prospect of formally dismantling the larger Somali state regarding Somaliland as a secessionist state (Nasir, 2011). However, pro-independence Somalilanders often rely on moral and historical grounds and believe that this case is exceptional and not secession, but they argue that it emerged from the ashes of a failed union and the bigger project that failed, and as a consequence of that union, it suffered more than it ever did at the hands of Britain (HRW, 2009).

This paper examines the legal aspects of Somaliland's case with the new engagement policy with Somalia. The paper attempts to highlight the importance of the legal aspect of Somaliland case for Somaliland Negotiators. The paper unveils why both regional and the international bodies failed to respond to Somaliland's demand for recognition by taking the opportunity to engage as a neutral third party, without prejudice to the final determination of Somaliland's sovereign status.

1.1 Methodology

This work examines why Somaliland has failed to acquire *de jure* recognition from the international community over the past twenty plus years. The study critically focuses on the legal aspects of the union as well as the legal challenges that face Somaliland against its quest for recognition. The results and the findings of the study are based on a literature review on various areas including: books, policy documents, journals, reliable websites, newspapers, and articles written in Somalia by Somali and non-Somali scholars.

II. Legal Cases in Perspectives

2.1 Prior to the Independence

In 1934 Somalia became part of the Italian East African Empire following Mussolini's conquest of Ethiopia. In 1941, during the Second World War, the Allies occupied the whole Italian Empire and Somalia was placed under British military administration. In the Peace Treaty of February 10, 1947, Italy renounced all rights and title to their territorial possessions in Africa. After failure of the Four Powers to reach agreement on their disposition, the matter was referred to the General assembly of the United Nations for a recommendation, which the Four Powers agreed to accept as binding. In 1949 the General Assembly recommended that Somalia should become independent after ten-year trusteeship under Italian Administration (Paolo, 1969: 1).

The Italian part of Somalia has got an opportunity to shift the governance experience from the colonial hand to Somali technocrats. A gradually increasing degree of executive authority was vested in the Somali Government, established in May 1956 and composed of Abdullahi Issa Mohamud as Prime Minister and six Ministries, later raised to nine (Ibid: 2). In contrast, the Somaliland British Protectorate did not get that opportunity until the final day of the independence. As there was no plan to grant early independence for the territory, progress towards self-government was slow until the second half of the fifties (Ibid: 4).

On the other hand, Italian Somalia got great time and resources for drafting the future constitution, which became the unification document of the two Somalis.

In the last three years of the trusteeship period much time and effort was devoted to the preparation of a constitution for the future independent State. For this purpose, the Administrator of Italian Somalia appointed a technical committee of experts in September 1957. Between October 1957 and May 1959 the technical committee prepared a preliminary draft constitution of 141 articles, accompanied by a 316-page commentary. A revised and shorter draft constitution of 64 articles was prepared, with the assistance of an Italian expert, by Dr. Mohamed Seek Gabiou, who was appointed Minister for the Constitution in November 1959. Between April 4 and May 9, 1960 both drafts were examined in detail by drafting political committee of fifty Somali members. The committee approved a new draft of 100 articles and submitted it to the constituent Assembly, comprising the ninety deputies of the legislative Assembly and twenty additional Somali members (Ibid: 6).

2.2 Post-Independence and the Union

Though Somaliland was one of the British colonies in Africa, the territory remained under British control until 26 June 1960, when it received its independence as the State of Somaliland. Notification of that independence was accurately registered with the UN and over 34 governments including the five veto powers of the UN Security Council (UNSC) reportedly recognized the new state (ICG, 2006). Several days later, on 1 July 1960, the UN Trusteeship administered by Italy also achieved its independence and united with the State of Somaliland to form the Somali Republic (Martin, 2006). Although the unification had been under discussion with the leaders of the two newly independent regions, the merger and the unification were poorly prepared, and the two parliaments approved different Acts of Union¹¹. In this regard, it is not a surprise to argue that this hasty merger between two different colonial entities with different legacies, despite sharing ethnicity, language and religion, eventually caused the collapse of the Somali state after thirty years of independence.

¹¹ Retrieved from a Video, an interview with the late president Mohamed Ibrahim Egal on 20 January 1994. This interview has been conducted three Djiboutian journalists, Djibourti, the Republic of Djibouti.

Consequently, early dissatisfaction with the arrangements negotiated by Somaliland leaders led the Northern voters to reject the unitary Constitution in a June 1961 referendum (Hussein, 2002). In October 1962, Northern ministers resigned from the government and several days later Northern representatives walked out of the National Assembly and threatened to boycott it (Lewis, 2002). Apart from the above, the situation had changed when the civil administration of the Republic was ended by military officers who managed to overthrow the civilian government¹². The established military government continued the centralization of the state authority under the leadership of the late General Mohamed Siad Barre. It is worth mentioning that the political attitude of the military junta was to reunite the Somali regions in the Horn of Africa and to bring them under the rule of the Somali state. Nonetheless, Barre's expansionist ambitions ended with Somalia's catastrophic defeat by Ethiopia and its allies in the 1977–1978 Ogaden War.

In 1991, after the downfall of the Barre regime and the collapse of the Somali state, the Somali National Movement (SNM) without prior notice declared Somaliland's independence within the borders of the former State of Somaliland. Since then, it has established a condition of relative peace and security, and held democratic local, parliamentary and presidential elections. It has also fulfilled the established criteria for recognition as a state such as: stable population, a defined territory, a functioning government and capacity to enter into relations with other states in the international forums. Its achievements have won widespread praise and acknowledgement at regional, continental, and international levels, and therefore, its recognition has been favorably assessed by the African Union Mission, and Conflict Prevention Non-governmental Organizations (NGOs), particularly, the International Crisis Group (ICG). Despite Somaliland's success stories, the international community refuses to recognize it as an independent state. For this to happen, there are local, regional and international actors that have their interests and other factors that have contributed their part for the denial of recognition in relation to Somaliland.

¹² Ibid: 1.

Therefore, the major challenge comes from southern Somalia which remained in chaos since 1991. Here, there are many Somalis who definitely reject the prospect of formally dismantling the larger Somali state by regarding Somaliland as a secessionist state. Where the Somaliland people argue that they united with southern Somalia in 1960 to attain their desire and aspiration and again decided to withdraw from that union in 1991 to live in an independent state, because of the injustice they faced under successive Somalia regimes and vow to resist any attempt to make their country return to a union which collapsed twenty plus years back.

III. The Somaliland Case in a Legal Perspectives

3.1 Somaliland Case: Unilateral Secession vs. Dissolution with legal self-determination under international Law?

One of the most important challenges ahead of Somaliland Recognition has been to clarify the status of the its situation since 1991, after it declared that it regained its independence as a result of the collapse of the Somali state in 1991. The question is, does Somaliland Declaration constitute Unilateral Secession? Or is it dissolution from a failed state? How will the case of Somaliland have legitimacy without the consent of the parent state? All the above questions need to be answered as a challenge to Somaliland recognition.

The act of secession has different aspects of international law, such as a unilateral declaration of independence without the consent of the parent state (Michael, 2004). In this regard, new states may arise from the partition or unification of old states. England and Scotland became the state of Great Britain. The United Kingdom was again partitioned when the Irish Free State was formed. Norway and Sweden became separated; Belgium and Holland, while the states of Germany were united (Maciver, 2006).

Similarly, the dissolution is quite different from secession. However, in international law, dissolution is when a state has broken up into several entities, and no longer has power over those entities. An example of this is the case of the former USSR dissolving into different republics (Nasir, 2011).

On the same token, Senegal emerged from the dissolution of the Mali Federation—a federal arrangement formed between it and Soudan¹³ under the French Constitution of 1958. The former colonies of Senegal and Soudan became ‘autonomous States’ within the French Community (James, 2006). Subsequently, it was agreed that the Mali Federation would be established; Senegal and Soudan agreed to join it. Under the constitution of the Mali Federation of January 17 1959, its constituent units were regarded as ‘sovereign’, as was the Federation itself. Shortly after the Federation was inaugurated, serious difficulties arose between Senegal and Soudan and on 20 August 1960; Senegal purported to withdraw. This was initially opposed by Soudan but was accepted on 22 September 1960 when Soudan asserted its independence outside the French Community under the name of Mali (Ibid). Different members of the Security Council described the situation in different terms when it considered the applications for United Nations membership by Senegal and Mali on 28 September 1960 (Ibid). But it was common ground that the two entities had resolved their differences, that each had achieved separate independence, and that the Federation of Mali had thereby ceased to exist.

So, the above-mentioned issue has not been addressed and it is important to be discussed between Somaliland and rest of the Somalia to resolve the issue. Otherwise it will remain a challenge to recognition for ‘Somaliland’ to reach statehood.

3.2 Does Somaliland have a right to exercise the Self-determination Doctrine?

A broad construction of self-determination may be argued by Somaliland, the *first* justification that Somaliland may claim lies in its history as a British colony. A colony has a legal right to exercise the right of self-determination independency from its colonizer. Some argue Somaliland, as a former colony, may exercise its right to self-determination because it has not yet done so by invalidating its union with south Somalia because there was no national referendum or popular vote on the matter (Aaron, 2010).

¹³ It was the French Sudan in West Africa, (the present Mali); it joined Senegal to form the Mali Federation

But those who opposed the Somaliland case may nullify this argument by arguing that the fact of the unification, which was, even though there was no national vote on the issue, democratically elected leaders of each former colony, oversaw the unification process and these leaders did not act contrary to the will of people (Ibid). The answer of this critique can be that although democratically elected leaders of each country-Somaliland & Somalia- had overseen the process of unification, it was not complete because there was no popular vote through referendum. Furthermore, the Act of Union had not been passed during the unification period by Somalia legislature until seven months later, which had been passed retrospectively making the union process incomplete.

The *second* way that Somaliland could exercise its right to self-determination is through internal self-determination, by using Somalia's established political procedures and mechanisms of self-rule to realize its policy goals. The circumstances in Somalia, however, make it difficult for Somaliland to exercise internal self-determination (Ibid). Now it is possible after Somaliland and Somalia talks started in the London conference and the dynamics and geopolitics of the region are dramatically changing. In fact, any region within a failed state may have little or no opportunity to petition its government in the furtherance of self-determination, simply because it lacks a functioning government. Some scholars argue that Somaliland's inability to exercise internal self-determination is strong enough support for the claim that Somaliland has the right to separate from Somalia. But under the existing norms this claim is insufficient (Ibid).

3.3 Does Somaliland have a legal basis for Self-determination?

Perhaps Somaliland's best legal argument for independency in the furtherance of self-determination arises under one of the three legal theories of self determination - bilateral, unilateral or de facto. Let us examine each of them, especially, what the pros and cons for the case of Somaliland are.

3.3.1 Bilateral Self-determination

Under this theory, the primary aim is cooperation between the party seeking independency and the parent state. It has two requirements; first, the Somalia domestic law would need to make some provisions for secession and second, Somaliland would need to engage in "principled negotiations" with the Somali government on the issue of secession. To overcome these requirements there are two insurmountable barriers to any efforts at bilateral secession. First, the

prolonged state of lawlessness in the south precluded such political action; and second, even if that were not the case, the Somali government is not favorable to the idea of a breakup of the country (Ibid).

But now after the opening of channels of communication between the two parties, Somaliland and Somalia, this option is possible for Somaliland to pursue bilateral self-determination through talks and convincing their counterpart that it is of the interest of both sides to split into two states which will live side by side as brother states.

3.3.2 Unilateral Self-determination

This theory requires three elements: that the Somalilanders are “*people*”, that have been subjected by the Somali government to serious human rights violations and that no other viable options exist (Ibid). If you look at the above-mentioned condition, it is not an easy one to be fulfilled because it needs proof beyond a reasonable doubt that a genocide happened in Somaliland during the Siad Barre regime. So, Somaliland must prepare and build its case to submit to a petition to international forums which shows that massacres and mass-killings, which amount to serious human rights violations, and that there were no any other viable options other than self-determination. But the argument of those opposed Somaliland case is that despite the human right abuses perpetrated against the people of Somaliland, it is unclear whether they are sufficiently significant to support an argument in favour of justified unilateral secession. If any other remedies exist, Somaliland must resort to such remedies before seceding (Ibid).

So, if Somaliland will not succeed to prove the serious human rights violations which occurred during the Said Barre regime then it will be difficult to make Unilateral Self-determination in the International Law arena (Adam, 2012). So, Somaliland has to prepare and gather all the evidence that supports the human rights violations and mass-killings which occurred during the Barre regime. Somaliland cannot do it alone; it has to get support from forums that know how to gather evidence for prosecution of human rights violations. Somaliland can either hire private firms or get support from its allies or those who are concerned about its situation.

3.3.3 *De facto* Self-determination

One may argue that, since 1991, Somaliland has already gained independence through *de facto* secession. *De facto* on its own, however, is legally insufficient. Arguing *de facto* secession may be better where some nations recognize Somaliland, but in the case of Somaliland no country has done so (Ibid). Somaliland has a *de facto* Secession but this is not enough and they have to double their diplomatic efforts to secure the *de jure* recognition which is a must for their nation and statehood ambition.

3.4 Legal Precedents from the region and International Instruments

Secession can generally be defined as the “separation of part of the territory of a state carried out by the resident population with the aim of creating a new independent state or acceding to other existing state and which originally takes place in the absence of consent of the previous sovereign” (Michael, 2004). Yet, the lack of consent distinguishes secession from devolution or grant of independence.

The same as the history has proven that states are not never-ending entities, but subject to constant changes in shape and character. States have been coming and going throughout the last 350 years or so, since the ‘birth’ of statehood in Westphalia in 1648 (Ibid). But, even a glance back into more recent history reveals substantive changes in the landscape of international relations. Numerous states have emerged following the fall of the Berlin Wall and the collapse of the Soviet Union. Since 1945, the number of states has almost quadrupled leaving us with 191 members of the United Nations in 2003 (Ibid). In general, international law does not interfere with the political processes of state emergence and extinction, but leaves these matters to the people and the facts on the ground. The means by which a state emerges is accordingly not a matter of international law. It remains rather confined to the acknowledgement of the factual emergence of a new entity and to the evaluation of its legal status. Accordingly the specific criteria necessary for statehood are: population, territory, effective governance and eventually, depending on the contextual circumstances, international recognition (Vaughan, 2007).

It is necessary to distinguish between secession in pursuance of and in violation of self-determination. Whether the territory in question is a self-determination unit, it may be presumed that any secessionist government possesses the general support of the people. On the other hand, it is possible for a seceding government manifestly to lack general support of the people concerned (Rein, 2004). However, revolution and self-determination are not mutually exclusive. On the contrary, the former may be an extreme form of the latter, and it seems that not only revolution but secession similarly is an extreme form of self-determination and that they both should have equal status under international law.

State practice since 1945 in relation to secession of this type has not been entirely consistent. However, in three of the earlier cases of seceding territories, at least some degree of international recognition was extended at a relatively early stage. The Indonesian situation was the first of these. Indonesian nationalist leaders declared the Republic of Indonesia on 17 August 1945. There followed a protracted conflict, military and diplomatic, with the Netherlands before sovereignty was formally transferred on 27 December 1949 (James, 2006). The events of this period have been described elsewhere. What is of interest here is that, although Indonesia was probably not a fully independent state before December 1949, it was accorded a certain- even considerable- legal status during the conflict. It was recognized as a *de facto* government by the Netherlands itself and by a number of other states; in addition several states accorded *de jure* recognition.

Similarly, the status of the Democratic Republic of Vietnam (DRVN), after the declaration of independence in 1945, was complicated by the conflicting grants of authority by France to various local governments, and by the claims of both governments to represent Vietnam as a whole (Ibid). As in the Indonesian case, various states recognized the Democratic Republic of Vietnam (DRVN). France also extended a somewhat equivocal *de facto* recognition. On the other hand, these complicating features were not present in the case of Algeria. The Algerian Republic was proclaimed on 19 September 1958 and after protracted hostilities was granted formal independence by France on 3 July 1962 (Ibid). After some hesitation, the General Assembly took the matter up in 1960 and 1961, calling upon the parties to negotiate “with a view implementing the right to the Algerian

people to self-determination and independence respecting the unity and territorial integrity of Algeria (Ibid)”. Algeria had also been recognized before 3 July 1960, by a certain number of states.

The case of Somaliland is quite different from what the thesis discussed above or is similar in one way or another (Nasir, 2011). Somaliland was British Protectorate and gained its independence from the Great Britain of the United Kingdom on 26 June 1960, four days later, it unilaterally united with its Italian southern part of Somalia, over 34 countries including the five permanent members of the UN Security Council, Egypt, Israel and others recognized as the State of Somaliland (Charles, 2009). Nevertheless, Somaliland argues that it is not secessionist state from its parent State. But it regained its independence and it suspended only the dysfunctional unity with its counterpart, while it asserting and maintaining the territory and boundaries left by the British government in 1960.

Conclusion

To wind up the above discussion, it is a great opportunity for Somaliland and Somalia that they can be two different states that live side by side and they can settle their legal status and the dispute between them through dialogue and peaceful settlement. On the other hand, they united yesterday-1960- under their own consents and today they are free to choose their own future courses because the self-determination principle will exist forever.

On the same token, Somaliland Negotiators’ team must be conscious about the legal aspects of Somaliland’s Case during the dialogue and engagement period with Somalia because in 1960 Somaliland Leaders and its people failed to calculate tactfully their own rights legally during the unification process. If the same reoccurs, that will be a disastrous situation for the nation and the future generations. So, in general, the engagement policy is good for Somaliland but only if Somaliland develops a successful strategy to implement during the talks and negotiation period.

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Paper Three: Challenges to Somaliland Independence

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Introduction

Since the 1648 Peace of Westphalia, the international order has been predicated on the central role of the nation-state. The contemporary Westphalian system generally defines the state as an entity with established geographic borders, a relatively stable population, a government that can control both these borders and this population, and is recognized by other states as sovereign. Since the end of the Second World War as civil struggles overtook international conflicts as the most common types of war, secessionist movements have proliferated, becoming the most pervasive, longest, and bloodiest form of warfare. Despite this reality, only about one third of secessionist movements ever result in full independence and statehood (Coggins).

The self-declared independent republic of Somaliland seceded from Somalia May 18, 1991 following the collapse of the central government of Somalia. Despite widespread recognition that Somaliland has functioned successfully as a *de facto* state for over two decades, full and formal participation in the international order has been slow in coming for the former British protectorate. This paper seeks to examine the challenges facing Somaliland independence in the contemporary global political climate. First examining the historical evolution of an independent Somaliland in the context of international legal principles surrounding self-determination, this paper will subsequently explore a similar case to Somaliland, the path of Kosovo to internationally recognized independence as a participant in the global political order. Finally, this paper will conclude by investigating what appears to be the greatest obstacle to formal Somaliland independence, recognition by the international community.

International Legal Principles

The protectorate of British Somaliland gained independence from colonial rulers June 26, 1960 and became the State of Somaliland which it remained for five days. In that time, the State of Somaliland was granted formal recognition by thirty-five states, among them the five permanent members of the United Nations Security Council. On July 1, 1960, Italian Somaliland gained colonial independence, after ten years as UN Trusteeship Territory, which united with the State of Somaliland to form the Somali Republic. The

merger of the Republic of Somalia was achieved through an internal treaty; ratification of the treaty, however, was marred by irregularities. Although authorities in Somaliland drafted a treaty, approved it through the northern legislature, and sent it to the southern capital of Mogadishu for approval, this treaty was never adopted. Instead, the southern legislature drafted the Act of Union, a distinct treaty which was ratified by the national legislature as retroactively binding for the entire Republic in 1961. This was succeeded by a national referendum on the proposed constitution which further entrenched the divergence between the two units, as the southern electorate voted in favour and the northern electorate voted against the constitution which was passed (Roethke; Somaliland and the US ‘Kosovo Syndrome’; Somaliland Time for African Union Leadership).

The international legal order addresses state secession indirectly through the principle of self-determination. Although scholars are in agreement that the right to self-determination ensures colonized peoples may form states independent of their colonial rulers, the principle is less clear with regard to secession from post-colonial states. The Declaration on the Granting of Independence to Colonial Countries and Peoples is predicated on the principle of self-determination for the justification of decolonization. *Uti possidetis*, the use of colonial boundaries to form independent states, was a principle supported by the Organization of African Unity, known today as the African Union (AU), in 1964. The contemporary African Union continues to maintain the position that its member states respect the borders with which they achieved independence (Hassan and Al Rasheedy; Martin; Roethke). Although the State of Somaliland fulfils this requirement, the swift merger of the Somali Republic complicates the argument.

The completion of decolonization did not, however, eliminate the principle of self-determination; remedial secession is a right supported by many scholars of international law. The legal justification for this concept is largely derived from United Nations General Assembly resolutions, among them the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, adopted October 24, 1970 (United Nations). Remedial secession provides protection for peoples who are unable to realize the right to self-determination within a state and peoples subject to extreme internal persecution such as gross violations of fundamental human rights. Whilst affirming the territorial integrity of states, the Declaration contains a safeguard provision which places conditions on this affirmation. The 1993 United Nations World Conference on Human Rights reiterates the condition that a government must protect the principles of equal rights and self-determination for all peoples within the state without qualifications of any kind.

Hence, the suggestion is that peoples unable to exercise these rights within the state may exercise them through secession (Martin; Roethke).

The notion of remedial secession may apply to the people of Somaliland in a number of ways. The inauspicious constitutional foundations of the Somali Republic suggest violations of the right to self-determination for the people of Somaliland. The basis of the union was a treaty ratified without the participation of the northern legislature and made retroactively binding for the entire republic, followed by a constitutional referendum rejected by this population and yet imposed upon it through the strength of the southern vote. The subsequent dictatorship of Major General Mohamed Siyad Barre, October 21, 1969 – January 21, 1991, impacted the second aspect of remedial secession, gross violations of fundamental human rights. The latter years of Barre's dictatorship resulted in the formation of the Somali National Movement (SNM), one of a growing number of internal movements aimed at toppling the dictatorial regime. As the regime destabilized throughout the 1980s, the SNM expanded its armed incursions from Ethiopia in the Somaliland region. The central government responded with increasingly draconian measures to control the region, including rampant human rights violations culminating 1988 in indiscriminate raids and bombing campaigns killing 50,000 and displacing 750,000 more (Bryden; Somaliland and the US 'Kosovo Syndrome'). As per the principle of remedial secession, the people of Somaliland unable to exercise self-determination within the existing state and facing extreme persecution sought these rights externally through secession, declaring the independent Republic of Somaliland May 18, 1991.

Somaliland may face a number of challenges in pursuing international legal principles in the case for its secession. First and foremost, rights to secession are not directly addressed in international law; rather secession is discussed and managed through the principles of territorial integrity and right to self-determination. As mentioned previously, *Uti possidetis*, the principle protecting colonial borders for the formation of new states, may be impacted by the brevity of the independent experience for the State of Somaliland using pre-existing colonial borders. Moreover, the case for remedial justice may be met with the reality that the Barre dictatorship was oppressive to multiple groups across the Somali Republic, ultimately resulting in the outbreak of civil war. Somalilanders, although unique in experiencing focussed full scale military action by the central government, were not unique in suffering oppression or even human rights violations from the dictatorial regime. Additionally, the people of Somaliland reverted to the colonial boundaries of the state following the collapse of the Barre government. While

the people of Somaliland faced challenges to their right to self-determination from the foundation of the Somali Republic, it was not until the dictatorship of Major General Mohamed Siyad Barre that they were subject to gross violations of their fundamental human rights. As such, the declaration of an independent republic following the ousting of that administration may be perceived as distinct from a directly reactionary measure to the denial of basic rights.

Case of Kosovo

The contemporary history of contested statehood in Kosovo is a close parallel to the case of Somaliland. Decades of oppression and subsequent clashes between the Kosovo Liberation Army (KLM) and government forces culminated in a campaign of ethnic cleansing February 1998. Serbian paramilitary police targeted Kosovo Albanians, killing 10,500 and displacing 850,000 more. The violence prompted international response, leading to 78 days of NATO strikes against military targets in the Federal Republic of Yugoslavia (renamed Serbia and Montenegro in 2003, then Serbia in 2006) initiated on March 24, 1999. The resultant withdrawal of central government forces from Kosovo gave rise to the functioning of Kosovo as a *de facto* protectorate under the administration of UNMIK, the United Nations Mission in Kosovo, effectively inhibiting the central state authority's capacity to govern the region. Following the adoption of a constitutional framework in 2001 and several rounds of failed negotiations, Kosovo made a unilateral declaration of independence February 17, 2008 (Martin; Papadimitriou and Petrov).

The similarities between the cases of Kosovo and Somaliland are numerous. In each case atrocities impacting hundreds of thousands of civilians were committed by the parent state as a result of internal movements for the right to self-determination. This led to a situation in which the parent state was no longer able to govern the region and a unilateral declaration of independence revealed a *de facto* state which satisfies Article 1 of the Montevideo Convention on the Rights and Duties of States (1933): “[t]he State as a person of international law should possess ... a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with other states” (International Conference of American States in Montevideo). Political milestones were achieved in 2001 when Kosovo adopted a constitutional framework (Papadimitriou and Petrov) and Somaliland passed a constitutional referendum (Bryden).

With parent states claiming sovereignty over the self-declared independent countries, both Kosovo and Somaliland fulfill the characteristics of contested statehood, demonstrating all three conditions according to Papadimitriou and Petrov (2012).

1. “An internationally recognized state authority (as expressed by full membership of the UN) cannot maintain effective control over its respective territory (or parts of), either as a result of an ongoing conflict or its profound disconnection with the local population.
2. The *de facto* governing authority of a contested territory has declared independence, but it does not command full diplomatic recognition by the international community as expressed by full membership of the UN.
3. The capacity of an internationally recognized or a *de facto* government to exercise authority is severely compromised due to the weakness of its state apparatus, either because of poor resources or complications in the constitutional arrangement underpinning its operation” (749).

Arguably the most important similarity between Kosovo and Somaliland is the formal stance of representatives of independent supranational bodies to their claims of statehood. In March 2007, UN Special Envoy for Kosovo Martti Ahtisaari concluded in his Security Council report endorsed by Secretary-General Ban Ki-moon, that the only viable option for Kosovo was independence. Ahtisaari determined that independence was the only feasible way to ensure Kosovo political stability and economic viability, whereas continuing uncertainty was threatening democratic development and ethnic reconciliation. The UN Special Envoy described Kosovo as a unique case demanding a unique solution (UN Envoy on Kosovo’s Status says ‘Independence is the Only Option’). Similarly, a 2005 African Union fact-finding mission in Somaliland concluded that the situation is a unique case which should not be equated with “opening a Pandora’sbox” (Somaliland Time for African Union Leadership-Executive Summary and Recommendations). The mission further found that Somaliland’s case is self-justified in African political history and “the

AU should find a special method of dealing with this outstanding case at the earliest possible date” (Somaliland Time for African Union Leadership-Executive Summary and Recommendations). The AU mission and the UN Envoy report recommend favourable consideration and outright support for independence respectively. Each was appointed by an authority made up of member states with diverging opinions on the matters. However, a formal decision by the International Court of Justice may have the greatest impact on these claims of statehood.

In October 2008, following Kosovo’s unilateral declaration of independence, Serbia filed a request through the United Nations General Assembly for an advisory opinion on the declaration from the International Court of Justice (Jubilant Kosovo, Chastened Serbia). On the 22nd of July, 2010, the court delivered its decision with a vote of ten to four; Court of Justice president Hishashi Owada announced “international law contains no prohibition on declarations of independence” (Beaumont, ¶3). In the first case regarding a unilateral declaration of independence before the International Court of Justice, the Court ruled that Kosovo’s declaration did not violate international law (Beaumont; Jubilant Kosovo, Chastened Serbia). The implications of this decision are staggering; declaration of independence has been formally deemed a legal act. Nevertheless, the Kosovo experience of unilaterally declared independence contains at least one major factor distinguishing it from the case of Somaliland secession, the long-term central role of international forces.

Failure to comply with United Nations Security Council Resolution 1199 to cease all security force action against the civilian population in Kosovo prompted the 1999 NATO military intervention in the Federal Republic of Yugoslavia. Following the 78-day bombing campaign, United Nations Security Council Resolution 1244 called for the establishment of significant autonomy and self-government in Kosovo, putting in place the administration of the UN Mission in Kosovo (Martin). The 2007 report by the UN Special Envoy in Kosovo was developed as a part of his mission to oversee the future status process for Kosovo and the comprehensive proposal outlined details such as the necessary transitional period, the required international civilian and military presence, a legislative structure, and a timeline for democratic turnover (UN Envoy on Kosovo’s Status says ‘Independence is the Only Option’). Kosovo’s unilateral declaration of independence came eleven months later and the UN General Assembly request for an advisory opinion from the International Court of Justice came eight months after that. Somaliland has never experienced this level of attention or intervention. Today Kosovo receives partial

international recognition, dividing the UN Security Council and General Assembly, whilst garnering the support of the major Western powers.

Stephen D. Krasner (2013) describes Somaliland as “a small and not very important place” (173); this is a concise way of framing one of Somaliland’s major challenges, lack of international support. In Kosovo on the other hand, international intervention through the EU, the UN, and NATO has stopped the parent state attack, established autonomous rule, and then buoyed unilateral secession on the grounds of maintaining peace and security in the region, namely Europe. In its path to secession Somaliland has faced the challenge of going it alone. Though this may have its strengths, the lack of international involvement in the process is likely reflected in the lack of international support for the result. International intervention creates international stakeholders, and a challenge for Somaliland has been that foreign interests appear to have the luxury of effectively ignoring the situation. The case for Somaliland recognition may be similar to that of Kosovo, but the path has been very different as Somaliland is not currently formally recognized by any member state of the United Nations.

Somaliland Secession Geopolitics

Despite the terms of international law and the norms of the international system, the single most important factor in distinguishing between successful and failed state secession is external acceptance. The Westphalian order demands mutual sovereign recognition among states of the international system (Coggins). Hence, the most important challenges to Somaliland independence are the impediments to its recognition. Unfortunately there is no obvious pattern for the external recognition of statehood (Coggins); in fact, Krasner (2013) describes recognition as ‘organized hypocrisy’. While the norms and principles surrounding territorial integrity and state sovereignty are used as a guideline to coordinate the behaviour of states and defend or challenge individual policies, violations are not particularly exceptional. And although common wisdom in international relations is that states are self-interested, acting upon their own political motivations in questions of sovereignty, they do not exist in a vacuum. States rarely recognize unilaterally. States are interdependent and the strategic interactions amongst them must be considered (Coggins).

Regardless of inconsistencies, state secession is a tough sell in the international community. As the subjects and beneficiaries of international law, home states have the distinct advantage. The principles of territorial integrity and state sovereignty continue to be highly regarded and statesmen are often loath to directly interfere in these domestic

affairs outside of their own boundaries (Martin). As demonstrated by the UN Special Envoy to Kosovo's emphasis on the uniqueness of the situation and the AU mission in Somaliland's affirmation that support for Somaliland independence should not be equated with opening a Pandora's box, there is significant concern about setting a precedent through recognition of state secession. The global political realities surrounding the case for separation are central, and while the backing of global powers the US and the EU is critical, the established premise for the international recognition of secessionist states is that they must first be recognized by regional bodies (Dilemma of the Horn).

In the case of Somaliland, the dominant regional bodies to consider are the African Union and the League of Arab States (commonly referred to as the Arab League). The AU fact-finding mission in Somaliland came as a result of a 2005 application for membership by the then President of Somaliland Dahir Rayale Kahin. The mission produced a favourable report advocating a special status for Somaliland which is described as an outstanding case (Somaliland Time for African Union Leadership-Executive Summary and Recommendations), and several AU members including Sub-Saharan powers South Africa and Nigeria had indicated readiness to recognize the state (Dilemma of the Horn). Nevertheless, the Union continues to identify Somalia as a single unified republic (Somaliland Time for African Union Leadership-Executive Summary and Recommendations). The challenge in seeking support for secession from the African Union is that secessionist challenges on the continent abound. As preoccupied as the international community is with the fear of creating a precedent for state secession, particularly as a result of unilateral declarations of independence, African statesmen have reason to be the most reluctant. The AU has thus far been inclined to maintain the status quo. Additionally, Egypt a major African power has long been in vehement opposition to Somaliland independence.

Egypt has long been a proponent of a unified Somalia. Holding a strong position within both the African Union and the Arab League, Egypt has been using its influence to promote a unified Somali state for decades. At the time of independence in 1960, the Somali Republic merged under significant pressure from Egypt and Saudi Arabia, major Arab League influencers (Somaliland and the US 'Kosovo Syndrome'). Since Somaliland's declaration of independence in 1991, Egypt has remained a chief hurdle for the recognition of the self-declared republic; the Egyptian leadership has consistently worked against recognition of Somaliland sovereignty by the AU and the Arab League. There have been two major reasons cited by Horn of Africa political observers for Egypt's strong

opposition: Somaliland's position as a key Red Sea littoral state and more specifically, its relations with Ethiopia. Egypt is cautious of Somaliland's strategic geographic position in the Red Sea/Suez Canal lane of communication. Moreover, Somaliland has shown itself capable and willing to provide Ethiopia with Red Sea trade access. Egypt and Ethiopia are at odds over the use of the Nile waters. Ethiopia's position as the source of the Blue Nile and an influencer among the riparian states makes it a threat to Egyptian Nile dependence. Somaliland's inherent opposition to Egypt's strategic interests pose a significant challenge to Somaliland's pursuit of international recognition. The separatist state's sovereignty contests Egypt's desire to maintain Red Sea dominance and restrict Ethiopian influence. Additionally, Egypt's position with Somalia is strongly backed by Saudi Arabia, an influencer particularly among the Gulf States. For members of the Arab League who aspire to Arab unity, the breakup of a unified Somali state is unpalatable (Dilemma of the Horn; Egypt Reconsiders its Nile Strategy; Howden; Noor; Somaliland's Resurgence a Key to CT War). Somaliland faces the challenge of powerful Egyptian opposition in both regional bodies, in addition to the other member states' general aversion to secession.

One of the strengths of the Somaliland case for independence has also produced a significant challenge, the precedent set by Kosovo. The similarities between the situation in Kosovo and Somaliland provide a basis for the claim that they should be treated similarly by the international community. With Kosovo recognized as independent by about half of the UN member states today, including the US and the vast majority of the EU (Krasner), Somaliland could benefit from similar consideration. In fact, according to reports in 2006, the United States and the European Union were becoming increasingly inclined to support Somaliland's bid for independence. The main regional body had produced a favourable report and strong diplomatic links in Washington through Somaliland's *de facto* ambassador were garnering interest in the nation's status (Dilemma of the Horn). By 2009 however, this was no longer the case; Somaliland was now living in a post-Kosovo world. Following recognition of the unilaterally declared independence of Kosovo, the US and the EU had suffered an international backlash (Somaliland and the US 'Kosovo Syndrome'). By August 2008 only 49 of the 192 member states of the United Nations had recognized Kosovo's declaration of independence (Martin). States in opposition including China and Russia of the Security Council warned of the dangers of setting a precedent. Concern was growing internationally over the recognition of 'new' states and the US official thinking had moved to the rejection of separatist nations (Somaliland and the US 'Kosovo Syndrome'). In pursuing the support of global leaders the United States and the European

Union, Somaliland is faced with the challenge of overcoming the consequences of the unforeseen response to US and EU support for the similar case of Kosovo. In addition to overcoming the challenges of appearing small, unimportant, and unsupported (at least formally) by regional bodies, the Somaliland leadership must convince American and European Union decision-makers that recognition is worth the potential to be faced with the international repercussions which they now know are likely.

Conclusion

Few separatist states achieve full independence in the contemporary political system. The international legal order benefits the parent state in secessionist conflict through the emphasis on territorial integrity. Nevertheless, through the principle of right to self-determination, peoples have been able to achieve independence from colonial rulers and, based on the understanding of many scholars, continue to be able to seek this right externally when a government fails to provide it for all peoples within the state. Somaliland's pursuit for independence shares many similarities with the experience of Kosovo which is recognized by over 100 UN member states today. Arguably the single greatest predictor of successful state secession, however, is external recognition of independence, for which the established ideal is that recognition first come from the regional bodies incorporating the state.

Recognition of Somaliland independence is impeded by a number of geopolitical challenges. Despite the general aversion to separatist states, Somaliland is challenged by specific deterrents to its recognition. Egypt is a powerful dissenter, successfully lobbying the African Union, the Arab League, and allies internationally for the promotion of a unified Somali state. Somaliland is faced with its inherent opposition to Egypt's strategic priorities of Red Sea dominance and Ethiopian weakness. Additionally, the prevalence of secessionist challenges throughout Africa and the distaste for separation within the Arab League present Somaliland with a few more hurdles. The Kosovo experience, despite providing Somaliland with what appears to be a closely related precedent, stands apart because of the unparalleled level of involvement from the international community. Moreover, the negative backlash from disapproving states left strong supporters, the US and the EU hesitant to repeat history.

Somaliland is an outlier in the international system. A *de facto* democratic state with limited international support, it has remained stable in one of the world's most unstable regions for over two decades. Its unconventional political history makes its pursuit

of full participation in the international order a difficult one, particularly because the parent state has not acknowledged Somaliland's right to secede. The country's greatest challenge is rallying the formal endorsement of international allies. And, as the Somalia government in Mogadishu continues to grow in international prominence, this challenge may be greater yet.

Despite these challenges Somaliland has made immense strides as a nation. Over the past decade, Somalilanders have held internationally observed elections at almost every level of government. The young nation is widely recognized as a growing oasis of democracy in the turbulent horn of Africa region, maintaining peace and stability since the 1991 declaration of independence. Somaliland's case for internationally recognized independence is further buoyed international legal principles relating to secession including *Uti posseditis*, as the self-declared Republic has maintained the colonial borders of the British protectorate of Somaliland, and the right to self-determination. Moreover, the 2010 decision of the International Court of Justice suggests the state's right to declare independence is protected by international law. With a parent state that is one of the most pervasive instances of state failure in the international system and the open support of regional superpower Ethiopia, Somaliland's external acceptance from recognized sovereign states is an increasing possibility.

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Paper Four: Lack of Recognition: A Blessing in Disguise?

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'Recognition would establish Somaliland as one of the few genuinely democratic states in the region' (ICG, 2003: 35).

'The lack of recognition ties the hands of the authorities and people of Somaliland as they cannot effectively and sustainably transact with the outside to pursue the reconstruction and development goals'

(Jhazbhay, 2006: 5).

*'We are not Somalia, but we are held to blame for what happens in Somalia. We are still suffering this image problem.'*¹⁴

Mohammed Ibrahim Egal, Former President of Somaliland

Introduction

Somaliland, a small country inundated by the politics of the Horn, is a self-declared independent state that borders Djibouti, Ethiopia, and Somalia. As a former British protectorate it revoked its union (July 1st 1960) with ex-Italian Somalia after the 1988-91 civil war and reasserted¹⁵ its independence on May 18 1991 (Lewis, 2002: 282). Its legal status poses an enigma as it seeks independence while the international community continue to align themselves with the orthodox position, which is in support of the territorial integrity of Somalia. Many have grappled, both Somalilanders and external actors, with what (non) recognition could mean for Somaliland. Some of the key questions that are often debated include should Somaliland be recognised and what are the reasons for this claim? Has it developed the institutions to reflect and function as a modern state, and therefore justify recognition by the international community?

¹⁴'Commerce Rises from Ashes in Somalia' Ann M. Simmons Los Angeles Times, September 16 1998 Available at <http://articles.latimes.com/1998/sep/16/news/mn-23172> [Accessed on August 10 2011].

¹⁵The government of Somaliland argues that it is a legal anomaly whose recognition would set no precedent relevant to the rest of Africa. It contends that Somaliland did exist as an independent country in 1960, albeit only for a few days, before voluntarily joining a union with Somalia. Since Somaliland currently exists within the old colonial boundaries of British Somaliland, its government argues that it is simply returning to its previous status as an independent state and that its existence does not threaten the inviolability of inherited colonial boundaries. Human Rights Watch, *'Hostages to Peace': Threats to Human Rights and Democracy in Somaliland* (New York: 2009) p 52 and ICG, *'Somaliland: Democratization and its Discontents'* (Nairobi/Brussels: 2003).

Argument

The aim of this paper is to shift discussion from an overemphasis on the question of recognition, albeit an important one, to questions such as; *what has been achieved since 1991 when Somaliland reinstated its independence from Somalia? What sort of identity and values does Somaliland want to project to the wider world? What are the short term and long term weaknesses that can reverse its positive achievement? What can be built upon with its current legal status? How can leaders ensure the people continue to believe in their own existence despite the apparent refusal of the world to acknowledge them? How does Somaliland position itself as a real player in the international community and not as another African country with the begging bowl after the international community?*

These should be the type of questions being debated within the realms of policymakers, academics and civil society groups, and not just whether Somaliland deserves recognition or not. By focusing on such a question the international community is being romanticised as it is being upheld as an entity that is benevolent in its actions. Also, this has the tendency to imply that Somaliland cannot be its own problem solver and therefore puts at risk the symbolic ownership it enjoys today. The international community is an entity which consists of self-interested nations with their own national priorities and needs, and these are not always aligned with Somaliland's pressing needs. This paper is simply an attempt to pluralize the dogmatic recognition or non-recognition debate and propose an alternative perspective. It proposes that Somaliland's lack of diplomatic recognition by the international community is actually beneficial to its foundational development.

Hailed as one of Africa's best kept secret (Jhazbhay, 2003) and forming one of the rare cases of effective secession in sub-Saharan Africa (Helling, 2010: 1), Somaliland's case for legal recognition can be appreciated, especially against the backdrop of the governance crisis, which afflicts Africa. However, Somaliland has already inscribed an identity for itself because of the absence of external influences. Somalia is not only an archetypal example of a failed state (Luling, 1997: 287), it is a model of what too much foreign intervention and funds, dating back to the Cold war period can do to the political structures and economic growth of a country. The absence of an unwanted state, which has long been suspended over the Somali people (ibid: 289), gives a renewed hope about the state which the people of Somaliland have fashioned for themselves.

Although the core of the opening citations is valid, it glosses over the internal dynamics, which can sustain such an independence to stop Somaliland from crumbling into a legal

sovereign shell that has no empirical substance. The instrumental need for recognition can be appreciated, as it remains a barrier to potential foreign direct investment (FDI) the country needs in crucial areas such as infrastructure and education. However, in its embryonic stages Somaliland is better off in its self-charted path to development, which is only supplemented by external assistance. Perhaps the needs of independence can be addressed by an increased engagement with Somaliland without full-blown recognition (ICG, 2003: 35). This can include recognition and inclusion in regional bodies such as the African Union (AU) and the Intergovernmental Authority for Development (IGAD), as well as other international bodies. Given the lingering pace of the international community on the issue of Somaliland's legal destiny, the latter should not wait to be rescued, but instead embark on creative avenues to ensure its own development.

Foreign Aid

Lack of recognition presenting a blessing in disguise is further exemplified by the issue of foreign aid¹⁶. Research on foreign aid effectiveness and economic growth has become somewhat a political football (Easterly, 2003: 23). What's more, the responsibility of the West for Third World (i.e. most of Asia, Africa, and Latin America) 'backwardness' has remained a continual theme of the United Nations and its members, which in turn has been welcomed by the representatives of the Third World (Bauer, 1981: 61). This has helped bring forth an international norm in which financial and technical aid or debt relief has become a legal *and* moral obligation (Jackson, 1990: 111), leading Third World countries to advertise their poverty and demand the international community's assistance (ibid).

There has been a surge in the amount of aid flowing into sub-Saharan Africa and more is still called for. The Commission for Africa (2005) led by British Prime Minister Tony Blair called for an immediate \$25 billion increase in aid to sub-Saharan Africa, with an added \$25 billion to follow by 2015. This would constitute approximately a trebling of aid to the continent (Moss, Pettersson and Walle, 2006:2). Further, the UN's Millennium Project (2005) has estimated that global ODA will need to rise even more than the previous estimates, reaching at least \$195 billion by 2015 from current levels of some \$79 billion in 2004 (ibid). In addition, the Dark Continent is experiencing the rise of 'glamour aid', a cultural commodity spearheaded by global celebrities (Moyo, 2010: xix). But, despite all of

¹⁶ For the purpose of this paper, aid commonly known as Official Development Assistance (ODA) will be defined as both concessional loans and grants transferred either via multilateral institutions i.e. World Bank or through direct government-to-government transfers also known as bilateral aid. See Dambisa Moyo, *Dead Aid Why Aid Is Not Working and How There Is another Way for Africa* (Penguin Books, London 2009), for more on this.

this, the empirical evidence on the effectiveness of foreign aid is discouraging (Djankov, Montalvo and Reynal-Querol, 2006:1). Such policies and attitudes towards Africa, arguably, have had the implicit outcome of obscuring the appropriateness of aid toward its intended objectives.

In the absence of aid conditionalities and prescriptions from institutions such as the International Monetary Fund (IMF) and the World Bank (WB), Somaliland has chosen a system of free market economy, a system that seems to fully agree with the entrepreneurial character of its inhabitants. During its post-civil war period, peace was secured through a general and voluntary demilitarizing of society, minimum international assistance, and no foreign troops presence. An area that proved more difficult, but also gave more reason to be hopeful about the self-help attitude of Somaliland, was the reconstruction it undertook from the rubble without recognition.¹⁷ In 1991, there were no educational institutions operating in Somaliland, reiterating the uneven development of the country and the Barre regime's neglect of the north (Bradbury, 2008: 165 & 169). Amoud University in the city of Borama is a good example of a convergence of resources between the Diaspora, the private and the public sector, and its success has inspired confidence in self-help projects elsewhere in the country (Ibid). Since 1995, the country prides itself on the inauguration of six new universities (Eubank, 2010: 7).

Perhaps the most dramatic achievements have been in the business sector and service industries such as the airlines, hotels, restaurants, money transfer companies, and telecommunications. Somaliland enjoys some of the cheapest telephone services in Africa. In Hargeisa, the renowned hotels, Mansoor and Ambassador have both contributed to increased employment for the residents of their respective locations. These kinds of locally inspired and financed projects increase the sense of ownership and pride, as well as provide employment opportunities for many people. Furthermore, the coalition between society and government in areas of development encourages a strong social contract and is more likely to produce sustainable projects than NGO or donor driven projects.

Somaliland's international sceptics have never stopped to doubt that such a 'sub-national' entity could be organized to manage a local economy, engage in international trade, provide basic services, enforce law and order, and safeguard the protection of its civilians (Bradbury, 2008: 137). This is a testament to the socio-political resilience of a political

¹⁷Somaliland an African Success Story by Edna Aden Ismail, G8 Arena.

system based on a productive economy, rather than rent, and a testament to the capacity of the social fabric to recover in an environment of tension and conflict (De Waal, 2007: 4).

P.T Bauer (1981) raises an interesting by-product of aid, which can be said to undermine the importance of self-help. He argues that aid pauperizes the recipients, as it tends to perpetuate ideas that are unfavourable to material development. For example, the inflow of aid lends support to the idea that one's fortunes are dependent on the rich, governments, and foreigners leading them to 'expect success without achievement' (Ibid: 107). In the case of many African countries, incompetent governments have denied their people the social and economic conditions to develop themselves. The inflow of aid dilutes the African people's struggle or self-help to develop their virtues, and it perverts the social contract between government and its citizen. One can argue that aid inflows deduct from the equation the African struggle to cultivate their own prosperity as a result of the pauperization impact highlighted by Bauer. Fortunately, it seems that Somaliland has inadvertently bypassed such traps through its lack of access to foreign aid.

Role of the International Community

It would be naïve to claim Somaliland has no need for the outside world. However, the absence of legal recognition does not have to become a real barrier to achieving prosperity and a viable nation-state. On the other hand, the deterministic nature of prevailing international norms (i.e. attitude to *de facto* states) essentially have the outcome of suppressing the existence of locally bred institutions which nurture local legitimacy and can in fact advantage international society through offshoot benefits.¹⁸ There needs to be less of a narrow expectation of linear developments and more room for a pluralistic world with varying political communities with different norms and practices. Discussion of governance in international policy agenda often lead to perspectives which view governance as a 'catch all' concept because there is too much emphasis on governance as denoting 'what is done' rather than seeing it as a process or, 'how things are done' (Court, 2006: 1). Governance can also encompass the relations between state and society therefore discussion of governance solicits a wider appreciation than just government. This brings emphasis to the view that governance is *contextual* and international donors would do well from bypassing their limited understanding or interpretations of governance in order to appreciate emerging polities.

¹⁸ For an interesting discussion of *de facto* states and the positive benefits they can offer see Scott Pegg, 'De Facto States in the International System' *Institute of International Relations*(The University of British Columbia 1998).

Somaliland is a case in point of a country that has adapted to prevailing international practises but has successfully amalgamated these with local influence. (Bradbury, 2008: 223). Somaliland is undertaking an organic state transformation, which blends tradition with the modern (Harris and Foresti: 2011). The country has drawn on centuries old kin-based system¹⁹ to develop its own tailored systems of governance. Traditional elements in Somaliland's governance system, which have offered legitimate foundations include the application of *Shari'a Law* and the *Beel* system. (Harris and Foresti, 2011: 7-8). The latter has facilitated law and order to be restored in Somaliland and government institutions reconstructed to a level where a new constitution could be erected (WSP, 2005: 81). It is argued that these factors amongst others have facilitated the emergence of a legitimate state.²⁰

In the spirit of 'assisting' Somaliland's democratisation process, the international community has played a key role through the financing of the elections. The National Electoral Commission is funded 79% (NEC). Given this substantial input, it is unsurprising that there has been a push towards constitutional reforms as well attempts to set election schedules. This type of donor involvement is not unique within the African context. The literature, which sees elections as a key element of democratisation tends to place emphasis on the elites or the external actors funding them, rather than the ordinary people's actual influence in the process. When the norms of democracy are not embedded in the society it aims to flourish in, through lack of political awareness and education, elections will continue to be cosmetic and lack sustainability. Also, there is the issue of how central elections are to democratic transitions? In some skeptical literature, there is the suggestion of a façade of electoral processes to please donors. So, elections are used as a procedural tactic by the leadership, and this does not always produce beneficial outcomes for the ordinary citizens.

The issue of (non) recognition poses a genuine paradox for any observer keen to see Somaliland flourish by its own capacity. As revealed by the quotes above, one can understand the validity of such arguments. However, the normative focus of the paper is the special circumstance in which lack of recognition has awarded Somaliland an

¹⁹I.M. Lewis's, *A Pastoral Democracy: A Study of Pastoralism and Politics among the Northern Somali of the Horn of Africa* (Lit Verlag, Germany, 1999) remains a key contributory text in understanding Somali kinship society and provides the most comprehensive account of Somali ethnography.

²⁰As defined by Pierre Englebert a legitimate state is when its structures have developed internally to its own society and there is some level of historical continuity to its institutions (Lynne Rienner, London, 2000) p.5.

opportunity to stylise its internal dynamics and also maintain a firm monopoly over the course of its destiny. The fact that Somaliland, previously British Somaliland Protectorate, existed as a separate entity to ex-Italia Somalia and enjoyed independence, albeit short-lived, indicates that the people of Somaliland are not short of nation-hood. Their separate history and the struggles of the civil war have done much to inscribe a certain political and social identity, which they hang on to despite the world's refusal to acknowledge their existence. The arduous circumstance of war and destruction has forced people to come together and re-establish attachments to their homeland. Based on these observations, one does not foresee a situation in which Somaliland voluntarily or peacefully gives up its identity, again. However, while it may seem otherwise, non-recognition may be sowing the seeds that may help Somaliland to prove all its critical bystanders wrong, and prepare for a brighter empirical future. Good governance derives from a strong social contract and good leadership, which then, can produce good policies. If Somaliland perfects these endogenously, recognition will only be a legal attribute rather than being an *essential* element of its foundational development.

Conclusion

“Ama buur ahaw ama buur ku tirso” Somali Proverb
(Either be a mountain or lean on one)

Whilst there is a case for recognition, this paper is more focused on extracting what positive lessons can be learned to inform global public policy regarding good governance and development. My normative focus of concern is the citizenries of African states whose hostile conditions are often accredited to almost anything but the actions of national governments, particularly leadership failures, and more contentiously the aid system which sustains them. This brings me to the audacity of autonomy provided by unlikely elements²¹ in Somaliland, where a de facto government finds itself in an ambivalent position. The key players in Somaliland's development are the citizens and the Diaspora making them self-interested stakeholders of the peace and progress in their country. This makes endogenous developments society-driven and not donor driven, as is often the case with the superficiality of democracy induced by aid conditionalities and debt relief across much of Africa. In this case, the government is forced to develop its empirical statehood because its financial and popular support derives primarily from its more natural base, citizens. It is important for the people of Somaliland to partake in the foundational construction of their

²¹Somaliland gave up its short lived independence which was 'granted' by the international community for a Pan-Somali vision but after certain events, it finds itself looking to regain its de jure status in a process of negotiation between state and society in one hand, and state and international community on the other.

country in order to have a bigger stake in their society and foreign aid poses the risk of diluting these interests. The positive environment this creates is conducive for the kind of empirical statehood which remains elusive across Africa to emerge. Furthermore, it elicits the sort of political will that is vital for good leadership, an indispensable component of good governance, and more importantly something that money (in this case foreign aid) cannot buy. In Somaliland, it can be said that the empirical horse of statehood, albeit unsophisticated, is *before* the cart or juridical recognition.

The fact that Somaliland can have the audacity to be autonomous given its political and development circumstances says much about little granted titles such as ‘sovereign’, ‘democratic’, ‘developed’ etc. Instead Somaliland forces us to reconsider our deterministic outlooks about governance and development. It would be naive to assert that political communities can simply exist in their own bell jars without a need from the outside world, hence, why an indefinite non-recognition stance is not taken. With an increasing interconnectedness and interdependence in political and economic spheres, Somaliland can benefit from becoming integrated. But, it would be the ideal situation for Somaliland to penetrate the international political and economic realm with a strong robust foundation that can withstand the negative aspects of this integration. Somaliland has shown that it is capable of self-rule and self-management and in the ‘spirit’ of assisting another; the international community, through its engagements, should not serve to devalue Somaliland’s achievements but enhance them. This paper simply uses the latter as a case study to flesh out the positive achievements that have manifested *without* the archetypal measures established in the international system and characterize the donor-recipient relationship in Africa.

As the Somali proverb above suggests, Somaliland may either carry on standing on its own feet and in this process perfect crucial internal dynamics, or place itself at risk of becoming yet another failed African tale. Of course, Somaliland faces many challenges akin to its regional neighbors such as dependency on external assistance, be it technical or financial. However, it has already achieved a lot to spearhead a renewed thinking on how the international community should engage with postcolonial states in Africa. On the part of the international community and regional actors, Somaliland’s existence should not be viewed as upsetting the globally accepted norms and standards, but rather be welcomed to contribute to the formation of new ideas about state-building and development trajectories. A constantly transforming world requires regenerative approaches.

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1. Introduction

Somaliland has an area of 137,600 km and a population estimated to be three-and -half million. The territory known as the British Protectorate of Somaliland was under the rule of Great Britain from 1884 to 26 June, 1960, when it became independent. The interest of the British in the territory was primarily to secure supply of meat for its garrison in Aden and to pre-empt ambitions of other competing Europeans powers such as the French and the Italians as well as the Ethiopian Emperor Menelik, who was also acquiring territories in the Somali region (ICG: 2003-2). The British secured its interest by signing treaties with local inhabitant clans including: Warsangeli, Dhulbahante, Isse, Gadabursi, Habar Garhajis, Habar Awal and Habar Tol J'lo (Lewis: 1965-35).

Four days after independence on 1st July 1960, Somaliland joined into a hasty and unconditional union with the newly independent Somalia, which was under Italian Trusteeship for the last ten years, and together formed the Somali Republic. Somali Republic, after a decade of teetering democratic trials, was taken over by the army through a bloodless coup in 1969. Somalis then went through twenty years of centralized authoritarian military rule characterized by upheavals such as the disastrous war with Ethiopia in 1977 and the emergence of three armed opposition movements (the Somali National Movement, SNM; Somali Salvation Democratic Front –SSDF; and United Somali Congress –USC) and all operated out of Ethiopia.

SNM started bases in Ethiopia in 1982 and enjoyed the support of the majority of the population in the ex-British Protectorate of Somaliland. It waged a guerrilla war against the government forces and eventually captured the whole territory from Siyad Barre's forces in January 1991. SNM oversaw the reclamation of Somaliland independence in a Grand Clan-Conference in Burao on 18 May, 1991 and was mandated to rule for a two-year transitional period. Its two-year rule was characterized by internal turmoil within SNM ranks and the proliferation of clan militia influences (Jimcaale: APD 2005). However, during this short period the SNM administration was also able to oversee unprecedented process of dialogue and reconciliation among the Somaliland *beelo* (clans and sub-clans), before it turned over the power to a civilian government in 1993 at the Grand Borame Conference. Since 1991,

Somaliland has succeeded to go through a successful path of social, political, and economic reconstruction. This reconstruction process is often characterized as essentially home-grown.

2. The 1960 Union and the Northern feeling of betrayal:

The 1960 union was kind of a sellout deal for the Somaliland people. There were three core weaknesses on the side of the Somaliland party: 1. There was no clear strategy for a negotiated agreement. An ad-hoc team was put together from Hargeisa, who were already in a festive mood to bring the two Somali states together and had even prepared in advance the union songs, music and drama. They had no clear object or idea of how a union of two disparate states will look like and in this regard had no support from the colonial office or state. 2) They did not work out a viable BATNA - your “best alternative to a negotiated settlement”. It is very important in any negotiation to have your alternative route to go if the negotiations fail, and the stronger your BATNA²² the more you can realize your interests and objectives in the negotiations. In 1960, the Somaliland leaders failed to prepare against the perils of a hasty union and hence, went to Mogadishu without an exit strategy if they were not satisfied with the results of negotiations and ended up in a situation of total sell out. 3. The other party was much more advanced in the business of state management and was also more steeped in clan political power relations. Somalia was under the AFIS²³ already for ten years, being prepared for independence and its elite were ready to take the reign of their new state, while from newly independent Somaliland state, a negligible percentage of the bureaucracy and political elite had any significant senior management track records or political acumen or experience while going for the union. It became easily apparent to the other side their lack of experience and internal cohesion to be a serious negotiating party and hence took full advantage of the situation.

3. Two decades of civil war:

This story has been told repeatedly for the last thirty-some years and still it haunts both the victims and their tormentors, hence, is worth retelling as long as there is a remote possibility of it being repeated. Some of the root causes of the conflict were: first a sense of betrayal in the union as mentioned above. Secondly, an early alienation from the military rule after the execution of the most senior member of the SRC from Isaaq and mass releases from civil service jobs of senior members from the North. Thirdly, the concentration of development resources in the south while the north was relegated to a periphery status in state development

²² http://en.wikipedia.org/wiki/Best_alternative_to_a_negotiated_agreement

²³ Amministrazione Fiduciaria Italiana della Somalia--AFIS

strategies and plans. And fourthly, the eventual subjection of the north to a harsh emergency rule which masked a cynic plan of neutralizing the dominance of one “rebellious” clan (Isaaq) through the influx of other clan groups, plundering of the wealth of this dominant clan and an eventual all-out war against it to the level of clan-cleansing.

Therefore, this is ultimately the story of human suffering in which victims are still alive and are to be found in all corners of the world and many of them constantly dreading the repeat of the same experience. That explains the reluctance of large sections of the Somaliland population to even think of relinquishing one ounce of their independent status even if the hope for recognition is not bearing fruit. Some of the human stories include: **THE UFO STORY**²⁴: The twisting of the UFO group volunteer work into a crime against the state and their eventual incarceration for a decade in high security Labaatan Jirow prison, is still a living memory of blatant human rights’ violation against the group and for which no justice has been done yet. **THE STUDENT UPRISING**: The rioting of school children during the same period and the state response of killing and jailing of many of these children is also a living memory in the streets of Hargeisa and in the homes of their parents if they themselves survived from war. **THE JAZIRA BEACH MASSACRE**: The massacre of over forty intellectuals in Mogadishu southern beach under the noses of the international community in 1989 is also alive in the psyche of all Somalis and no justice has been done yet. **THE MASSACRE OF BURAO ELDERS**: The forty elders and businessmen subjected to kangaroo courts and executed in broad daylight, in the presence of their loved ones and the larger population of Burao still haunts the population of that city. All these cohorts of people killed or incarcerated were all civilians, who had no military connection but simply belonged to the same clan family group and in most cases were not politically active. For all these and more, no justice has been done so far and worse still rendering justice for all those atrocities are in no one’s agenda. The usual story goes that so many other gruesome atrocities happened afterwards in Somalia and even to the perpetrators. But these were crimes willfully committed by state machinery and are different from clans killing each other and with comparable force levels.

The above tragic episodes are only examples of the abuse of state power in two decades of military occupational rule and curtailment of human and civil rights in Northern Somalia. Furthermore, these cited examples were only a prelude to the genocidal war waged by the state against its own people in 1988-1991, which was comparable to war crimes which happened in other parts of the world and for which international courts are formed. The fifty thousand dead

²⁴ A group of intellectuals whose long-term imprisonments symbolized the oppression and atrocities meted out to the Isaaq clan-family by the Barre military regime.

in the international records is quite an underestimation for lack of serious research; mass eviction of the populations across the border to suffer years in refugees camps in the wilderness of the eastern Ethiopian Somali region; the total destruction of their cities and centuries of their accumulated wealth and heritage; the statelessness and suffering in diasporic life in all corners of the world are all under-recorded and unattended to issues.

The British, in the fight against the Sayyid Mohamed Abdulle Hassan's rebellion in the Somaliland 1911 – 1920, used aerial bombardments in a desperate attempt to conclude the war – this went down in the annals of history as the first time airplanes are employed in an African war. Similarly, airplanes herding people through aerial bombardment to cross the state borders has not been recorded in history except when Siyad Barre's employment of South African mercenary pilots against the displaced civilians in Northern Somalia. An estimated population of 600,000 was forced to cross the border in this fashion to Ethiopian Somali region in 1988.

Therefore, in the Somaliland case, it is not going to be easy to coax people who are still nursing their open wounds inflicted by their Government in Mogadishu and their national army, to open their hearts and minds to return to a political association with Somalia. On the contrary, the Somaliland people in fact made sure that their leaders won't have it easy to bypass them to enter into agreements with their counterparts in Mogadishu, by tying them with a robust Constitution and layers of legal instruments and also by remaining vigilant and alert lest they are bound into an unholy marriage again.

4. State Collapse and Rebirth of Somaliland:

During the first ten years of the union, Somalilanders tried to cope with the situation first to tap into their rich oral literature, in which the literary giants produced a series of popular dramas which reflected peoples' worries on their exclusion and alienation from the power of the new state; and secondly through their entrepreneurial tradition primarily based on the livestock trade and their trading culture. Their elite had an edge through their more advanced educational and bureaucratic systems to fend for themselves in the nepotism infested civil service jobs and scholarship markets in Mogadishu. After the military takeover of power, the prejudice against the northerners became the official policy of the state, which translated into a systematic exclusion permeating all aspects of state functions, and eventually the Isaaq clan-family was singled out as main target of the exclusion. The rulers first translated the inevitable trial of the excluded to protest and fend for themselves as a rejection of the state authority, so their exclusion turned into oppression. Eventually the people rebelled, and some sectors of their elite

including army officers formed SNM, which gave the regime the excuse it was looking for, and it tried with all its state might to crush the clan and its fledgling organization, but ultimately after a decade of war, the fire spread to Mogadishu. The regime lost the war, the state collapsed in January 1991, Somaliland reclaimed its independence on May 18, 1991 and Somalia is still struggling to form a coherent state system.

5. The status quo today - twenty-some years of separate development

The reality on the ground today is very much different from the eve of the union in 1960. Somalia was a functioning state with a robust government and vibrant political system. Somaliland was an infant state just emerging from eighty years of foreign rule with no experience whatsoever of how to run a state. It melted into the Italian influenced state and the British Government washed its hands of its troublesome baby and left it to the wolves. However, the two states have changed positions when it comes to existence of functioning institutions: a vibrant and healthy democratic political system and a very liberated population in Somaliland while the Somalia state is far from functioning, is dependent on foreign forces for its existence, and is still teetering under the burden of layers of anti-state forces, with some of the sinister ones lurking in the shadows and others openly defying any central rule. The Federal dream Somalia is pursuing would not be any different from the 1960 dream of a greater Somalia, if not grounded on the present realities in the region.

Furthermore, the two Somali states have been going through two different and divergent trajectories of development in the last twenty-some years. Somalia became the problem child of IGADD and the Arab League first and eventually that of the whole world. It excelled in the production of warlord culture, it reincarnated the pirate economy which in the rest of the world was considered alive only in the movie stories, it produced the most virulent version of al-Qaida offshoots the “AL Shabaab”; it splintered into state-lets resembling the feudal Europe; it spawned an unregulated economic boom which even captured established markets in East and Central Africa, and its population became famous in all continents as people that can eke out a living from any environment in the world and excel even the indigenous. However, its worst aspect, though, is the resilience of these forces to resist the rule of law and the right of legitimate force of the state, and the fact that no other party is entitled to that privilege.

There is continued economic interaction and free flow of people: Livestock economy still remains to be the most important economic activity and source of employment and sustenance for the population of all Somali territories in the Horn of Africa region. Berbera remains to command the lead role as an external access to the exports of that resource and primarily to the

Hajj season in Saudi Arabia, as well as the wider Arabian Gulf region. The interaction of the business people of Somalia and Somaliland, and the flow of goods and services continues to flourish, especially in the interregional service sectors such as the telecommunication, the money transfer economy, the airline industry, and the livestock export system.

Similarly, the flow of population movements and settlements continued to fluctuate since inter-clan strife declined in the last decade. When the civil war intensified in the South Central Regions and therefore their populations, especially from Mogadishu, fleeing from the war continue to be welcomed in other more settled regions and states such as Somaliland and Puntland. The displaced population is allowed to lead a normal life in Somaliland cities, to trade and to avail themselves the already constrained public services without state sanctioned discrimination or restrictions.

6. Should Somaliland Negotiate with Somalia

The Somaliland Parliament has passed a resolution, which states “it is allowed to seek the Somaliland interest from anywhere and any group deemed necessary for that purpose”²⁵. It has to be clear though, that it is enshrined in the Somaliland Constitution that national sovereignty is sacrosanct. Therefore, the bottom line of Somaliland’s international negotiations is to secure international recognition for Somaliland. However, there are modalities that the international community followed when it comes to deal with deep conflict situations where a straightforward cohabitation of the two parties to continue under one sovereign state becomes untenable. These modalities revolve around creating a climate where the opposing forces can negotiate a divorce or a new arrangement for political association. In the Somalia context, we are facing a unique situation where the central state has collapsed and other entities emerged, some at the capital region who consider themselves as repositories of the sovereignty and others in the periphery and as independent states as in Somaliland. It seems that the easiest route the international actors see is one Somalia state, which should come through negotiations on a power sharing formula and preferably in a federal form. However, if there is going to be a separation, it has to also come from a process of negotiations. But Somaliland reclaimed its independence unilaterally. Therefore, the first challenge for Somaliland is how to reconcile negotiations with its unilateral reclamation of independence, as enshrined in its constitution²⁶. Although there is no incentive for Somalilanders to dismantle their hard-won achievements for last twenty-some years, it is still imperative for them to negotiate to achieve their ultimate objective – international recognition.

²⁵ Personal Interview Somaliland Speaker of House of Representatives – Feb. 2013

²⁶ Article #1 of Somaliland Constitution.

7. Preparing for Negotiations

Somaliland Clarifying its Interests and Aspirations

i. Safety and security of the individual and the population:

a) The Somali population is a clan society. The Somaliland clans have a heritage and structured tradition of settling conflicts and protection under the law (Xeer). On the bases of that tradition, the clans indigenous to Somaliland were able to establish a state that guarantees the safety and security of all clan members. On the contrary, the majority of the population believes that a Mogadishu centered state will be under the dominion of the southern clans and since there is no tradition of a binding Xeer with these clans, they cannot trust it with their safety and security.

b) The Somaliland population, especially the majority *Isaaq* does not trust their safety and security to Somalia authority and state. This population considers the experience of the civil war, which had all the ingredients of “clan-cleansing” as a proof of their distrust to a central Somali state.

ii. Recognition:

a) With their own state, Somalilanders will have their fate and future in their own hands: they would not compete with the larger Somalia population for opportunities such as economic and development resources, as well as governance and public services. In the union, the development imbalance in the Somali state between the North (Somaliland) and Somalia is well documented. Somaliland became a backyard and a periphery of development and its people became second-class citizens for a state so much embroiled in southern politics.

b) Somalilanders believe that Mogadishu is too far from their home-base and as happened before will become the hub of development and the power center of any central state, federal or otherwise and hence should not fall into that trap again. The Somaliland state, even unrecognized, is growing into a mature polity, which serves the interests of its own populations and with a culture of mediation rather than control.

iii. Governance:

a) The Somaliland people have toiled to establish peace and security and a democratic system of governance for over two decades. They are moving on an ascending trajectory, however incremental, of improving their systems and institutions of governance. Somalia has just

started on that trajectory, twenty or so years behind, and is now where Somaliland was in 1991. There is no easy way of integrating the two state cultures. There are two experiences which one needs to site: In 1960, the two states were coming together from different colonial backgrounds, with differing laws and state cultures. While the two states had some areas to complement each other, their differences were also glaring.

Integrating them in an equitable manner became a nightmare; hence, the southern Italian system was adopted to dominate the new Republic's governance system and culture. Today, the Somaliland state system is working and is more advanced than that of Somalia, but anecdotally, the Somalilanders do not envisage that the southerners recognize that and that they are not disposed to compromise, but rather that their culture is steeped in the principle “cadyahow ama ku cunay am ku ciideeyey” which translates into “I will eat the pie in its entirety or throw it in the dust” – in nutshell, it is not a culture of sharing especially in power matters.

b) Somaliland separation gets justification from Djibouti's independent status. The Somaliland–Somalia union was based on the realization of a dream of uniting all Somali territories under one flag. However, Djibouti, which had the opportunity to join the union when it became independent in 1976, went its own way. Furthermore, the British did not honour the NFD referendum results of 1963²⁷ and the Ogaden continues to be further consolidated as the Ethiopian Somali region and is consolidating its identity and new development vision. Therefore, there is no compelling obligation for Somaliland to go back into a union, getting out of which cost it so dearly.

iv. Social

Socially, the two states have grown apart. The Somaliland youth, which form over 70% of the population, know Somalia only as the state that perpetrated untold atrocities to its people and is trying to destroy their new democratic state again. It would be a hard sell to sway them and especially since they are the strongest voting power in Somaliland. No political party can afford to alienate them.

4. Somaliland Separation from the Perspective of Somalia's Population?

a) *Cudud* - Loss of state power and might. The Somalia state without Somaliland will be a weaker and more vulnerable state against its regional competitors: Ethiopia and Kenya.

²⁷ [http://en.wikipedia.org/wiki/North_Eastern_Province_\(Kenya\)](http://en.wikipedia.org/wiki/North_Eastern_Province_(Kenya))

Furthermore, differing Somali interests may arise to exploit the untapped resources of the region with possible emergence of antagonistic Somali alliances with other nations.

b) Centrifugal syndrome: it will open the way for other Somalia sectors to separate. Somaliland separation could open the way for the possibility of further fragmentation of Somalia. It will diminish status of Mogadishu as the Somali power hub.

c) Loss of economic opportunities such as the unhindered access to the important Port of Berbera; Somaliland is closer to Yemen and to Saudi Arabia, both critical export markets of livestock.

d) There is no logic for separation, all Somalis suffered in the civil war and they can build a better future together again; besides, there are clans in Somaliland which still support Somali unity.

Conclusion and the way forward

The present negotiations climate is in a situation where the fortunes of the two states have reversed. Somaliland was an infant state in June 1960, which had not even taken the first steps of statehood (WSP: 1996). It entered into a hasty union only four days after its independence. There was no mature and experienced political class nor was there a seasoned leadership which could navigate through the intricacies of a union with a counterpart, which had already experienced ten years of self rule and mentoring by a European state under the watchful eye of the United Nations. The majority of the management positions of the Somaliland Protectorate institutions were until shortly before independence held by expatriate staff, which was not the case in Somalia. Today, it is obvious that the fortunes of the two states are reversed. The state of Somaliland has been going through a maturing process of state-building for the last twenty-some years, during which time robust political and state institution have been established. A mature political class has emerged for Somaliland and it has been under consensus and democratically elected governments for the last two decades. Somaliland controls all its borders, has a trained and disciplined army and effective police and other security forces. In Somalia, the central government is under the protection African forces from neighbouring countries and many parts of the country are either in the hands of state governments such as in Puntland or are controlled by local warlords or still under Al-shabaab.

The above situation will have a profound effect on the negotiations environment and outcome. This situation gives Somaliland the power to be able to walk away when it could not achieve its interests at the negotiating table, without risking the loss of a significant advantage.

Possible scenarios for the negotiations process:

Scenario One: Negotiation for Mutual Separation

- a. Separation but cooperation on security, environment, economy and social milieus
- b. Reconciliation and reparations for the loss of life and material inflicted by the Somali State.
- c. Return or assurance of private property claims in both sides
- d. Division of all commonly owned properties between two states: Diplomatic and external commercial properties
- e. Delineation of the sea territories
- f. Sharing of international debts - what percent is Somaliland liable to?

Scenario Two: Negotiations for a transitional state –a time-bound re-association

- 1. Return to the 1960 situation: two independent states at negotiating table (which never was).
- 2. It involves power sharing and resource sharing protocols
- 3. The term of association should not be longer than 6 years as in Sudan
- 4. The time is set to end with a referendum for Somaliland people to decide on one question: to go for independence or for Federation.
- 5. The negotiations are internationally sponsored and sanctioned by UN and regional organizations such as the AU and the Arab League.

Scenario Three: continued deadlock

This will be a no-war no-peace situation and shall put both entities and populations at a disadvantageous position. For many sectors of Somalia population, lack of international recognition for Somaliland may look like a possible sign of ending its quest for separation. However, that is not a realistic vision; Somaliland unrecognized as it is, is serving its population relatively well as a governance model, and therefore, there is no reason why it should not continue to do so. In short, there is no obvious better alternative to it. Somalia, Federal or otherwise, has still a long way to prove its capacity to function as a unit. A minimum requirement for that is a nationally elected government, which is a step further than the current clan-based 4.5 selection status.

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Paper Six: Somaliland Independence and Union experience

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1. Introduction:

The political history of Somaliland follows a recognizable trajectory from colonialism to independence to failed union to dictatorship to self-determination and democratic governance.

After being a British protectorate since late 1880s, Somaliland became an independent country on June 26, 1960. The rest of present-day Somalia, then administered by Italy, became independent four days later. By 1st July, 1960, the two states decided to merge. But the northern population felt slighted almost from the start, since most of the power went to the South. The northern population rejected a referendum on a unitary constitution in July 1961 and, later that year, military officers in Hargeisa began an unsuccessful rebellion to reassert Somaliland's independence. The military took over the control of the Somali Republic state through a bloodless coup and sent to jail the ruling civilian elite, including the last democratically elected Prime Minister, Mohamed Ibrahim Egal, together with his ministers. In addition to that, the military regime has started repressive policies against northern clans, especially the Isaaq clan, and treated its members as second-class citizens.

In response to the marginalization of the northern population, the Somali National Movement (SNM) emerged as an official organization representing northern clans, mainly the Isaaq clan, against the backdrop of General Barre's continued atrocities, summary executions, targeted assassinations, arbitrary arrests, expulsions, freezing of commercial activities and above all, mass starvation of millions of nomads whose livestock and water points had been destroyed by the Government armed forces. SNM's primary objective was to liberate the former Somaliland protectorate from domination of Barre's dictatorial regime. In May 1988, SNM guerrilla fighters attacked major cities of Hargeisa and Burao. After that daring incursion by SNM, the dictatorial regime of Siyad Bare responded with utmost disproportional force to bombard civilian targets, systematically destroying cities and human habitats and organized executions of the captured as attested to by the mass graves dotting all major cities in Somaliland.

The central purpose of writing this paper is to provide a primer on Somaliland's history, union experience as well as Somaliland's recovery of its sovereignty. At outset, the paper will briefly explain Somaliland's past history. The paper will also highlight its experience

in the 31 years of the union and how it has been marginalized. The paper will conclude how Somaliland recovered its independence.

2. Historical background:

The British created Somaliland protectorate in 1888 as a source of meat for its colony of Aden across the Gulf of Aden. Great Britain had signed an agreement with Somali clans inhabiting on the coast of what would become British Somaliland. The frontiers of British Somaliland were delineated by an 1888 Anglo-French treaty and by an 1894 Anglo-Italian protocol. Following this, Somaliland came to existence as a modern, Political-legal entity in 1888. The people of Somaliland are homogenous in language, religion (Islam) and customs: Social Pluralism manifests itself in clan rather than ethnic cleavages. The majority belongs to the Isaaq Clan-family sub-divided in to several clans; on the eastern are two clans of the Darood clan-family, The Dhulbahante and Warsangelis; on the west two Dir clans, The Gadarbuursi and Issa (Adam, 2008)

Although the Somali Peninsula had been partitioned during the European “scramble for Africa” between 1888- 1908, the idea of Somali Political unity was on nobody’s lips until the early years of World War II. The British Civil affairs had had time to study the problems of administration on the ground and concluded that there was an obvious need for the Somali provinces to be administered by a central authority with a common policy. Britain’s foreign Secretary, Ernest Bevin, took up the notion publicly. He proposed that “British Somaliland, Italian Somaliland and the adjacent part of Ethiopia, if Ethiopia agreed, should be lumped together as a trust territory”. This was vehemently opposed by Haile Selassie of Ethiopia, the French, and the Italians (Somaliland Government Policy, 2001). The subsequent British Government of Harold Macmillan was not beholden to this idea and the Haud and Reserved Areas (later popularized as the Ogaden) was ceded to Haile Selassie’s imperial Ethiopia in recognition of his support for the Allies during World War II.

From 1941 to 1950, Great Britain established local courts, planning Committees, and the protectorate Advisory Council to prepare British Somaliland for self-governance. During the late 1950, leaders held constitutional meetings in Hargeisa, Burao, and Erigavo, the protectorate’s major population centers, to find a balance of power between regions and clans. At the same time, political parties began to emerge and coalesce geographically throughout the protectorate. Before the decade ended, Great Britain instituted universal suffrage and transferred the majority of its executive power to local authorities. In February 1960, British Somaliland held legislative Assembly election. On June 26, 1960, Great

Britain granted Independence to the Protectorate, ending 80 years of colonial rule. More than 38 countries officially recognized Somaliland's independence (Roble, 2008).

Mohamed Ibrahim Egal (the Leader of the Independence) assumed power as Prime Minister of a government lead by his Somali National League (SNL) party. Five days later, on 1st July 1960 the United Nations Trust Territory of Somalia, which was administered by Italy under a UN Mandate, was granted independence and the Somali Youth League (SYL), the independence party of the territory assumed power. Somaliland and Somalia united to form the Somali Republic on the same date with Egal and three other Somaliland ministers inducted into the new Cabinet in the government of the new Republic headed by Adan Abdulla Osman as president (Titular Head of State) and Abdurasheed Ali Sharmarke as Prime Minister (the actual Head of Government).

3. Union Experience:

When Somaliland was granted Independence on 26 June 1960, it threw itself into unity with their brothers in Somalia; unity without conditions, which turned out to be unity on unequal terms. The northerners conceded the presidency, the Prime Minister position and all key members of the cabinet. They accepted unequal representation in the parliament and the location of the capital city. It was as if Somalis from the British Protectorate were in Pan-Somali trance. They threw themselves headlong into unity at all cost, dispensing insults to anyone advising prudent negotiation for unity with equity (Bulhan, 2008).

Right at the outset, the Somali sense of proportional balance was ignored. The South provided the capital city, the anthem, the flag, and the constitution. The inequity started from the beginning. According to Hassan Essa Jama, former SNM leader and first Vice President of Somaliland, It was not political merger but rather political take over. "The naivety of the political leaders of Somaliland in allowing the Southerners to occupy almost all the high offices of state inevitably resulted in a political takeover rather than a merger of equals. Soon, Somaliland was treated as an administered province and later as an occupied territory".

According to unpublished document from Mohamed Ibrahim Egal with regard to the pre-union situation, he tells that the people from Somaliland were very emotional in contrast to ex-UN Trust Territory "1960, the union between the legal state of Somalia and the legal state of Somaliland was driven by an irresistible blind impulse and by pure un-reasoning emotion". Egal further added that "both the impulsiveness and the emotion were exclusively and solely from Somaliland side".

As said by Ambassador Mohamed Osman Omer, who originates from South Somalia, in examining how the first friction between the two states started, "The first friction between the two newly Independent territories started when Somaliland felt it had raw deal in the distribution of government seats allocated to it in the first united government in 1960, when the posts of the President and that of the Prime minister were both taken by the "South" while the Prime minister of Somaliland, Mohamed Haji Ibrahim Egal, was named Minister. Somaliland regarded this as a belittling and humiliating." (Omer, 2012).

Somaliland was given 33 seats in a new 123 seat Parliament and the Act of the Union and the new Constitution was to be ratified by popular vote through a referendum within two years. The new constitution was put to a vote in July 1961, and it was overwhelmingly ratified by majority vote in the ex-UN Trust Territory, but was rejected by a solid majority in the ex-British Protectorate. Therefore, the people of Somaliland, effectively rendering the Act of Union ultra vires, never ratified the Act of Union. *This is further explained by Rajagopal and Carroll (1992:14) as follows: a) The Union of Somaliland and Somalia by law did not have any legal validity in the South b) the approval "in principle" of the Atto de Unione, which was different from the above text was legally inadequate; c) the declaration of independence by the provisional president was legally invalid since no Act of Union had been signed prior to his election, in accordance with the constitution.*

This inequality resulted in disappointment and mistrust from the Northerners (British Somaliland) and led to the first military attempt coup in December 1961 in Sub-Saharan Africa. Sandhurst-trained lieutenants of the former (British) Somaliland scouts resented the raw deal the northerners were getting. Their purpose was to secede from the Somali Republic and reclaim Somaliland independent state, which would obtain the rights denied by the south.

Within the first year of unity, the euphoria for nationalism waned. Several years later, it turned into despair. Ali Sugule's song in 1964 clearly illustrates the public disillusionment and despair. The song, which was called, Hidiyo, Hidii, sung with sadness by the talented singer, Shimbir:

A surge of hope appeared which lured me

I saw lightning and I woke up startled

Yet I lost it all and I fell in despair.

It is important to remember that Somaliland willingly and voluntarily surrendered its sovereignty in 1960 without preconditions in the cause of Greater Somalia. In the two wars with Ethiopia over the Haud & Reserved Area (Ogaden) in 1964 & 1977/78, the north suffered disproportionately in terms of casualties as well as in terms of property and infrastructure damage. The Ethiopian air force, and the majority of the property never bombed the south and assets (primarily vehicles and livestock) destroyed during these wars were northern-owned. In addition, during these wars, the public in the north was seized with a nationalistic fervor that overtook rational thought, young men volunteered to fight, older men donated whatever they could, and women pawned their jewelry for the war efforts.

In contrast, during both wars, life went on pretty much as normal in the south and there were not the scenes of mass nationalist fervor that were witnessed in Hargeisa, Burao, Borama, and Berbera. It is fair to say that the popular passion for Greater Somalia was much hotter in the ex-Protectorate than in the ex-Trust Territory. This could be explained, at least partly, by the experience that the south had of some limited, self-government for ten years prior to independence, whereas, the experience of self rule was new to the north. However, it could equally be that northerners are more nationalistic, or more easily roused by nationalist sentiments, than southerners (Egal, 2002).

In the context of the union experience between Somaliland and Somalia, it is also important to note that during the 31 years of union development infrastructure constructed in the north was minuscule compared to the south. The only industrial projects built in the north during this time, was the cement factory in Berbera, which *had* to be sited there since the raw materials for the factory were easily available there. By comparison, all the development efforts were concentrated in the south, whether they comprised construction of roads, schools, hospitals or industrial projects, e.g. the cotton mills, the sugar refinery in Jowhar, and the oil refinery in Mogadishu. While this southern bias in government expenditure also prevailed during the civilian era, it was modest by comparison with the Siyad Barre's era, when the bias became more marked and overt (Egal, 2002).

4. Secession Context:

After defeating Siyad Barre's army in 1990, the SNM convened a conference in the town of Burao in 1991 at which all the northern clans were represented. At this meeting, the representatives of the northern clans decided to abrogate the non-ratified Act of Union of 1960 and re-established Somaliland's sovereignty.

The then serving chairman of the SNM, Abdirahman Ahmed Ali (known as “Tuur”) was appointed by consensus to be interim president of Somaliland for a period of two years, with the SNM’s executive committee serving as his cabinet and the movement’s central committee acting as a temporary legislature (Pham, 2012). Their mandate was to govern for two years for the country and prepare for elections. Unfortunately, Abdirahaman’s government was not able to deliver the expected outcome due to the conflict with SNM leaders, which caused civil wars among Somaliland clans. They were Somaliland Elders who pioneered peace deals among Somaliland clans during Tawfiiq peace conference and Burco peace conference. It was at this stage, when Somaliland elders organized the Borama Conference.

The national Guurti led by Sheekh Ibrahim Sheekh Yuusuf Sheekh Madar and numbering 150 individuals from all the northern clans, were keen for the Borama conference to also include a cross- section of delegates from all the main Northern clans. In the end, 500 people attended. As veteran scholar on Somaliland studies John Drysdale, observes “the Borama conference debated a wide range of topics, agreeing on a security framework or ‘peace charter’ and national constitutional structure. Although it is widely believed that the Borama conference was one of the most successful peace building/state building conferences, the government elected in the Borama conference was not able to successfully complete its mandate. There had been unfortunate civil conflict In Hargeisa and Burao.

Hargeisa National conference was the most successful peace building conference because it had successfully ended the civil wars and constituted a stable government. As Mark Bradbury writes “Hargeisa Conference proved to be another watershed political event in Somaliland. Nearly five months of deliberations produced a formal cessation of hostilities. Oppositions grievances were partially addressed by increasing their share of seats in the two houses of parliament.” In the same conference, on 23rd February, 1997, Mohamed Ibrahim Egal and Dahir Rayale Kahin were elected as President and Vice president on a joint ticket for a five years term.

In 1997, the Government of Somaliland headed by President Egal, put a new constitution before the people of Somaliland with the aim of establishing the country as a multi-party democracy with a Presidential executive system, a bicameral legislature, and an independent judiciary. Foreign observers were invited to observe the referendum in order to witness that it was free and fair, and to relay to the international community that its results represented the wishes of the people of Somaliland. This constitution clearly proclaimed

the country's independence and sovereignty over its affairs in Article 1 thereof, and it was overwhelmingly adopted by a 'yes' vote of 97% of the votes cast.

Somaliland has successfully conducted four successful elections, which have been witnessed by the international community and been declared as free and fair elections. These elections contributed the political maturity of Somaliland's people, as well as their model of democracy and state building.

Although Somaliland has not attained International recognition from the International community, Somaliland has fully enjoyed the secession context and is now considered as one of the most successful states in the Horn Africa; a full functioning government with all traits of democratic governance is in place.

5. Conclusion:

One of the reasons that Somaliland united with Somalia was to bring together the five Somalis of "Greater Somalia" as one state, unfortunately that dream did not materialize. Northern Frontier District of Kenya (NFD) became part and parcel of Kenya, whatever the reasons might be; Djibouti became an Independent State, while the Haud and Reserve area was ceded to Ethiopia by the colonial treaties. During the 31 years of union, northerners (present Somalilanders) experienced and suffered from one of the worst human rights violations after the Second World War. More than 50,000 people were killed and 500,000 people were forced to flee from their towns.

In the light of the above-mentioned human rights violations and a long struggle against a brutal military regime, the people of Somaliland were finally able to regain their lost independence on May 18, 1991.

Since in 1991, the people of Somaliland have successfully managed a process of reconciliation and established a constitutionally based government and have successfully held regular elections. The vibrant and functioning democracy that the people of Somaliland have established in their country is a reflection of their political maturity and their deep commitment to liberty, representative government, and the pursuit of human advancement through peace and development.

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PART TWO:

SOMALILAND DEVELOPMENT

Paper Seven: The Role of Remittance in the Economic Development of Somaliland

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1. INTRODUCTION

The international remittance markets have grown dramatically in many parts of the world for the past two decades or so. Yet their critical roles in the economic development of least developed countries, particularly in post-conflict and fragile states, are not widely known and acknowledged in the field of economics and development studies. The importance of remittances for the people of Somaliland since the collapse of the Somali state in 1991, engendering the breakdown of all institutions including national and international payment systems (banking), cannot be denied, since it has huge implications not only in the livelihoods of most people in the country but also in the security and the stability of the country.

Remittance services (Hawala) have provided a lifeline for the majority of poor households in Somaliland as they mitigate vulnerability and sustain livelihoods among the population, through timely cash payments. At the same time, remittance has contributed towards trade and investment by allowing traders to import goods without letters of credit and transferring cash from Diaspora communities for construction and investment purposes. This paper has been presented at the SORADI 3rd Annual Conference in October 2012 and it seeks to highlight the significance of remittance in the socio-economic situation of the population, particularly by empowering marginalized women as they represent the majority of recipients for most of the small amounts remitted for livelihood security from relatives abroad.

In addition, the paper explores the history, scope, importance, and influence of remittance in the economic development of Somaliland, which has been growing at an estimated rate of 8% to 11% annually for the past 5 years²⁸. It also describes the major remittance companies in the country, their estimated share of the transfer market and how they play a vital role in investment and trade as well as how they provide fast, affordable, and reliable money transfer services. These services reach down to the most isolated rural villages and settlements, in a country where national and international payment systems have

²⁸ Dahabshiil Money Transfer Market Research in Somaliland, October 2010 (This research was carried out by Elite Consultancy and Training Agency (ECOTRA)

completely broken down, and where these remittance companies have filled in that void to work as local depositors²⁹ (banks). In its conclusion, the paper suggests the urgent need to introduce the enactment of the banking legislation, which will help the formalization of the financial services and confines remittance companies to transfer businesses per se and restore the classical functions of the central bank.

2. HISTORY OF REMITTANCE IN SOMALILAND

Remitting some of their earnings back to their families has always been part of the Somaliland migrants who worked abroad. However, in the old days migrants from Somaliland used to remit money to their relatives either via international bank transfers or via couriers from other migrants, usually, from the same clan or locality. The former method was expensive and took longer but was safer, while the latter was free of charge and quicker but riskier. A third method known as “Hawala” which involved remitting cash was started during the oil boom of the 1970s and 1980s, when large numbers of Somaliland migrant workers in Saudi Arabia and the Gulf countries needed to send remittance to their families back home. Their traders and their agents would collect money from those migrants/workers to deliver to their families. This process equally involved in long delays and was not a risk free at all, however it was this method, which was later improved.

The scope of remittance in Somaliland was transformed after the break-out of civil conflict in Somalia, which resulted in more than quarter of a million Somalilanders fleeing their homes to seek refugee status in Western Europe, North America, and other parts of the world and further half a million became either internally displaced or refugees in neighboring countries (mostly in Ethiopia). Those refugees and immigrants from Somaliland wanted to help relatives they left behind by way of financial assistance (cash). Some of those traders who were involved in the remittance business like Dahabshiil, who was already engaged in the money transfer business, albeit in a small scale, realized the urgent need for an organized corporate structure to provide prompt remittance to the people of Somaliland. Thus, the present form of remittance came into being in Somaliland and in other Somali populated regions of the Horn of Africa, and in the absence of banking services in Somaliland; remittance companies have managed to provide some financial services to the population of the country.

²⁹ ibid

3. SCOPE OF REMITTANCE

Aside from the vital small amounts of money sent by relatives from the Diaspora, particularly in Europe and North America, to support their dependants back home, most of whom have been enduring harsh poverty aggravated by civil conflict, the remittance services provided by money transfer companies contribute to investments, commerce and reconstruction projects in the region. In the absence of internationally recognized banks in Somaliland, these remittance companies are considered as reliable and trustworthy “local Banks”. They provide some of the facilities offered by conventional Banks, such as saving and current accounts to individuals, private companies, and international organizations, thus facilitating international payments for imports (Hassan, A.I. 2011). In addition to the key roles that remittance companies play in the economic development of the country in terms of trade, investment and livelihood security they are also considered as one of the biggest private sector employers in Somaliland, employing around 4,000 people directly.

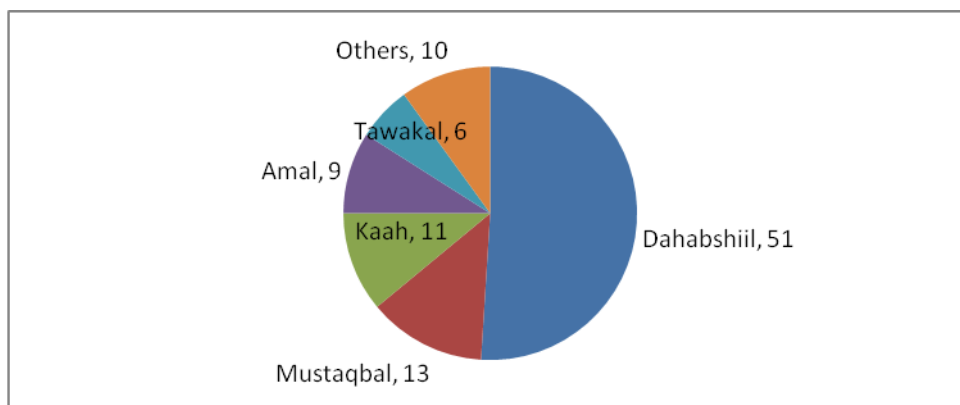
Remittance money constitutes an important sector of the Somaliland economy, but there is little accurate information about the actual volume of the cash flow passing through money transfer companies. However, the closest estimate of remittance that flows into the country could be in the region of US\$1315 Million, annually. About 41.84% (US\$550 Million) comes in as household maintenance (received by families and individuals as small money between US\$100 and US\$500); 30.43% (US\$400 Million) as capital or financial investments; 16.73% (US\$220 Million) and the remaining 11% (US\$145 Million) as domestic transfers, mainly via mobile transfers (ZAAD). Given this fact it would be true to argue that today in Somaliland remittance is by far the biggest contributor to the national economy - 54% of the country's GDP (ECOTRA, 2010).

The successful growth of remittance companies in Somaliland is almost completely dependent on social capital – namely the cohesiveness and trust within communities (clans). Had it not been for the existence of this social capital and the safe “*Hawala*” system of financial transfers across continents, people from Somaliland would have not have had access to assistance from the Diaspora and would have suffered much greater deprivation during and after the civil conflict, and perhaps the large scale and rapid growth in capital investment, commerce and trade would not have happened at all.

Today, there are more than 17 money transfer companies working including the international giant (Western Union) who has just opened its first few branches in Somaliland. Some of the main remittances and financial service provider companies that

are active in Somaliland include, *Dahabshiil, Mustaqbal, Kaah, Amal, and Tawakal etc.* The table below describes the market share among remittance companies operating in Somaliland.

Market share chart



Source: Dahabshiil Money Transfer Services Market Research, November 2010

The main advantage of the money transfer operations is that it is simple, convenient, basic, cheap and reliable. These financial service providers are keen in developing their businesses not only as remittances but also as local banks in the future (commercial banks), and may include offering loans to small businesses. However, the possibility of financial intermediation from these remittance companies is hindered by lack of legal and regulatory framework as there is no Banking Law in Somaliland yet, something that is continuing to have a big “opportunity cost” for the country’s economic development (Jama, Hassan 2010).

In other words, some money transfer companies now offer a wider range of “Bank-like” services such as savings and deposits (non-interest bearing deposits) and they may also provide consumer lending in the form of small loans. However, this may require some sort of a “guarantor”, which could be based either on kinship and clan affiliation or through social capital and trust. In most cases, the source of financial assistance in the form of small credit is obtained from relatives and friends, who lend cash to those who want to set up businesses, in return for future goodwill. Business lending by remittance companies seems unviable even with collateral, both for religious reasons, and due to business preferences for direct involvement of an investor/lender in the operations they are financing. Limited short-term trade credit (against security such as fixed assets) is sometimes available from main remittance companies. But, even in those circumstances there are some risks involved

in lending, due to lack of legal obligations and regulatory framework from the part of the government, which makes the need to re-establish conventional banks imperative (PFM&FPU, 2010).

4. CHARACTERSITICS OF FINANCIAL SECTOR IN SOMALILAND

In order to comprehend fully the current status of the financial sector in Somaliland, which can be best described as a post-conflict “cash economy” situation, it is important to assess the financial sector of Somaliland, where despite relative peace, security, stability, functioning administration, and parliamentary democracy the country is regarded as a risk zone by the international lenders and investors. The situation is compounded by the lack of government legislation on banking and public finance management resulting in the sector being generally characterized by the following:

- Lack of legal and regulatory banking structures;
- Absence of classical central bank role;
- None-existent international and domestic payment systems;
- Cessation of most lending activities within the country;
- Almost non-existent deposit taking activities by the bank;
- Stoppage of international correspondent banking relationships;
- Unstable exchange rate;

In addition to the above, it will be correct to argue that, today, Somaliland is essentially a cash society where there is no common platform for international or domestic payments between existing financial institutions. This means that cash and payment orders are the only meaningful payment instruments widely used in the economy and no clearing and settlement system is in operation inside the country (ECOTRA, 2010). Thus, it is important to note here that normally in a country like Somaliland, where international and domestic payment systems have ceased to function twenty years ago, after the collapse of the Somali state, followed by break down of all state institutions including banking sector, and created the above cited financial sector problems, re-establishing banks to facilitate international and domestic payment systems should be a priority for Somaliland. In other words the re-establishment of conventional banks in Somaliland would contribute towards the economic development of the country in terms of trade and investment, something that has been currently done via remittance albeit partially.

5. ROLE OF REMITTANCE

The role of remittance in Somaliland is extremely important towards the economic regeneration of the country by helping drive the economic engine through cash circulation and large transfers that are used for goods importation, investment and reconstruction, on the one hand, and through small amounts of remittance for families and individuals sent by refugees and migrant relatives from developed and rich countries for livelihood security and maintenance, on the other. Both of these types of transfer services provided by various remittance companies have been indispensable for family survival or household maintenance, acquisition of basic social services and small businesses that all depend on speedy and reliable transfers in and out of the country for import/export payments.

This means that remittance money in Somaliland has not only played a positive role towards economic development and livelihood improvements but also in conflict reduction and stability by allowing poor households to receive vital maintenance money, sent by their relatives from the Diaspora, (it is estimated that nearly 48% of all households in major towns get monthly maintenance from their relatives abroad), without a delay (instant cash within few hours, in most cases), thereby allowing enterprise and trade to grow, enabling authorities from Somaliland to collect import taxations and other tariffs, which are in turn spent on security to sustain peace and stability and on social development and reconstruction programs (ECOTRA, 2010).

In the current situation in Somaliland, the banking legislation has just been recently passed by the parliament after a long delay due to some resistance coming from the part of the remittance companies. These companies enjoy extensive influence over the financial sector of the country as they have filled in the void and acted as a substitute to conventional banks and created their informal ways of contributing to trade, investment, commerce, cash movements and reconstruction efforts through:

- In/out flow of capital;
- Trade facilitation;
- Internal or local transfers;
- International payments for aid agencies;
- Financial intermediation;
- Reconstruction projects;

As already explained elsewhere in this article, in addition to providing the above mentioned financial services, Somali-owned remittance services have got comparative advantage over other multi-national money transfer companies, such as Western Union and Money Gram by virtue of their faster, simpler, hassle-free, more convenient, and low operational cost services, as they can easily reach right to the smallest rural village to deliver their services. Indeed, in a post conflict situation, where there has been an absence of internationally recognized or conventional banks, in Somaliland money transfer companies are considered to be “local Banks” as they not only provide reliable and trust-worthy money transfer services but also basic banking provisions, including deposit and saving accounts etc. Another recent remittance phenomenon in Somaliland is the “mobile transfers” known as ZAAD which was started at the end of 2008 and has been growing at a spectacular rate and has totally dominated the local transfers over such a short period of time (research shows that more than 95% of small local transfers are now done through ZAAD (Hassan, A.I. 2011).

6. DOWNSIDE OF REMITTANCE

Although the paramount importance of remittance and its role both on the economic development and livelihood security in Somaliland and the phenomenal success of remittance companies during the past two decades cannot be denied as explained in this article, there are, nevertheless, some people who believe that remittance money has caused a great deal of damage including: creating a remittance dependency culture; rendering “dollarization” of the economy; increasing inflation and money laundering; encouraging human trafficking as well as fuelling clan and religious tensions through instant cash supplies etc. However, regardless of the pros and cons of the subject there is no doubt that remittance companies would face certain challenges in the future and some of these challenges would include:

- Stiffer competition from conventional banks;
- Economic slowdown in those affluent countries, where most of the money is remitted from;
- Stringent regulations by individual countries and regional bodies intended to counter fraud, money laundering and provision of funds to global terror networks;
- Demographic and attitudinal change amongst the children of migrants and refugees who might feel less obliged to send cash to their relatives back home;

In this regard, it would mean that the outcome of these challenges could negatively impact upon the performance and efficiency of remittance companies in the future thereby threatening their economic viability and long-term sustainability. Despite these challenges, however, it is expected that international remittance industry has got a brighter future and had already made appropriate measures to adjust to some of those challenges.

7. CONCLUSION

By way of conclusion there is no doubt that the remittance sector is a thriving and important financial sector in Somaliland not only in terms of trade and investment but also in reconstruction, development and livelihood security. Hence, remittance industry can no longer be left in the fringes of financial sectors or the periphery of microeconomic level and its informal economic dynamics. In fact, today, Somaliland like in many least developed countries, with large migrant populations in the Diaspora, income from remittances is the largest contributor to the economy of the country. However, it must be taken into account that the sector faces both challenges and opportunities. The effects of these challenges could negatively impact upon the performance and efficiency of the remittance industry, thereby threatening its economic viability and long-term sustainability.

Despite these challenges, this article argues that remittance services have got a brighter future, provided they make appropriate measures to adjust to some of the challenges cited in this article. In this regard it is hoped that Somali-owned remittance companies will rise up to these challenges and put their houses in order. This involves adopting robust and rigorous anti-money laundering policies and procedures to allay fears raised by some foreign banks³⁰, and assist the government towards the implementation of the banking regulations that have been recently enacted by the Somaliland Parliament. This will unchain the country's financial services for the benefit of everyone in the country and contribute towards more economic recovery and growth through international investment and trade. The result will be a better future for the citizens of the country and further support the government to strengthen its institutions.

³⁰ Sunrise Community Banks in Minnesota (USA) have announced at the beginning of 2012 that they will stop processing remittances to Somalia/Somaliland.

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Paper Eight: Somaliland: An Early Warning to Manage the Politics of “Oil Economy” and Opportunities to learn from the Available Wealth of Global Experience.

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I. Background

After independence, the Somaliland people did not inherit any significant development infrastructure or any other economic sectors from the colonial rule. The colonial authorities found them as nomads and left them still predominantly nomadic, because they needed their product raw and undeveloped – meat. The Somaliland economy has always been meat-rich and still is. Obviously, the livestock imports were useful for them on the hoof, to be slaughtered fresh in Aden, the major base of the British forces in the region, and subsequently in the oil-rich Gulf countries.

The oil exploited in Arabia could have also been found in the Somali region of the Horn of Africa. It has always been strongly rumoured that black gold is also abundant in the Somali inhabited region and of both on-shore and offshore nature. However, it remained to be a hush-hush business and has never been exploited. Why is the international system so unfair to the Somalis to leave them languishing in poverty? The answer often lies with their indigenous governance institutions, I would argue, which are totally incompatible with the dominant Christian-based Western model. But that was also true of the Arabian Peninsula, whose dominant culture is both ethnic and Islam based. But the difference is the development of a hierarchical society where the rule comes from one source; in the Arabian context the “Sheikh”, which for the Westerner is tantamount to a kingdom model of governance. On the contrary, the Somali model is diffuse, with no single ruler to deal with, but is often so fragmented and ad hoc in nature. Therefore, the colonial authorities had to create their own system to control the population, which was never in sync with the local culture and beat.

In the same token, the oil companies, at the time, needed to have a stable authority to deal with in order to have guarantees for the long-term recovery of their huge investments on the exploration and exploitation of the oil resources. It is obvious, Somalis could not fulfil that condition, and hence the oil industry decided not to waste time on the unruly Somalis and let the development of the oil economy by-pass them. However, today, things are changing; the world’s energy needs are growing exponentially, and the traditional sources

are either depleting or no longer as stable as they used to be. The African oil potential, especially the Horn region, is coming into the radar again. Nevertheless, the question still stands whether Somaliland is fulfilling the basic condition of stability and by extension whether the oil industry is ready to commit this time to exploit the Somaliland oil. It is also important to raise here in this context, the reality that most of the societies of resource-rich countries did not benefit from windfall incomes of their black gold and other mineral resources, but rather has gotten more impoverished and socially stratified. So, will Somaliland be able to avoid the pitfalls of the other Sub-Saharan Africa countries, the resource curse, and ensure that its population at last reaps the benefits of its natural wealth?

II. What is the Resource Curse?

The Somaliland Minister of Water and Mineral Resources, answering a question of what Somaliland is doing about possibility of resource curse impact is on the record that ‘He would rather have the resource curse in the present circumstance.’³¹ This could be an indication that the Somaliland Government has no clue of the dangers involved in becoming an oil producing country and hasn’t made any serious thought and planning on how to handle the possible windfall earnings accruing from it. It is, though, understandable that it is in a desperate economic situation to provide services to its people, but it is forsaking the fundamental responsibility of any government to bring to the public its vision and strategies to utilize the natural resources and endowments of the nation for the benefit of all and not for the few in the seats of power to line their pockets.

The term resource curse mainly applies to the sub-Saharan African countries which although resource rich, failed to transform their earnings into development and improvement of their people’s standards of living (Carmignani and Chowdhury). There are three main reasons why huge revenues from oil could become a curse to a country (Ghazvinian, 2007): first, oil revenues inflate the value of a country’s currency, hence making its exports more expensive and less competitive in the international markets. Furthermore, the national labour force flock to the oil sector and that weakens the traditional sectors of the economy especially the agricultural sector, which makes the country import dependent, a situation usually termed as the “Dutch Disease”³². Secondly, it

³¹ Somaliland SOPRI Conference in Washington 2012.

³² “The deindustrialization of an economy as a result of the discovery of a natural resource, as that which occurred in Holland with the exploitation of North Sea Oil, which raised the value of the Dutch currency, making its exports uncompetitive and causing its industry to decline.” (Free Dictionary)

corrupts politicians, because the Government is not dependent on taxation but rather on oil income and hence is less accountable to the people. Moreover, the economy is more under the mercy of oil price fluctuation rather than being engineered by the Government. Thirdly the oil sector is a capital-intensive industry and not labour-intensive and therefore, often imports its skilled people from outside. Local people are usually hired as security guards and drivers and not much more(ibid).

It is argued in the literature that so far, oil companies and governments in developing countries have followed a specific model of development where oil companies produce oil (and gas) for export, and host governments get a hefty share of the profit in the form of taxes and payments. From there it is the job of host Government to make the effort to promote employment and supply chain opportunities at the local level (Shankleman, 2013). Shankleman further argues that a structural industry problem is that oil companies face issues of currency, costs and capabilities: they have to employ skilled people from international market and should pay them in US dollars; they have to recover their huge investments through exports to the energy hungry international markets and not to supply local markets³³; and that they are not in the business of local development to create jobs, but rather specialize in oil production, its marketing and therefore generation of huge revenues. This economic model is where the irony of “plenty and poverty” in the resource industry is observed. “Where this model applies in West Africa, it is typical to find huge, state-of-the-art oil and gas export facilities sitting alongside communities where people live in houses without electricity.”(Shankleman, 2013)

Furthermore, as KatjaHujo (2009) argues, the literature supporting the resource curse thesis is based on the following arguments³⁴.

- There is supposed to be a long-term decline in terms of trade for commodities vis-à-vis manufactured goods (the famous Prebisch- Singer thesis).
- Dependence on mineral rents creates revenue volatility because of unstable prices in world markets, which is detrimental for investment and public finance.
- The enclave nature of mineral-based industries has few linkages with the rest of the economy and provides little direct benefit to local communities.

³³ That is why fuel shortages are common in some oil-rich countries such as Nigeria.

³⁴ <http://www.palgrave.com/PDFs/9780230370906.pdf>.)

- The macroeconomic effects of foreign-exchange inflows ('Dutch disease effect') can have detrimental effects on competitiveness, balance of payments and debt, and eventually crowd out investment in sectors with higher value-added skill requirements and labor demand.
- Resource abundance is frequently accompanied by an increasing role of the state, which (especially, but not exclusively, from a neo-liberal point of view) can produce further problems associated with 'government failure': bad decision-making, corruption, rent seeking, protectionist policies, inefficiency and market distortions.
- Resource wealth influences the nature of political regimes, which tend to be classified as rentier states, developmental or predatory regimes; the nature of the regime has implications on institutional capacity, quality of the bureaucracy and its relationship with the natural resource sector.

III. The Botswana Model of Development on How to Avoid the Resource Curse

Where the rest of resource-rich African countries failed, Botswana succeeded to avoid the pitfalls of resource curse to manage its diamond economy. Its successes lie in a three-pronged approach strategy (Paula Ximena Meijia & Vincent Castel; 2012):

1. Economic diversification to protect itself from the volatility of the mining sector
2. Sustainable Fiscal Policy - It delinked its expenditure from its revenues
3. It invested surplus revenues for future generations

In the Botswana case, "the state recognized that mineral wealth, or the country's "inherited wealth", was limited in that the wealth acquired from mining would only last as long as there were diamonds

To be found. "Created wealth" on the other hand could provide the country with an answer to its objective of achieving long-term sustainable development." (Paul et al, 2012). Botswana followed the above three approaches in its strategic economic development.

1. In its **economic diversification policy**, Botswana promoted the manufacturing sector; especially the meat products³⁵, and it established institutions and economic infrastructure to promote private competitiveness as the engine of its diversification strategy. Key among its strategies to promote economic diversification is the creation of the Business and Economic Advisory Council (BEAC) in 2005. The council mandate includes identifying constraints hindering economic diversification and formulating key strategies and action plans to overcome those constraints.

2. In the implementation of its **Sustainable Fiscal Policy**, and delinking of expenditure from revenue, it pursued a six-year National Development Plan integrated with the Annual Budgetary Process to ensure the establishment of an efficient economic management process. “Beyond the considerations taken into account in the drafting of the National Development Plans, their oversight, structure and recurrent nature are also a fundamental source of Botswana’s successful wealth planning track record”(ibid). Further steps to ensure the integrity of its National Plans also include that no change can be made to the plan without Parliamentary approval and that scheduled term reviews of the plan are held.

3. Botswana **invests its resource income**. In its investment strategy, Botswana has established the Pula Fund, which has two functions: a) it is a stabilization fund to finance Government fiscal deficits and b) a savings fund for future generations. The investment strategy is also used in the development of productive sectors of the economy to offset the “enclave” nature of the resource economy and in the promotion of the private sector efficiency as a vehicle of the diversification programme.

4. **Good governance as a prerequisite for sustainable wealth management also contributes to Botswana success**: a legitimate and accountable Government fostered long-term decision making, an integrated and vocal civil society encouraged broad consensus in formulating economic policy, and putting anticorruption policies in place allowed for the transparent distribution of resource benefits (ibid).

IV. Community Relations and Oil Companies

³⁵ Botswana has a strong livestock sector economy which can be a model of sound development for Somaliland to learn from.

The oil industry is a conglomerate business, which in its governance and management systems is far removed from community level dealings. However, as a matter of necessity, the oil industry has covered a good distance now to open a window for the accommodation of the local community needs and demands. Some of the ways that oil companies interact and support local communities are outlined below, with the example of Uganda (Tower Resources, Local Matters).

1. Building Community Awareness of the Company and Oil Industry in General: building an information centre to provide company promotional material including calendars and oil books support to educational institutions.
2. Communicating with local communities to keep them informed of the activities of the company in the area at its different operational stages. Some of the methods employed are: town hall meetings, school presentations, radio phone-ins, and open air meetings in markets and religious venues.
3. Maximize employment and training benefits of the local population in the company. It is also important commitment to develop local content participations in the country's oil industry at the national level.
4. Continuous consultations to gain feedback and understand community priorities for social investments and to design relevant projects for all citizens. Companies also need to make consultations with agents of both local and central governments to ensure compliance with national priorities.

V. Is Somaliland Learning from the Experience of other African Countries?

Somaliland has an opportunity to avoid the pitfalls of most African countries that relied on the windfall earnings from resources, especially hydrocarbons. It is now in the entry stage of oil exploration, which affords it time to prepare its governance systems and its communities for the challenges of being an oil producing country. It should start to undertake a contextual analysis of Somaliland's socio-economic and political situation and then base its strategies for development on the outcomes of this analysis.

Somaliland's economy is mainly reliant on the livestock sector, which provides direct or indirect employment to no less than 70-80% of the population. It sustains over 60% of the population with pastoralist and agro-pastoralists occupations. It also sustains another 20% through the export of livestock on the hoof, the local slaughter business, and the sales of its

other products such as local milk consumption and exports of hides and skins. A junk of the remaining population works in retail Khat business and other miscellaneous occupations such as commerce, public and modern private sector employment, and on remittances. Somaliland needs to have a strategy and planning system for how the advent of the hydrocarbon age in Somaliland will affect these employment sectors. It is also important to analyse how the fragile governance institutions will behave in a situation of slush funds and windfall oil revenues, without robust regulatory and public governance mechanisms, and how to counter its corruptive effects. A further caveat will be the fact that Somaliland lacks international recognition and how that will affect its capacity to manage its wealth.

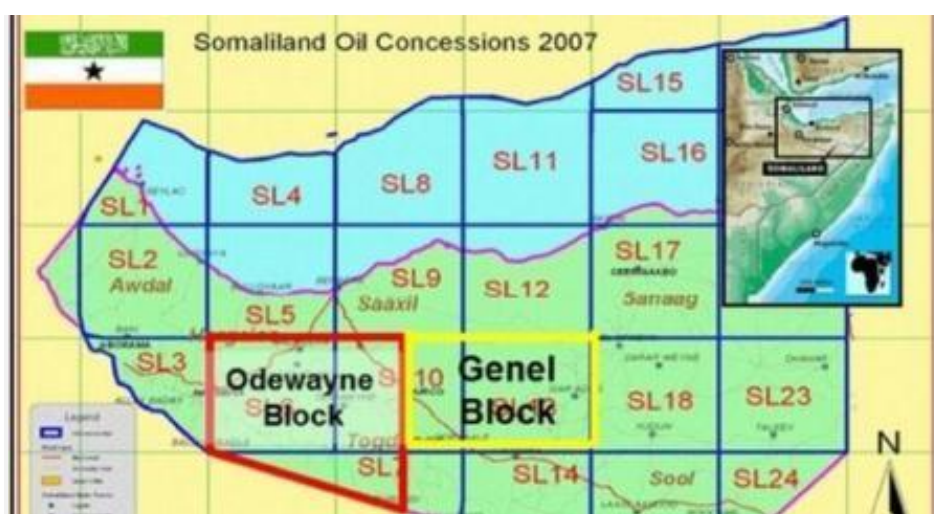
Somaliland faced difficulties from the start to attract interest from international oil companies for the exploration of its hydrocarbon potential, because of its unrecognized status and perhaps because of pending claims from concessions allocated by the deposed Somalia Government. There was only one unallocated concession area and that was the so-called Odweine zone or Block No 26. Subsequent governments in Somaliland tried to tap into that huge potential to break the shackles of the undeclared international economic embargo which result in its inability to adequately provide for its people. However, recently, it looks like the tide is turning and Somaliland may have its day.

Despite the constraints imposed by Somaliland's unrecognized status, there are several companies which acquired concessions from different Somaliland Governments³⁶, chief among them, Genel Energy, the largest oil firm in Turkey, now headed by the former CEO of BP, Tony Hayward, which is the company that succeeded to discover oil in Kurdistan and is now prospecting in two key areas of Somaliland: 1. It is leading the Odweine block in partnership with Jacka Resources, Australian based explorer and the Petrosoma Ltd, owned by the Somaliland-born UK citizen investor based in London. 2. Genel Energy is also operating a concession in eastern Togdheer and Saraar regions in partnership with East Africa Resource Group³⁷. Other companies who are holding prospective concessions are the Ophir Energy, London based explorer that will operate two blocks near Berbera and the

³⁶<http://somalilandsun.com/index.php/economic/2852-somaliland-scramble-for-the-black-gold-rush>

³⁷Genel Energy holdings in Somaliland are two PSAs covering five blocks: SL-6, SL-7, SL-10A, SL-10B, SL-13; Genel 75% interest and operator in blocks SL-10B, SL-13 (East Africa Resource Group 25%); and Genel 50% interest and operator in blocks SL-6, SL-7 and SL-10A with (Jacka Resources 30%, and Petrosoma 20%). The total gross acreage is 40,300 square km

DNO International ASA – DNO, which entered into a Production Sharing Contract covering Block SL 18 on-shore Somaliland in April 2013 (Somaliland Sun, May, 2013).



Early Warning Signs

The recent developments in Genel Energy operation areas of eastern Togdheer and Saraar, show lack of preparation and attention to the communication with the local communities in these areas. The communities in those areas, especially in the Saraar region, have been complaining about several issues: First, the traditional leaders of these communities as well their elected politicians were unanimous that they were never made serious partners of on the ground work and preparations for the oil company to start its survey operations. Secondly, the local community on their part complained that they were not given due consideration when recruiting local staff for the company. As a result, the company planes conducting aerial surveys were shot at and had to suspend the survey. Although, nothing of the sort happened in the Odweine side and the aerial survey has been completed, still the Company has suspended its operations for two months, hoping that the authorities will sort out the problems of east of Burao blocks.

The above crisis is happening at an early stage of Somaliland's oil exploration operations and should be viewed as an early warning to the Government and to the society at large for a serious lack of understanding and preparation for the dynamics of the oil economy and politics. If the oil sector is managed in the usual practice of disorganized, clan-based traditional fashion, it is has the potential to destabilize Somaliland and prove to be a real curse. Somaliland state has several weaknesses which makes it vulnerable to the vagaries of oil economy: a) Its central government institutions are not strong enough to adequately enforce the public ownership nature of the resource wealth and guarantee the smooth

running of the operations of their exploitation, b) there is a general lack of experience, coordination, and public information in dealing with oil companies. However, despite these shortcomings, there is a general public understanding that without oil income, Somaliland has limited opportunities of overcoming the grinding poverty, which its people are subjected to and the economic challenges facing their statehood aspirations without such a breakthrough. However, such popular spirit can only be tapped into through accountable and legitimate governance and definitely the current rent-seeking behavior, which is now identified with the oil sector management, is not helping that aspiration.

Way Forward:

“Resource wealth influences the nature of political regimes, which tend to be classified as rentier states, developmental or predatory regimes; the nature of the regime has implications on institutional capacity, quality of the bureaucracy and its relationship with the natural resource sector”. Katja Hujo

1. National mining and hydrocarbon laws have to be in place before any serious oil work and contracting starts. These laws are not now there, and obviously the companies are operating in a legal vacuum, possibly on the basis of the defunct Somalia state laws.
2. The local contracting must be transparent and accessible for both the media and oversight institutions; such contracting include the field logistics work such as catering, transport, security, and other locally manageable works. Similarly the disbursements of ‘social funds’ should also be transparent and nationally accessible.
3. In view of Somaliland public institutions weaknesses, the Somaliland Government needs to maximize the strong culture of dialogue and consensus building to compensate the deficiencies in the state authority reach. That approach has served Somaliland well for maintaining its peace and stability and should do so also in the sound management of its natural resources.
2. The hydrocarbon resources should remain a national wealth, but in meantime should benefit the local population, which would sacrifice some of its traditional livelihood assets such as pasturelands. The state, in conjunction with the local authorities both modern and traditional as well as the oil companies should be able to carefully keep all key stakeholders and actors on board. The state should be the lead agent of this process.

3. The social development components need to focus on the priority needs of the local communities, which would have a longer-term impact of alleviating poverty such as provision of basic social services and business investment initiatives and infrastructure to open economic opportunities.
4. It is important to establish conflict resolution mechanisms at the local level, so as to avoid problems blowing out of proportions when not addressed at the grass-root level on time.
5. It is important that the Government should factor in the African negative experience of single resource dependence and should seek appropriate resolution for Somaliland to avoid the pitfalls of the “Resource Curse”. It needs to start an in-depth analysis of the possible trajectory of the impact of oil revenue to the traditional sectors of Somaliland’s economy and the aspirations for a sustainable, just development of Somaliland.

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Paper Nine: The Salient Role of Youth in Somaliland Development

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Background and Context

Being in the Horn of Africa, Somaliland is a country that emerged from the ashes of total demolition, instability, and annihilation of its state infrastructure. Somaliland has restored its independence and statehood to secede from the union with Somalia, which was established on 1st of July 1960. It is now functioning for over two decades as a separate state with an administration based upon a hybrid system of modern government and the Somali tradition and its religious heritage. The freedom, reconstruction, and state-building process of the restored nation-state of Somaliland was inclusively partaken by the country's youth, men and women, old and young. The traditional and religious leaders were also taking the lead in its formative days.

The purpose of this paper is to explore the role of the youth in the restoration of freedom, stabilization, reconstruction, and democratization in Somaliland—particularly in its recent history. If what Somaliland people had managed to do against the immense challenges inherited from the tyranny of Siyad Barre's regime can be described as an African glittering example, the youth in Somaliland should also be hailed as the catalysts of all the stuff that went right. The youth catalyzed the entire process of transforming Somaliland into a functional nation-state which is capable of at least responding to the basic needs of its citizens including the establishment of law and order and protection, as well as the provision of some of the basic public goods which citizens need to establish their lives in a post-conflict environment.

The youth rebelled and took up the arms to fight against the tyranny of Siyad Barre in the 1980s in the rubric of SNM to liberate Somaliland. The youth, though, unfortunately after accomplishing that goal, were subsequently used for painful deeds, to shift from being freedom fighters to sadistic perpetrators and violators of human rights during the 1991-1995

period when the SNM leaders, including the military found it difficult to maintain peace- and responsible governance in the liberated Somaliland. This resulted in generalized conflicts and deadly feuds among the SNM politicians. Clan clashes and armed conflicts became part of the people's lives. The youth also became both victims and perpetrators of hostile acts in those days, and the truth is they were used by their leaders to engage in them.

Somaliland in Perspective

Since declaring its independence from Somalia, Somaliland has established government institutions, written its own laws, and held credible elections. A national plebiscite held in May 2001, overwhelmingly approved the constitution, setting the stage for the establishment of democratic rule in Somaliland. The constitution declared Somaliland an independent republic, established a bi-cameral national assembly, an independent judicial system, and local level governments.

Presidential elections were held in 2003 and parliamentary ones in 2005. A recent development indicating further institutionalization of the democratic practice of conducting periodic universal suffrage is the internationally acclaimed presidential election held on 26th June, 2010 which was hailed internationally because of the peaceful handover of power by the incumbent to the victorious opposition candidate, a rare feat in the African continent (Wall and Kibble: 2012).

Despite establishment of the minimal democratic structures and systems i.e. written constitution and laws, existence of three political parties, relative separation of powers among the three arms of government, relatively free press, fair degree of freedom to information and association, and a nascent civil society; as well as accompanying actions such as holding (though irregularly) of periodic elections to ensure majority rule and change of leadership, still the democratic governance remains a nascent but budding phenomenon in Somaliland society, hence, generally a low but growing level of understanding of human and democratic/civil rights, especially among the youth and women.

Social, economic, and political concerns of marginalized groups, are slowly gaining recognition through increasing participation of the groups in centers and processes of decision-making, though Systemic barriers are still real and a concern to the realization of a just and democratic Somaliland society.

In this paper, ‘youth’ is considered to be between the ages of 15 to 35 years. This age category constitutes the largest majority of Somaliland’s population. As a fast-growing population, Somaliland people are mostly youthful. According to the Youth Baseline Survey Report “65% to 70% of the population is below the age of 30 years”(SONYO Umbrella, 2010).

If there are currently weaknesses or capacity gaps from which the youth are suffering and are consequently deemed not to be qualified to take leadership roles of this country, the elderly leadership have to take responsibility for not appreciating the youthful power and energy and to prepare them to take the reign of this country. In my point of view, it is not the age per se, which determines the capability and effectiveness for one to assume national-level responsibilities, on the contrary, it lies more with the commitment, vision, and leadership aptitude of the individual. Hence, this paper votes for the idea of youth being at the front in the political and socio-economic mainstream leadership of Somaliland as an effective means by which the fundamental change and social transformation needed in this society can be attained.

Exclusion of the Youth from Decision-Making

In Somaliland, the age of youthfulness and adolescence might be longer than the normal range that is globally considered as standard range³⁸. The reason is that policy-makers who often draft laws and policies pertinent to the young community resort to reasoning related to the historical background of Somaliland. Because the society had undergone severe and tough times, the majority of the people spent their youthful age without having the opportunities to learn, work and improve. To avoid neglecting this segment of the society who is victim to what this country had undergone, policymakers prefer to extend the age of youthfulness to the age of 35 or 40 years. There is an interesting perspective here. For instance, there is a clear lack of credible data on people’s birthdays since most of the people who are in their thirties were not born in conventional hospitals. Therefore, it may be difficult to identify one’s exact age, unless the individual shows responsibility and avoids falsifying his or her age.

³⁸ A key speech note made at the YSS Survey Report launching event by the former Chair of SONYO Umbrella

For the last two decades that Somaliland has been managing its governance, youth were excluded from the main leadership spheres in the country. For example, government employees number around 19,000 including public agencies³⁹. Most of these employees are adults, while only 500 of these elderly staff have been recognized as retired. The national budget⁴⁰ of the government indicates less than 1% of expenditure allocated for the youth population in Somaliland. The situation is worsened by the lack of effective policies and plans for youth inclusion and participation as well as the lack of resources for promoting the youth cause. Over 20,000 youth graduated from the high schools while more than 3,000 have been graduating from the universities in the last three years. Another large number of youth graduated from the universities abroad and return to the country. From the policy perspective, youth's voice is not heard in the processes of policies' and laws' formulation.

The above-described environment, which is not nurturing its young population may complicate the situation and result in frustrations and violence in the long run. One of the scenarios this particular situation may bring about is that the youth of Somaliland become a liability to the two decades achievements of maintaining peace and stability in the country. Hundreds of thousands and perhaps over a million youth staying in the country and whose good hopes are fading out cannot be guaranteed simply as agents of change and peace building while there is not either the will or pragmatic initiatives in place for promoting youth into the socio-economic and political mainstreams. Understanding of the negative ramifications of the exclusively elderly-dominated leaderships is critical and imperative for significant change in attitudes and policies. Youth as critical and energetic human resource should therefore be empowered to participate in the decision-making processes of Somaliland. Dr. Adna Adan—a famous politician—speaking at a conference in 2012 said: *“if we do not utilize the potentiality of our youth today, it will be difficult for us to utilize them tomorrow when they are not capable even if the nation is waiting for them”*.

³⁹ Somaliland in Figures, 9th Edition, page 5 of the MONP&D publication in 2012.

⁴⁰ National Budget of the Government for the fiscal year of 2013

Towards a More Effective and Competitive Approach Based on inclusiveness and Merit

As indicated above, most of the people working for the public sector are aging adults. While the public sector is the largest employer, it lacks sound management and energetic and competent manpower, both being essential factors of production. We often hear of presidential nominations comprising of people who are in their sixties. Questioning of why youth are not considered in leading and administering public sector institutions may take you to notice that clan affiliation coupled with other subjective preferences are the strongest requirements of holding a public office. This lack of sense of good governance breeds the clan factor inflation, which further weakens sound governance in state institutions. The inflation of the clan factor also impedes youth voices to be heard and their agenda considered in the policy and decision-making processes of Somaliland.

Altering our leadership mindset could be the strategy by which we can move towards more effective and competitive governance that is both inclusive and merit based, to accommodate all sectors of the society. Sound public policy and governance can be promoted through effective adherence to the democratic principles which Somaliland adopted and which are embodied in its constitution to overcome the structural and negative social policy trends which lead to the exclusion of some key sectors of the population from the mainstream and all encompassing national development processes.

Conclusion and Recommendations

The paper notes down the checkered role of the youth in the contemporary history of Somaliland while it is also indicating the youth exclusion and underutilization and is arguing that they should be considered as critical agents of change and should be empowered to realize their potentialities through socio-economic promotion and political inclusion. The paper is also recommending that it is urgent for Somaliland leaders, policymakers, and academia, as well as the civil society and activists to recognize the imperativeness of promoting youth for preparing them to take over the responsibilities of this nascent state. The paper further appreciates the salient role of youth in the past and present positive changes happening in Somaliland and rebukes the lack of attitudinal change from the elderly generation to harness the youth power and energy.

Recommendations:

- Strong political will from the state for youth promotion and inclusion is fundamental to producing strong and active youthful generation.
- Meaningful implementation of the recently enacted National Youth Policy⁴¹ can bring effective empowerment programmes on board.
- Provision of adequate portfolios to the youth in the government: in the executive, legislative and judicial bodies; also in other decision-making arenas such as in the political parties to promote strengthening youth's leadership spirit and capacities.
- Formulation and implementation of pragmatic employment strategies to tackle the serious problem of youth unemployment and adventurism especially manifested in the youth attraction to “tahreeb” and to growing gang culture in urban areas.
- Addressing the multiple exclusion of the youth in the rural areas resulting from lack of access to education, to employment and therefore to decent living.
- Promotion of active citizenship and sense of patriotism by addressing the attitudes and the behavior of the young generation of this country as key to sustainable development.

⁴¹ Officially approved National Youth Policy.

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Annexes

Annex – 1: Annual Conference Report

Introduction

Representatives from civil society, government institutions, policy makers, academics, journalists, international scholars and traditional leaders gathered in Hargeisa, Somaliland October 28th and 29th, 2012, for the third Annual Conference of the Social Research and Development Institute (SORADI).

This year's annual conference featured two days of keynote speeches, presentations, panels, and breakout sessions focusing on “**Somaliland Development**” under the theme of “**Somaliland statehood, recognition and the Ongoing Dialogue with Somalia**”. The aim of this conference was to facilitate debates and discussions on the development of Somaliland & the intense internal dialogue on the issues of talks with Somalia, on the engagement of the international community in the discussion of Somaliland sovereignty and on the strategy of negotiations to be pursued.

This two-day Annual Conference focused on two main topics:

- Somaliland & Somalia Talks— Somaliland Statehood & Recognition
- Somaliland Development and Democratization Panel

The issues and objectives of the 3rd Annual conference were fully discussed through Keynote Speeches, Presentations and Panels, Plenary sessions and Breakout sessions.

Day one: Somaliland & Somalia Talks— Somaliland Statehood & Recognition

Each day was devoted to one cluster topic. Day one of the annual conference focused on the Somaliland & Somalia Talks—Somaliland statehood & Recognition. The day started with keynote speeches by the Minister of planning, Minister of Fisheries & Marine Resources and the Executive Director of SORADI. The keynote speakers briefed about the conference theme, and defined the annual conference agenda to pave the way for the dialogue and discussions. In the following sessions, scholars presented academic papers on different perspectives of the talks and the recognition; such as the *Legal aspects of the talks between Somaliland and Somalia*, *Complexities surrounding Somaliland recognition and the talks with Somalia*, *Historical background and the union*, and *the realities on the ground for Somaliland as a de facto state for two decades*. The conference participants discussed and posed questions about the papers presented in the plenary Sessions which were the largest working sessions.

The day ended with **breakout Sessions** in which topics of the day were thoroughly examined by a working group. These sessions further deepened the discussions into issues presented in the corresponding plenary sessions. Participants discussed two main questions provided by the conference committee: *Talks between Somaliland and Somalia in regards to its timeliness*, *Somaliland preparedness*, *Process transparency*, *usefulness*, *the possible scenarios of its outcome*; and *the Complexities Surrounding the Somaliland recognition and the way forward*. Groups reported back their discussions and solutions for day one breakout sessions on the talks and the recognition. Participants further discussed these issues in-depth using the groups' report back methods.

Day two: Somaliland Development and Democratization Panel

Day two of the conference was devoted to Somaliland development and its democratization. Presentations focused on different aspects of Somaliland development, such as *the role of remittance in the economic development, the role of youth in the country's development and elections and democratization*. The presentations and its discussion in the plenary sessions were followed by a session on the follow-up from last year's annual conference. SORADI presented the publication of last year's conference book "**Reflections on Somaliland's two decades of state Building and Democratization**". The follow-up session also included a briefing from SONSAF on the Guurti issues regarding its election/selection debate.

The rest of the day was dedicated to three important sessions: **Universities panel** by the chancellors of Hargeisa, Burao and Amoud universities on their role in the development; a **Civil Society panel** in which the non-state actors forum, youth umbrella, Women's umbrella and the Minorities organization presented their role in the collective effort towards a democratic Somaliland; **Government institutions panel** in which two newly formed, but vital institutions presented their role in the development—the Good Governance and Anti-Corruption Commission (GGACC) and the ICT commission.

Overall, the participants actively contributed to the conference. The media played a vital role in providing full coverage of conference activities and also the journalists were active participants in the discussions. The two day annual conference was concluded with the key conference recommendations as read by the director of SORADI (*see conference recommendations in the report*). As noted by the director of SORADI the papers presented in the conference will be compiled and published into a book later in the year. And finally on behalf of the SORADI team the director whole heartedly thanked all the participants.

SUMMARY OF PRESENTATIONS

Day one: 28th October, 2012

Summary of Opening remarks and Addresses

Keynote Speakers: Dr. Mohamed Fadal (Director, SORADI), Dr. Sa'ad Ali Shire (Minister of Planning and Development, Hon: Abdulahi Osman Geljire (Minister of Fisheries and Marine Resources)

Before the conference was launched officially by the Minister of National Planning and Development, Dr. Sa'ad A Shire, SORADI Director, Dr. Mohamed Fadal extended a warm welcome to all the participants and stated how thankful SORADI is to all the participants and government officials. He acknowledged the generous technical and financial support of the funding agencies, especially the EC and the technical support of HBF as well as the remarkable contribution of local researchers to the realization of the Conference. He then has given brief introductory highlights about the objectives and agendas of the current conference and about the outcome of the previous conference. In addition to that, he told the gathering that SORADI strives to create an intellectual platform in which local intelligentsia could discuss development issues to build a prosperous, just and democratic Somaliland society.

Dr. Sa'ad Ali Shire, the Minister of National Development and Planning, acknowledged the privilege of being the keynote speaker in this annual conference that has brought together diverse and distinguished intellectuals and scholars. In his presentation the Minister touched all three components of the conference title; *Somaliland statehood, recognition and the talks with Somalia*. Starting with the question we can call Somaliland a state and does it fulfill the requirements of a state? The Minister outlined the basic requirements of a state, such as a permanent population, defined territory, established government, and declared that Somaliland meets these criteria.

The Minister further discussed whether Somaliland deserves an international recognition. He argued that Somaliland is not a newly created state, regarding the long historical roots of Somaliland people with some of the ancient civilization such as Egypt and the Othman Empire and the fact that its territory had been a British Protectorate for almost 76 years and that on attaining independence in June 1960 was recognized by 35 countries. He also mentioned that opening dialogue with Somalia was a real opportunity for Somaliland to present its case to the world. He fully endorsed the idea of continuing talks with the newly elected Somalia president and his cabinet. He stated that there are common issues that would need collaborative efforts of both governments, which include: Common social interests, concerns about the environment, economic interest (same as those economic issues and interests Somaliland shares with other neighboring countries), Common security concerns and issues which are linked to the previous Union such as Assets and legalities.

The Minister concluded his speech recognizing the risks associated in Somaliland's talks with Somalia and its attendance to conferences in London, Istanbul and Dubai. He said misinterpretation of Somaliland's intentions as a reunion talks and Somaliland revisiting its claims or softening its position is the major risk involved. However the Minister concluded how these risks were managed. *"In these conferences, Somaliland Government would be treated on equal basis with the Somali government."*

This was followed by another keynote speech on Somaliland development by the Minister of fisheries and Marine Resources, Abdulahi Osman Geljire. The Minister, mainly spoke about the development of marine resources of the country and the ongoing efforts of his Ministry. He presented statistical data evidencing Somaliland's capacity to exist as independent state. He remarked that Somaliland has 850 Kilometers long coast and therefore can sufficiently feed its population and also produce for commercial purposes. In his own words the Minister explained "Our country has an 850Kms long coast. According to latest statistics about our marine resources produced by the UNDP, there is about 90-120,000 metric tons of stock in our sea. Now, we catch only 1100 metric tons from such an abundant resource. There are estimated 160 different species of sea food in our sea. All these resources remain unexploited" remarked the Minister.

He pointed out the government's commitment to formulate policies that would create the capacity to establish fish processing industries in the country from this year. He added that this is to develop the fishing resources by enabling and developing fishing communities.

The Minister mentioned the opening of a marine university in Berbera city this year, which is part of the government's policy to develop the country's marine resources. He also mentioned that the government has stopped issuing licenses to foreign fishing companies to encourage local fishing companies. He further elaborated the huge opportunity in our seas for creating employment and income generation for our youth. He mentioned the security side need to protect our seas "Our navy does not yet have the capacity to adequately protect our seas, so the presence of local fishing companies in our seas will contribute to its security" concluded the Minister

Session I: Talks between Somaliland and Somalia.

This session was moderated by Shukri H Bandare, advisory board member of SORADI. The first presenter was *Adam H Ali, Advocate and Conflict Resolution Practitioner & Director of Institute of Peace and Conflict Studies (IPCS) University of Hargeisa (UoH).*

Adam Presented about the **Legal aspect of the Talks between Somaliland and Somalia**. In his paper, he discussed the legal issues surrounding the talks between Somaliland and Somalia. He provided clarity on how Somaliland should build its argument to set strong legal bases for its case. He spoke about the legal mistakes made in the union of 1960 from both parties. These mistakes include: that there was no legal team, especially legal drafters to represent the Somaliland British Protectorate. There was not enough time for negotiations and discussions for future discourse for both entities and therefore, Italian Somalia dominated all the legal steps, including drafting of the constitution, voting for the act union and other mechanisms.

The presentation further explained the legal arguments of both sides (Somaliland and Somalia): Somaliland's argument for self Determination and dissolution of the union as opposed to Somalia's territorial integrity argument. He explained Somaliland's argument for **Self**

Determination and pointed that Somaliland is not a state seceding from its parent State, but has regained its independence and suspended only the dysfunctional unity with its counterpart, while asserting and maintaining the territory and boundaries left by the British government in 1960.

Mr. Adam spoke about the Scope of Somaliland's right to exercise self-determination and its critique. The first justification that Somaliland may claim independence lies in its history as a British colony. By invalidating its union with south Somalia because there was no national referendum or popular vote on the matter. If there was no union, Somaliland still exists as an independent entity.

The paper also spoke about the principle of **Territorial integrity** as the core argument of the Somalia part which clearly goes against any attempt that encourages secession or border changes. "Somalia presents Somaliland case as unilateral secession." Said Adam. The paper defined the different types of secession (bilateral secession, unilateral secession and de facto Secession) and how each type is supporting/opposing Somaliland's case and what are the challenges;?

He mentioned the important steps which have been followed by Somaliland since 1991: Declaration of Self-determination in 1991, Referendum for the new Somaliland constitution in 2001, the African Fact finding Mission in 2006 and its recommendations. He also spoke about the legal precedents from the region and International Instruments that Somaliland can use such as the case of Eritrea, South-Sudan, Kosovo and other similar cases.

Finally he gave recommendations to the Somaliland government and the talks committee:

1. Somaliland should prepare its answer legally as its arguments may be nullified the fact of the unification which democratically elected leaders of each former colony oversaw the unification process.
2. Somaliland to prepare solid argument to fulfill the conditions of a unilateral secession.
3. The focus should be that Somaliland regained its independence and it suspended only the dysfunctional unity with its counterpart, while it is asserting its authority and maintaining the territory and boundaries left by the British government on the base of the self-determination.
4. Somaliland government should establish legal scenarios.
5. There should be an early preparation of legal expert and interpretation.
6. Legal related tools and resources needed during the talks which include:
 - Legal Experts to prepare a base for Somaliland case
 - Historians to
 - civil Society/Non-state actors
 - International Experts.

The second speaker of session one, *Dr. Mohamed Fadal, Executive Director of SORADI* presented about **Somaliland Independence, dialogue with Somalia and the development**. Dr. Fadal started his presentation about the basis of Somaliland separation and statehood, which are: historical factor as an independent state with defined borders, victory in armed struggle which was won by the sword, the popular referendum and constitutional process. And the fact that Somaliland has fulfilled Montevideo criteria of statehood and also spoke about the viability of Somaliland state regarding its governance model, population edging towards 4 million, defined territory of 137,600Km² including sea, mountains and plains. He also spoke about its resources such as livestock, other minerals, ports, marine, mountains, wind and sun energy, agriculture,

young population etc. and the Geostrategic assets which situates Somaliland the heart of world map and critical passage of international trade and shipping lanes; a gateway Ethiopia to Ethiopia and continental Africa.

Dr. Fadal argued that Somaliland recognition would bolster security against terrorism and state-collapse. The resultant aid flows would enable greater regional and national development. A recognized Somaliland would also facilitate investment through providing investor guarantees, clarity on title, and exposure to international financing. And for sustained peace and stability in the region international community need to engage a fully recognized government.

Dr. Fadal also presented the parallel examples for Somaliland and complexities surrounding their independence such as Eritrea which made Ethiopia landlocked, Kosovo which took away religious and historical connection to Serbs, East Timor which also took away oil resources for Indonesia to forgo and South Sudan which took away Oil and the sources of the Nile. But for Somaliland, it only takes away claims from AU charter and Somalia.

He said the closest parallel is Kosovo as the two cases have similar characteristics: both unilaterally declared independence, parent states subject atrocities against civilians and attempted ethnic cleansing etc. Parent states of both claim sovereignty over them. Also both Somaliland and Kosovo satisfy Article 1 of 1933 Montevideo declaration of rights and duties of states. Therefore, “independence is the only viable option to promote stability in the region, in line with US endorsement of Kosovo independence.”

Furthermore, in his presentation Dr. Fadal spoke of talks between Somaliland and Somalia as inevitable but with no easy agenda to start, but still optimistic because of Somalia’s new government with a better mandate than before. On the other hand, Somaliland Government is bound by the Constitution to discuss independence, but for dialogue it has a room to wiggle; Dr. Fadal concluded with the suggestion that first steps for the dialogue to be about the mutually agreeable areas such as, trade facilitation, civilian people’s unhindered movements, cooperation on security issues, fight against piracy and terrorism, cross-border animal and human health issues etc. Other things Somaliland needs to explore included; shared use of defunct Somali state assets, cooperation on EEZ issue especially cooperation on delineating border with other counterpart states such as Yemen, customs and export issues and cross-border mineral exploration and exploitation.

Session II: Talks continued-Paper Presentations

Mohamed Ahmed Barawani, Executive Director of SONSAF was the first speaker of session two. He presented a paper titled **“Two decades of de facto sovereignty and the realities on the ground”**.

Mohamed gave a brief account of Somaliland’s history and how it came to being. He elaborated the role in which the traditional institutions played in restoring peace and stability to the country. Mohamed’s argument was based on how and what has Somaliland and its people achieve single-handedly to support Somaliland’s pursuit for recognition.

He pointed out the uniqueness of Somaliland’s model of state formation and institution building. In his presentation Mohamed urges the international community to show respect for what has been achieved by the people of Somaliland. Mohamed believes that Somaliland has beautifully

handled this stage of formation and institution building, hence deserves a serious attention from the international community.

He stressed how easily Somaliland was able to supplement its existing traditional mechanism of conflict mitigation, with modern state formation and government institutions. He hailed the important step SNM took to relinquish power to a civilian authority after the armed struggle, which is unlikely to happen in many African states. He believes that this has unleashed the widespread acceptance of the system by the citizens, which further contributed to the demobilization, disarmament, reintegration of the armed clan militias into a national army.

Mohamed also highlighted Somaliland's current state of development, as he described it, as the stage of Democratization and in search for recognition. He highlighted Somaliland's election success stories of conducting four peaceful, democratic, free and fair elections, which have drawn international attention to Somaliland. Somaliland has established key democratic institutions such as the Parliament, the National Electoral Commission, and the national political parties which are strong pillars of Somaliland's infant democracy and above all the popular election of the president.

Finally Mohamed added his voice to the earlier presenters' call for the recognition of Somaliland as an independent polity in the region which would contribute, as it already did, to both the regional and the International security.

Mohamed Abdulahi, Somaliland Civil Society Election Forum Coordinator, was the second speaker of session two. His presentation is titled **“the Historical background: Union Experience and secession in context.”**

As the title indicates, in this presentation, Mohamed Abdulahi re-visited Somaliland's history as a British protectorate, its experience in the union with the Somalia in search for greater Somalia.

Mohamed believes the first mistakes which happened in the power sharing of the two sides, was an evident for a doomed future which is formed on bases the inequality in the union. He argues that the Southerners belittled their brothers from the North by treating them as second class citizens.

He said from the beginning the people of Somaliland felt humiliated when their Prime Minister was reduced to a junior minister, while both the president and the Prime Minister positions were taken by the South. This was followed by sustained oppression and subjugation of the people of Somaliland and despite the fact that the act of union was never rectified by the people of British Somaliland.

Mohamed spoke about the long history of marginalization and deliberate deprivation of government benefits, economics and development infrastructure from the North. He said this was further compounded by the clan cleansing war waged by Siyad Barre against large sections of Somaliland people. He described Somaliland's decision to separate as a result of all the above mentioned injustice and concluded that “After going through all that suffering the people of Somaliland had no other choice, but to secede.”

Breakout Session I: Talks & the recognition complexities

This was followed by a group discussion on the issue of Somaliland talks with Somalia and the complexities surrounding Somaliland recognition. The participants of the conference were split into three groups to discuss these two questions and report back to the panel.

The groups' report back

Talks between Somaliland and Somalia in terms of Timeliness, Preparedness, Transparency, usefulness, the possible scenarios and what could have been done differently

All the three groups agreed that the talks are very timely and endorsed the continuation of the talks. They all agreed that the talks are still in the first stage and that there have not been serious preparations, except logistical preparations to attend the conferences. But the groups deemed it paramount for serious preparations for the talks to happen and transparency of the process should be a priority for the Somaliland government. The changes happening in the south create an opportunity for the talks to continue. However, the groups expressed their concern how Somalia is dictating the venue and the timing of the talks- they said. It wasn't random that they choose countries such as Turkey and the UAE, which are both supportive of the union.

The Complexities Surrounding the Somaliland recognition and the way forward

The groups reported a long list of political and economic complexities surrounding the Somaliland recognition and the way forward.

Political complexities

- The fact that there was no legitimate body to talk to from the South, despite the recent changes was a major challenge.
- The attitude of the international community towards Somaliland, which seems unchanging.
- The internal dispute in the eastern regions of Somaliland is also a problem.
- Somaliland's weak foreign policy and the lack of legal documentation and legal frameworks
- No super power is supportive of the Somaliland case.
- The reluctance of IGAD and opposition of the Arab-League due to geopolitical reasons are serious impediments to Somaliland recognition.

The way forward

- "Long range" strategies need to be put in place in pursuit of recognition- possibility of taking our case to the International Court of Justice.
- Establishment of Independent Recognition Commission or a form of a think tank to deal with the international community that is multidisciplinary
- Explore other pre-recognition statuses such as those of Taiwan, Palestine etc
- Create alliances with countries that have gone through similar processes
- UNITY- focus on local issues and resolve them rather than focusing only the international community
- Focus on other countries such as Africa/Asia/ME and not just on the West

- Put in display the mass graves that were recently found as proof of genocide to legitimize our reasons for wanting separation

Day two: Somaliland Development and Democratization Panel

Session I: Paper Presentations

The first presenter of session one was **Mr. Saed M Ahmed**, a youth activist who is the Executive Director of the Somaliland Youth Umbrella organization (SONYO). Saeed Presented about *the silent role of youth in the contemporary history of Somaliland*. Mr. Saeed spoke about the respective role of Somaliland's youth society in the successive stages of freedom fighting, peacemaking, reconstruction and democratization.

He regards Somaliland as a young nation where 70% of the population is youth. Hence he argues the youth have become the victims of all the suffering that this small nation has undergone. They didn't have the chance to learn, work and improve their lives. He believes the Somaliland youth were never given the opportunity to play a role in the decision making, hence why this segment of the society seems to be neglected. He regards the youth as a national resource underutilized. Finally, Saeed arrived at a conclusion. The concept of putting youth at the front by including them in the political and socio-economic mainstreams of Somaliland is voted for in this Paper as an effective mechanism by which a fundamental change and social transformation can be attained in all fronts.

The second presenter of session was **Mr. Adam Ismail Hassan**, PhD economist, currently Partnership for Economic Growth investment specialist. As a diaspora member, Adam's presentation was about *the role of Remittance in the Economic Development of Somaliland*. He spoke about the history, scope, importance and influence of remittance in the economic development of Somaliland which has been growing at an estimated rate of 8% to 11% annually for the past 5 years.

He described the major remittance companies in the country, their estimated share of the transfer market and how they play a vital role in investment and trade; and how they provide fast, affordable and reliable money transfer services, which reach down to the most isolated rural villages and settlements, in a country where national and international payment systems have completely broken down. In conclusion he raised the urgent need to introduce the enactment of the banking legislation which will help the formalization of the financial services and confines remittance companies to transfer businesses per se and restore the classical functions of the central bank.

Abdisamad Hassan Mohamed, a senior lecturer at Hargeisa University, presented the third paper on *Democratization and Good Governance in the Context of Somaliland Development*. In his presentation he spoke about the challenges facing Somaliland's infant democracy, especially from elections and the adoption of the multiparty system. He spoke about the intentions of implementing democratic reforms within the country's system of governance. He said in Somaliland democracy served as a tool of development in the political aspect. He believes that the willingness of the people of Somaliland to continue adopting the democratic system is an opportunity.

On the other hand, he spoke about level of good governance in the context of Somaliland observing government institutions and their functions. He said this is an area which Somaliland needs to put more emphasis as it works towards a democratic Somaliland. He stressed the importance of building accountable, responsive and transparent system of governance.

Session two: Panel Presentations

Universities Panel: The role of Universities in the National Development:

This is panel constituted of the three largest universities in the country: Universities of Hargeisa, Burao and Amoud. The panel focused on the respective role of universities in the national development.

The first panelist was the *president of the University of Hargeisa* **Dr. Abdi Hussain Gaas**. The president presented ideas about economic generation through students and researches in the universities. He spoke about the need to empower university students or graduates to start their own businesses. He highlighted that University of Hargeisa would inspire students to come up viable economic and business ideas and then would enable them collaborate with private business in order to get funds for their business ideas. Finally the president urged all universities to work together to produce skilled manpower for the country.

The second panellist of this session, *Vice chancellor of Amoud University*, **Prof. Omer Ali Abdulahi** presented a well prepared presentation about the history of Amoud University and its contribution to national development. Prof. Omer spoke about the main objective of U of Amoud's establishment in 1997 to restore hope for our young generation and set an example for culture of peace and development.

He presented statistical figures showing the tremendous growth in the university's capacity and role since its establishment. Starting with only 3 lecturers, 70 students, 2 faculties with 2 undergraduate programs, 4000 books and 2 buses and one temporary teaching facility (Sh.Ali Jawhar Secondary School)- today the university has 15 Teaching units, 200 lecturers, Over 3500 students, 40 Departments, 3 Master Degree Programs and university staff of 420 (management to cleaners). This is an excellent reflection of Somaliland's growth over the past two years. Omer emphasized the fact that institutions like Amoud are purely created by the contributions of the people of Somaliland.

The third panellist, *Vice chancellor of Burao University*, **Prof. Ismail Arale** spoke about another important role which universities played in the development of this country. He said universities like Amoud and Burao have provided a common platform for knowledge and increased the interaction of people from different regions of Somaliland, which contributed to the stability of the country. He said the universities become centers for peace talks and debates in which young people share their ideas and learn tolerance and respect for diverse opinions.

Despite playing a key role in the development of the country, prof. Arale believes that there is still a large room for improvement for universities to serve as knowledge hubs. He said we achieved a lot in numbers, by increasing the enrolment rate of our universities, but little has been done to improve the quality of our universities. Finally Arale urged the government and the concerned

actors to make a national reform in the higher education sector, and the formation of the Higher Education Commission.

These presentations were followed by a plenary discussion session in which participants commented and asked questions. Participants provided critical comments and serious questions on the quality of education of Somaliland universities and the lack of policies and regulations in the higher education sector, which according to the participants, the universities use lack of funds as scapegoat for not providing quality education.

To conclude the session, SORADI director, Dr. Fadal thanked the universities panel. He said this is the first time we have invited them in our conferences. He promised to invite them in SORADI upcoming conferences. He stated that SORADI is keen to partner with universities to create more platforms like this in the future.

Government Institutions Panel: The role of government Commissions in the National Development:

In this panel, two newly formed, but vital institutions presented their role in public sector development—the Good Governance and Anti-Corruption Commission (GGACC) & the ICT commission.

The first presenter of this panel, the vice chairman of the GGACC, Hussein Abdilahi spoke about the importance of the commission and its priorities to contribute to the national development goal. Hussein explained the two major departments of which the Commission comprises as a) Good Governance and b) Anti-Corruption. Hussein said people always quote the commission as anti-corruption only, but in principle and practice the commission focuses more on good governance. This is because it's important to prevent corruption rather than search for the cure. Hussein also spoke about the overlapping roles of this commission and the auditor general. He said their policy guidelines will define the respective roles of the two institutions.

The second Presenter of this panel, IT expert of the National ICT Commission, Abdi Aziz has presented the achievements of the ICT commission. He mentioned that the Commission has created websites for the National Ministries, Commissions and different government institutions. The ICT Commission aims to introduce new technology to the public institutions to increase service delivery and responsiveness. He said they created databases for the Ministry of finance, Hargeisa Water Agency and the Ministry of Planning. He added that they are now working on training civil servants for efficient use of computers and data base systems. However, he pointed out challenges facing the commission such as buying a national domain, which is impossible as Somaliland is not recognized. He said this forces us to build all government websites and e-mail accounts into standard .com, .org or .net extensions. Finally he mentioned that the policy to guide the National ICT Commission is still in the works.

Civil Society Panel: role of the Civil Society in the national development Process

In this panel the non-state actor's forum (SONSAF), the Youth Umbrella Organization (SNOYO), the Women's Umbrella Organization (NAGAAD) and the Minorities' organization presented their role in the collective effort towards building a democratic Somaliland

Hamse who was representing ADEM (Academy for Development of Education for Minorities) spoke about minority issues such as lack of social integration. He raised the widespread marginalization and discrimination practices which the segregated communities such as the Gaboye routinely suffer from . He explained the role of the Academy in addressing the issues of minorities. He said the academy advocates for no-quota scheme, advocates for the development of educational facilities of minority people and their uplifting through empowerment. He recommended that there is a need to change negative attitudes towards the segregated communities and to confront discriminatory cultural practices. He further requested the government to issue affirmative action in support for the minorities and to encourage initiatives aiming at the improvement of their lives.

Mustafe Sa'ad, of Jamhuriya Newspaper, spoke on behalf of the Media. Since the establishment of the Somaliland state, the few early media houses formed the foundation of today's proliferation of journals, websites and TVs . They have provided a fertile soil for the growth of freedom of speech in Somaliland and have promoted the creations of a system that allowed people to voice their concerns instead of resorting to violent means.

Jama who was representing NAGAAD umbrella spoke about the role women played in the development of the country. He believes that women have played a vital role in all the stages of Somaliland development. NAGAAD came into being in order to stand for the voices of women and improving their participation in politics of the country, something which is challenged by culture and patriarchic dogmas.

In the discussion session after the end of the panel, Shukri Haji Bandar, stated that it is phenomenal achievement to see men talking about women's problems and discussing their issues in order to draw attention to the challenges women face in our society. On the other hand, Shukri supported Hamsa from ADEM and urged the government to quickly address the problems of minority and issues affirmative action in support of their fight.

Annex -2: Conference Recommendations

Internal Processes	International Processes
Somaliland needs a multidisciplinary think- tank type of an institution which can serve as a hub for all information related to recognition, statehood, and independence, through participatory research, nationwide information gathering and analysis to deal with the international community.	Somaliland needs to create alliances with countries that have gone through similar processes such as South-Sudan, Kosovo, and Eretria, Taiwan etc. Somaliland research institutions and think-tanks need to take these countries as case studies to strengthen their argument.
Somaliland needs to adopt serious institutional improvement plans to strengthen public institutions, promote good governance, tackle corruption and to achieve effective service delivery.	The country needs to consider other International statuses such as that of Taiwan, Palestine as a stepping stone to full sovereign statehood.
The creation of an independent Recognition Commission to closely work with the recognition and independence think- tank recommended above.	The conference stressed the importance of effective foreign policy in both the short and the long term to realize International diplomatic recognition. The processes needs to be participatory, the foreign ministry should be open to anyone who can positively contribute to process.
Although Somaliland fits into the definition of sovereign state, there are still internal issues which can slow down the search for International recognition. Therefore, the conference strongly recommended UNITY to be established within the country, secure country's borders, resolve internal issues such as the eastern regions conflicts, rather than only focusing International recognition.	The country's foreign policy shouldn't focus only on the West, but also needs to give due attention to other countries in Africa, Asia and the Middle East and also to establish strong economic ties with them, which would eventually lead to international recognition. Close cooperation and working mechanism with regional organizations, such as IGAD and the AU needs to be established.
The conference stressed the importance of ECONOMIC RECOGNITION first. The country needs significant economic reform to properly exploit the country's natural resources to increase local production for export.	Somaliland needs to prepare all its evidences for wanting international recognition, such as the mass graves that were recently found as proof of genocide to legitimize our reasons for unilateral declaration for independence.
Fostering a culture of Nationalism to mobilize the citizens, create both local and Diaspora recognition advocates across the globe to convince the international community to recognize Somaliland.	To find a way to take our case to the international court of justice.

Somaliland-Somalia Talks: What is your opinion on the Somaliland talks with Somalia? Timeless, Preparedness, Transparency, usefulness? What would you have done differently? What possible scenarios?

Timeliness
The conference believes the talks are very timely, having possible a legitimate body in the Mogadishu is very crucial for talks to be successful. It is important for the talks to continue both sides have a say in where and when talks take place.
Preparedness
Talks need to be continued. Somaliland needs to seriously prepare for the talks; the committees need to make wider consultation with the civil society, political parties, academicians, universities, tradition leaders and the public. Somaliland should be a guarantor to everything that's coming out on ALL documents in these talks.
Transparency
The issue of transparency is very crucial, the Somaliland government needs to engage its citizens, share information and communicate the results of the talks as necessary. Need for proper use of media
Usefulness
The dialogue between Somaliland and Somalia is a step taken to the right direction. It is very useful for both sides to determine their future in the eyes of the International community
Possible Scenarios
<p>Scenario 1: A Two-State Solution: Mutual Recognition</p> <p>Scenario 2: A Half-way House (South Sudan model)</p> <p>Scenario 3: Lose-lose situation - Conflict route or Yemen case, One side becoming stronger and taking over the other)</p> <p>Scenario 4: International recognition (Kosovo Model)</p> <p>Scenario 5: In Limbo: continued Status Quo</p>

Annex-3: Statement from the H.E. Minister of Foreign Affairs

Dear participants,

I would first like to express my gratitude to the Social Research and Development Institute (SORADI) for bringing together prominent members of Somaliland society, including its development practitioners, government officials and researchers, as well as its donors, to discuss issues of such great relevance to Somaliland's future. The topic of this year's annual conference, "Somaliland statehood and recognition & the ongoing dialogue with Somalia" is of great importance to me not only in my role as the Minister of Foreign Affairs and International Cooperation, but also as a Somaliland citizen with aspirations that my country achieve recognition in the near future.

The unprecedented opportunity presented by the establishment of talks with Somalia must be capitalized on through the collective determination, expertise, and guidance of Somaliland society as a whole. In a democratic polity such as ours, the government's role is to reflect the will of its people; the government alone cannot set the foreign policy agenda without both being granted the authority to do so by its people and mobilising the people's collective efforts. Our 21 years of struggling to establish peace, security, democracy and development have taught us a lot, and this experience is invaluable for our engagement with the outside world on matters concerning our sovereignty. Conferences such as this provide the opportunity for the Somaliland people to carefully reflect on our position in the world, our future aspirations, the pragmatic path we must take in order to achieve these aspirations, as well as the means through which society as a whole can work together in order to move along that path.

I regret that, due to a scheduling conflict resulting from prior work-related commitments, I am unable to attend this important meeting. I have produced this letter to act in my absence as a means for outlining the government's position regarding the topics of the search for recognition and dialogue with Somalia. The views and knowledge provided by the participants of this two-day event will be documented for my thoughtful consideration upon my return from abroad, and they will no doubt not only inform my policy decisions, but also act as the basis for future discussion I hope to engage in with civil and political society at future dates.

We are living in historic times, in which the international community is no longer able to ignore Somaliland in its discussions over the creation of a peaceful and democratic Horn of Africa. This was a direct result of the government's bold decision to develop a more proactive form of diplomacy in which our country would no longer wait for the international community to hand over our much deserved recognition, but would instead go out and convince the world of Somaliland's right to statehood through acting as a valued international partner in the affairs of the region.

Such a change of course was not made by any particular branch of government, political party or segment of society, but instead came as a result of deep consultations with a broad range of civil society representatives and an endorsement from the people, traditional

leaders, and an overwhelming proportion of the two houses of the legislature, who legally mandated Somaliland's participation in international conferences related to Somalia affairs. Such unity of purpose and mutual understanding of what is at stake must continue to direct Somaliland's efforts regarding dialogue with Somalia.

The resolution to enter into the talks was based on careful deliberations in which it was agreed that dialogue with Somalia would provide new opportunities for the country, opportunities in line with our overall foreign policy strategic framework. The risks involved in such as change of policy, although real and of considerable consequence, can be limited so long as the Somaliland government and society is willing to proceed with vigilance and caution, and to hold transparent and meaningful dialogue before embarking on any new territory.

The potential and immediate benefits for opening up dialogue with Somalia include:

Providing an avenue for Somaliland to negotiate a mutually agreed-upon independence with its former co-nationals (as was done by South Sudan and Eritrea);

Maintaining the separate and unique status of Somaliland in international diplomacy, as Somaliland is now an internationally acknowledged actor in a diplomatic process;

Offering a concrete mechanism/process for dealing with the recognition question that other countries can commit to or join in on;

Affording Somaliland a possible place at the table during international discussions on issues with relevance to our country;

Allowing for cooperation with Somalia on security, trade, transportation and immigration issues, among others, that willing demonstrate Somaliland's willingness to help stabilise Somalia even if acting as an independent state.

Although the agreement reached in Chevening and endorsed by Presidents Silanyo and Sheikh Sharif in Dubai in June of 2012 undoubtedly adds a new and exciting element to our recognition efforts, the Somaliland-Somalia dialogue does not constitute the totality or even the majority of our future foreign policy work going forward. We will stay true to the principles and strategy that have guided my work when I took office two years ago.

We will deepen economic, diplomatic, security and cultural relations with our traditional allies; expand our diplomatic presence and support to new friends in Africa, Europe and the Arab World, as well as other countries with influence in the region and the UN Security Council; and enter into agreements with and seek membership in regional and international organizations so as to build our case for recognised statehood. We will pursue a foreign policy that promotes national development and foreign investment in order to overcome unemployment and inequalities in the short term, and build a strong, prosperous and inclusive nation in the long term. Establishing trade and development links with other countries are important not only for their immediate benefits to the lives of our people, but

also for establishing mutually advantageous relationships that will build allies sympathetic to Somaliland's independence.

After laying out the government's foreign policy vision, I would like to conclude my contribution to the discussion by posing questions that may help in framing the debate. These questions represent some of those the Somaliland society must consider in order to develop a strong foreign policy going forward:

How can government officials, politicians, religious and traditional leaders, the local NGO community, the business community, the Diaspora, scholars and academics, and the average Somaliland citizen be brought together in order to speak with one voice and take action to convince the international community of Somaliland's right to statehood?

How will the relationship between Somaliland and Somalia develop over the next few years as Somalia attempts to build its state, and how must Somaliland prepare for these changes?

Can deepening cooperation with Somalia on practical matters such as security, trade, telecommunications, travel, etc. enhance Somaliland's attempts at achieving recognition, or will they only create more risks?

Is there an alternative to the foreign policy path I just described? If so, what would it entail and what practical steps would it offer Somaliland for proactively working towards achieving recognition?

I again thank the participants for their input on these important issues and hope the dialogue initiated by SORADI leads to more fruitful discussion of such matters in the future.

Allah MahadLeh,

Dr. Mohamed Abdillahi Omar

Minister of Foreign Affairs and International Cooperation