Why should you recognize us?
Somaliland's Pursuit of Recognition via Adherence to International Norms and Law

By

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To my dear Erik, Caleb and Li,

to the Grandparents, Gert and Jon Fredriksson, and Gayle and Lyal Gustafson,

and to friends and colleagues across the Horn of Africa,
working tirelessly to bring peace and prosperity to the region

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Act of Union—Same as above
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Al-Shabaab—"The Youth" in Arabic, broadly describes a number of armed extremist Somali factions
AU, African Union—Africa's union of 56 states, formed in 2001, replacing the OAU
autonomy— a limited form of self-determination that allows some degree of self-governance
Badinter Commission—the arbitration commission of the Conference on Yugoslavia established in 1991
Biafra—a state in southeastern Nigeria which saw a secessionist rebellion from 1967-1970
British Protectorate of Somaliland— the former British-administered protectorate, not a formal colony
Burao Conference—extended meeting that led to the formal declaration of Somaliland's independence
Egal, Muhammad Haji Ibrahim—Second president of Somaliland, former Prime Minister of Somalia
Cabinda—a province and enclave of Angola, formerly under Portuguese colonial administration
Casamance—a disputed area of Senegal south of the Gambia
Charter of Paris—adopted in 1990 by European and North American governments
civil society—variously defined, but in this document inclusive of non-governmental human rights, humanitarian, development and political initiatives and those who carry them out, as well as independent journalists and businessmen
clan—an historically close group of families, divisible by geography and other shared interests
clan family—an affiliated group of clans
consociationalism—a form of power-sharing that ensures specific group representation
constitutive statehood—a state is considered sovereign only when recognized by other states
Dami— one of several non-Somali ethnic communities, organized around means of trade, as caste
Darood—one of several major Somali clan families, also spelled 'Darod'
de facto—in fact or in practice
de jure—according to law
declaratory statehood—a state is sovereign upon declaration of independence if it meets conditions
decolonization—the release of states from colonial rule to self-governance
Derg—the armed forces coordinating committee that ruled Ethiopia from 1974-1987, also 'Dergue'
Diaspora—a group of people who live outside of their ancestral homeland for an extended period
Dir—one of several major Somali clan families, also spelled 'Diir'
Duale, Abdillahi Mohamed—Foreign Minister of Somaliland from 2006-2010
Dulbahante—one of several prominent clans in Somaliland and Puntland
failed state—a state which fails to carry out common requirements of government, such as security
ELF, Eritrean Liberation Front—one of two major armed groups opposing Ethiopian rule of Eritrea
EPLF, Eritrean People's Liberation Front—a break-away faction of the ELF, fighting Ethiopian rule
EPRDF, Ethiopian People's Revolutionary Democratic Front—the current ruling coalition in Ethiopia
Farole, Adirahman Mohamud—former president of Puntland from 2009-2014
federal state— multiple entities joined with government exercised at sub-national and national levels
federalism—the principle upon which federal states function
Gabose, Dr. Mohamed Abdi—former political prisoner, former party leader, former Minister of Interior
Gaboye—commonly used term in Somaliland to refer to any number of non-Somali ethnic communities
Gadabursi—one of several prominent clans in Somaliland, primarily located in the western regions
government sponsor—a government which lends its support to the claims of a people or territory

Greater Somalia—refers to countries with significant Somali populations, including Somalia, Somaliland, Djibouti, the Ogaden region of Ethiopia, and northeastern Kenya
Guurti—a group of unelected elders, currently make up the upper house of Parliament in Somaliland
Hargeisa—the capital city of Somaliland
Hawiye—one of several major Somali clan families
Helsinki Final Act—Helsinki Declaration, signed by 35 countries in 1975 to improve foreign relations
ICU, Islamic Courts Union—a group of *sharia* courts in opposition to the Somali TFG in 2006-2007
IGAD, Intergovernmental Authority on Development—a trading body of 8 East African countries
independence— when a territory or people disunite from a larger country and self-govern
international community—an elusive concept which generally refers to the state governments and international bodies of states
international norms—generally accepted values accepted by state and non-state entities which are not enshrined in law
international law—a body of rules enacted in charters and treaties accepted as binding by nation states
international recognition—when a self-declared state receives formal support from recognized states
Iraqi Kurdistan—the semi-autonomous northern region of Iraq, with secessionist intentions
irredentism— the intention of an established state to annex territories that it claims by virtue of common ethnicity or other historical affiliation
Isaaq—the most prominent clan among several in Somaliland
Italian Somaliland— now South Central Somalia, the Somali regions colonized by Italy
jus cogens—preemptory norms
Katanga—a province of Congo-Kinshasa which saw secessionist rebellion from 1960-1963
Kulmiye—the currently ruling Peace, Unity and Development Party in Somaliland
Las Anod—the capital city of Sool in southeastern Somaliland, near the border with Puntland
Mahdist— belonging to a group of Muslim rebellions against British colonial rule in the late 19th century
Manifesto Group—a group of Somali intellectuals who promoted reform during the rule of Siad Barre
Mengistu Haile Mariam—a leader of the Ethiopian Derg and former President of Ethiopia, whose name is now synonymous with mass brutality
Midgan—one of several non-Somali ethnic communities, organized around means of trade, as caste
minority— in Somalia and Somaliland, pertaining to either small clan or non-Somali ethnic groups
Montevideo Convention—signed in Uruguay in 1933, laying out the rights and duties of nation states
Nile— considered the longest river in the world, with multiple such named tributaries, the subject of intense disputes between East African countries, including Ethiopia and Egypt, over water rights
non-governmental actors—a wide range of entities from political parties to armed opposition groups to civil society organizations, also non-state actors
non-recognition— status of not being recognized by existing nation states and international bodies
non-usurpation requirement— an international norm forbidding the illegal acquisition of territory
OAU, Organization of African Unity— formed in 1963, the predecessor to the African Union (see above)
Ogaden—common term for the Somali region of Ethiopia
ONLF, Ogaden National Liberation Front— established in 1984, an armed opposition group in Ethiopia
path dependency—a theory arguing that current events are limited or determined by preceding events
plebiscite— a vote of a citizenry for or against independence or other national actions or laws
popular will— an assertion about commonly held opinions by a given population
Principles of the Conference on Security and Cooperation in Europe—See Helsinki Final Act
Puntland—a semi-autonomous region of Somalia immediately adjacent to Somaliland
Qaran— 'the nation' in Somali, the name of Mohamed Gabose's unrecognized 4th party in Somaliland
rebus sic stantibus— "things thus standing" in Latin, is the doctrine which allows for treaties to become inapplicable based on changes in situations

referendum—See plebiscite
remainder state— the state from which a territory or people has separated or seceded.
remedial right only—a theory by which unilateral secession is only allowed under three fundamental conditions: genocide or other mass violations of human rights, unjust annexation, or a state's persistent violations of intrastate autonomy agreements
remittance—financial support from members of a diaspora to family or community in their home state
right to self-determination—under international law, the right of nations to determine their own sovereignty, not synonymous with a right to secession, which is not guaranteed under international law
Riyale Kahin, Dahir—known as Riyale, third president of Somaliland, from 2002-2010
Sanaag— far northeastern region of Somaliland, shares a border with Puntland
sauve qui peut—'self-defense' in French, refers to a justification for secession
secession— an intentional act of self-determination by separation of a people from an existing state
self-determination—the right of a people to decide their own government
separatism— the intention to separate (or secede) from an existing state by various means
sharia—Islamic law
Siad Barre, Mohamed—President and military dictator of Somalia from 1969-1991
Silanyo, Ahmed Mohamed—commonly known as Silanyo, fourth and current President of Somaliland
SDM, Somali Democratic Movement—one of several armed groups that toppled Siad Barre, then fell into civil war
SNA, Somali National Army— the security forces of Somalia under Siad Barre, and currently
SNA, Somali National Alliance— one of several armed groups that toppled Siad Barre, then fell into civil war
SNM, Somali National Movement— one of several armed groups that toppled Siad Barre; this group accomplished the liberation of Somaliland and directly contributed to its *de facto* independence
SPM, Somali Patriotic Movement— one of several armed groups that toppled Siad Barre, then fell into civil war
Somali— pertaining to any clan or clan group that traces its lineage to Somali ethnicity
Somali Civil War – commonly from 1988-1991, though multiple civil wars have been waged since
Somali Republic— from 1960 to 1991, the government of Somalia, including Somaliland
Somalia— a general term primarily referring to South Central Somalia and Puntland, though often including Somaliland as well
Somaliland— the former British Protectorate of Somaliland, previously the regions of northwest Somalia
Somalilander—commonly one who originates from or claims citizenship in Somaliland
Somaliland's civil wars— 1992, 1995-1997 in parts of Somaliland among sub-clans
Somaliland's constitutional referendum— a vote in 2001 to approve Somaliland's constitution included approval for independence, with results of some 97% in favor, without formal international supervision
Sool-- far southeastern region of Somaliland, shares a border with Puntland, capital is Las Anod
South Central Somalia— common term for Somalia minus Somaliland and Puntland, areas of greatest armed conflict
SSDF, Somali Salvation Democratic Front— one of several armed groups that toppled Siad Barre, then fell into civil war
statehood—the condition of being a (nation) state, variously defined
sub-clan—the level of disaggregation of a clan family immediately lower than clan, this phrase does not exist in Somali but is commonly used in English to more closely describe smaller clan groups
territorial integrity—a principle under international law which attempts to maintain current borders by disallowing the promotion of secession or alterations of national borders
territory— variously defined, in this dissertation it refers to an area of land which a people is seeking to separate from an existing state

TFG, Transitional Federal Government (of Somalia)—several unelected governments sitting from 2004-2012, governing from Nairobi or Mogadishu
Timor Leste—the former Portuguese colony and occupied territory of Indonesia known as East Timor, won independence via an international supervised referendum in 1999
Tumal— one of several non-Somali ethnic communities, organized around means of trade, as caste
UCID, Justice and Welfare Party— one of three recognized national political parties in Somaliland
UDUB, United People's Democratic Party— Same as above
UNPO, Unrepresented Nations and Peoples Organization—an international organization formed in 1991 to coordinate advocacy on behalf of unrepresented and marginalized nations and peoples
USC, United Somali Congress—one of several armed groups that toppled Siad Barre, then fell into civil war
Uti Possidetis Juris—principle according to which international boundaries remain fixed unless changed by mutual consent
United Nations Charter— the treaty which established the United Nations
United Nations Resolution— a formal document adopted by the UN General Assembly or Security Council
Universal Declaration of Human Rights—a declaration adopted in 1948 in which fundamental freedoms and human rights are defined
voluntary union— when two territorials both choose to unite
Warabe, Faisal—leader of UCID, one of the three recognized national political parties in Somaliland
Warsengeli—one of several prominent clans in Somaliland and Puntland
Western Sahara— a long-standing disputed territory of Morocco
Westphalian— the concept of sovereignty specifically framed around nation-states
WSLF, Western Somali Liberation Front—one of several armed groups that toppled Siad Barre, then fell into civil war
Yibr—one of several non-Somali ethnic communities, organized around means of trade, as caste
Zanzibar—an archipelago in the Indian Ocean and semi-autonomous region of Tanzania

Chapter I Introduction

Somaliland declared its independence from the Somali Democratic Republic on 18 May 1991 after three decades of political marginalization, more than a decade of political repression and three years of brutal civil war. Nearly a quarter of a century later, the *de facto* state of Somaliland remains internationally unrecognized, while its population accepts its independence and its leaders continue their pursuit of international recognition. Advances made by Somaliland include the institutionalization of governance and democratization, a referendum on independence and the constitution in 2001, effective domestic security and relatively strong human rights protections.

This dissertation analyzes the actions taken and arguments made by leading Somalilanders to ensure Somaliland's self-determination and *de facto* independence, its statehood, and ultimately its international recognition. Having collected extensive primary data during more than 100 interviews with Somalilanders active in civil society or government over the last quarter of a century, I consider why these leaders have made the choices and decisions that have contributed to a strong, stable quasi-democracy in the Horn of Africa.

Powerful African and global actors have privileged and continue to privilege attention to Somalia over Somaliland based on regional security concerns and political interests, while ignoring the arguments of Somaliland's leaders, the actions they have taken and the resulting facts on the ground. Why have Somaliland's government and non-governmental leaders invested so much in pursuit of stability, development and democratization? I argue that their actions have in large part been intended to meet the criteria of international norms and laws on

statehood, as they perceive necessary to achieve international recognition of Somaliland as a *de jure* independent state.

Somaliland may be considered an unlikely place for the development of democracy. One only has to consider the lack of stability and political development in South Central Somalia to appreciate the difficulty of establishing a democratically run government in the Horn of Africa. Nevertheless, Somaliland has experienced remarkable success in this regard. Its leaders embarked on a series of initiatives to build and strengthen democratization and governance in large part as result of its efforts to gain international recognition of *de facto* independence. How and why did they seek to adhere to international norms and laws on self-determination, independence and statehood by pursuing stability, democratization and development?

I have situated my research on this topic in the troubled history of the Somali people since European colonization, considered the impact of southern Somali administrations and the Somali Civil War, and spoken with many Somalilanders who fought for and won *de facto* independence and subsequently worked to consolidate Somaliland as an independent state. Paradoxically, Somaliland has stabilized, developed and democratized under very inauspicious circumstances. Though its leaders remain unsuccessful in achieving their ultimate goal of international recognition, they have in their pursuit succeeded in building a cohesive nation state out of multiple clan families, while making significant strides toward the consolidation of state institutions, public security, human rights, economic development, and democratic governance, using distinctly Somali means toward these ends.

In the first decade of *de facto* independence, from 1991-2001, Somaliland's leaders focused on cross-clan reconciliation and the need to build the institutional foundations of governance, including a bi-cameral parliament, an effective executive, a multi-level judicial system and domestic and international security forces, as well as humanitarian assistance for returning refugees and emerging economic development. In 2001, Somaliland held a national referendum on a constitution and *de facto* independence. Since that time Somaliland's leaders have made further strides toward stability, democracy and economic development, despite its unrecognized status and in contrast with South Central Somalia. While so doing, both Somaliland's government and non-governmental leaders have followed models of western governments, as well as models of African states which sought or won independence before them. They have also deeply integrated into their state-building project the fundamental and evolving principles of regional and international norms and law on statehood, in large part as a means of demonstrating adherence to criteria under these norms, and thereby Somaliland's suitability for international recognition. They have demonstrated popular will in support of *de facto* independence, in addition to their institutional achievements.

Somaliland's leaders have also compared themselves with their neighbors on the continent, particularly Eritrea, South Sudan, South Central Somalia, Puntland and the Somali region of Ethiopia (the Ogaden). And they have considered the principles named in the reports of two AU assessments of Somaliland, in contrast with the powerful pull of *Uti Possidetis Juris* in Sub-Saharan Africa. But they have perhaps given insufficient attention to date to the claims of Somaliland's ethnic minorities and its human rights advocates in relation to their adherence to norms most necessary to their pursuit of international recognition.

Following this introduction, in chapter two, I describe my primary research questions, delineate the specific international norms informing the actions of Somaliland's leaders since 1991, place these in historical context, and consider alternative explanations in answer to my primary questions.

Chapter three consists of a review of the foundational literature on Somaliland, literature on democratization and *de facto* states, and literature on norms of self-determination, independence, statehood and international recognition of states, and the influence of these norms. In this chapter I also consider the perspectives and arguments of Somaliland government and non-governmental leaders on Somaliland's adherence to international norms and law.

Chapter four describes my research and my status as researcher, including at times as participant observer, focusing on my design and methods. It describes challenges I encountered, my analysis of data, and specific ethical considerations. In it I also describe my sources and my means of data collection.

Chapter five focuses on findings based on several core questions posed in interviews conducted from 2006-2012 with Somalilanders from the executive branch of government, parliament, three main political parties, prominent civil society organizations, the media, minority communities, and the troubled eastern province of Sool. These questions were designed to expose and illuminate the thinking of these spokespeople, as Somalilanders, on Somaliland's achievement of credible *de facto* independence, and its subsequent establishment as a stable, sustainable nation state, in fact an evolving democracy, in relation to international norms. This collective narrative begins with reasons for the decision to pursue independence,

and traces through some of the key points during the last quarter century of leadership, policy decisions and political and economic growth in relation to Somaliland's quest for international recognition.

Analyzing primary and secondary data on the history of Somaliland parallel to that of Somalia since decolonization through the Somali Civil War, I focus on Somaliland's decades-long state formation through the perspectives, arguments and actions of my informants themselves. I consider the impact of colonial trajectories, national self-identification, political repression and armed conflict on the unusual path chosen and followed by Somaliland's liberators up to 1991, then its representative leaders thereafter. I disaggregate my data on Somalilander views on evolving norms in relation to clan influence, traditional decision-making processes and norms of governance, diaspora support, security challenges, and other societal factors, as these are deeply relevant to Somaliland's adherence to international norms of statehood, and Somaliland's leaders have given each of them serious attention as they continue to pursue international recognition.

This chapter also addresses the influence of the African Union and the United Nations, and Ethiopia and Egypt's conflict over rights to the Nile, as context for Somaliland leaders' choices to take actions and its people's support bolstering *de facto* independence and the pursuit of international recognition. I conclude this chapter noting my assumption of Somaliland's *de facto* independence as a functioning state.

Chapter six considers the reasons why certain populations of Somalilanders—minority groups, those from the disputed eastern regions of Sool and Sanaag, and some human rights activists—challenge Somaliland's right to unconditional international recognition of

independence, a finding which simultaneously complicates the government's claim and influences its decisions.

In this chapter I report data on supporters of and detractors from Somaliland's quest for international recognition, how Somaliland's leaders have marshalled popular support in relation to international norms, and where they have failed to do so sufficiently.

Chapter seven considers several specific areas in which international norms of self-determination have impacted the decisions of Somaliland's leaders, based on specific criteria. It begins by further disaggregating relevant categories of norms, and then cites interview data and other evidence of actions taken in relation to these norms, with a focus on demonstration of popular will and consolidation of territorial integrity.

This dissertation ends, in chapter eight, with a summary of findings in relation to several key conclusions: (1) Somaliland's leaders have taken significant steps toward meeting what they perceive to be the fundamental norms of self-determination and statehood required by members of the international community to grant Somaliland recognition. (2) Such actions help explain not only the establishment of democratic institutions and Somaliland's 1991 referendum, they also allow us to better understand tensions among security concerns, human rights and development in Somaliland's capital and eastern regions. (3) While international norms have yet to be used by key actors to resolve Somaliland's international status, Somaliland's government has gone to great lengths to meet the criteria for self-determination, independence, statehood and potential international recognition as described in current norms and law.

Chapter II Background

1. The Pursuit of Recognition: Interpreting International Norms and Law

Why have Somaliland's government and non-governmental leaders invested so much in pursuit of stability, development and democratization since their declaration of independence in 1991? I argue that their actions have in large part been intended to meet the criteria of international norms and laws on statehood, as they perceive necessary to achieve international recognition of Somaliland as a *de jure* independent state.

One of the problems in understanding why Somaliland's leaders have taken the positions, made the arguments and taken the actions they have stems in large part from the relative isolation of their unrecognized *de facto* state and its perceived unimportance—or worse—to their most powerful neighbors and global actors focusing their political and military attention on Somalia. While it can be argued that Somaliland's leaders have worked so hard to achieve stability, security, democratization and economic development purely for the benefit of its own population, or perhaps in the political interests of its competing parties and politicians, such arguments cannot in themselves explain the extent of their efforts and the degree of their successes. Given all of the obstacles they have faced since 1991, some more powerful motivation must also have been at play in Hargeisa. This would be the quest for international recognition of Somaliland's increasingly well-known act of self-determination. The purpose of this study, therefore, is my search for clearer understanding of what Somaliland's leaders—both government and non-governmental—have said and done in their quest for recognition, and whether their words and deeds have in fact been informed by the international norms and law they perceive as necessary for key international actors to choose to recognize them. While

Somaliland's leaders have incrementally worked to establish a stable and functioning democratic state, the state they have built is unusual for the region, and contrasts significantly with South Central Somalia, Puntland, the Ogaden, Djibouti and Kenya. Using traditional Somali tools of governance, they have built a distinctly non-traditional system, in large part because it was what they believed was required of them by international norms and law governing statehood, the closest they could come to circumstances that would incline powerful state and multilateral actors to grant recognition to join the international community as an active participant, with all of the benefits thereof.

2. Research Questions and Scope of Study

Continent of Africa (Map 1)[1]

During the course of my research I utilized four principle sets of questions to disaggregate informant data on national self-determination and international recognition, which were generally grouped as follows:

(1) How popular is independence and the quest for international recognition among the people of Somaliland?

(2) What have Somaliland's leaders done to pursue independence?

[1] Map of Sub-Saharan Africa at http://www.worldatlas.com/webimage/countrys/africapolitmap.jpg

(3) Why has Somaliland not achieved international recognition, despite the government's efforts since 1991, and what are its main obstacles?

(4) How did the Somali National Movement (SNM) become both resistance movement and purveyor of *de facto* independence?

(5) How were the acts of *de facto* self-determination and the announcement of unilateral independence carried out in practical terms?

Each of my primary interview questions was built on one of these five foundational research questions. Generally, I utilized the following phrasing:

(1) Do you support national self-determination and international recognition of independence for Somaliland?

(2) What have Somaliland's leaders done to achieve recognition?

(3) What factors have presented the most serious obstacles to recognition?

(4) Under what conditions did the Somali National Movement (SNM) pursue self-determination in Somaliland as separation from Somalia?

(5) Under what conditions was *de facto* independence for Somaliland achieved?

I chose these research and interview questions—on both the origins of Somaliland's act of self-determination and support for, actions toward and obstacles to international recognition—in order to bring leading Somaliland voices into discussions of Somaliland's status, and the influence international norms and law on them. This study is therefore significant for several reasons. First, it invites Somaliland's government and non-governmental leaders to speak on behalf of themselves. Second, it analyzes their motivations for the paths they have taken toward stability, security, democratic governance and economic development. Finally, it specifically considers the goal of international recognition of Somaliland's *de facto*

independence as a key motivation in the choice of those paths, and international norms and law on self-determination, independence and statehood as the guidelines along them.

While the scope of this study is limited to the single case of Somaliland, it would not have been possible without some comparison with the political circumstances of South Central Somalia, and Puntland as a very different case of Somali self-determination, as well as Eritrea and South Sudan in the sub-region of the Horn of Africa. While a project of this size cannot adequately consider so many cases, I suggest that the implications of this dissertation can touch on other outstanding self-determination claims, as in Western Sahara on the African continent, and possibly Iraqi Kurdistan beyond. Have these territories' leaders chosen similar paths to those of Somaliland? Have their choices been informed by international norms and law on statehood? Of course this study is limited in its consideration of domestic actors in relation to international norms—ignoring for now the lack of enforcement of such norms as well as the political motivations of international actors to recognize or not to recognize—nevertheless it offers a new set of perspectives for consideration of the motivations of *de facto* yet unrecognized states.

3. Historical Context

From British decolonization in 1960, Somaliland's leaders were aware of international norms in relation to colonial boundaries and confederation. From 1969, when Siad Barre wrested power in Somalia, they became increasingly aware of international norms pertaining to violations of human rights. By the time of the Somali civil war from 1988-1991, many of them had also learned existing norms of self-determination. But that wasn't what drove Somali National Movement leaders to declare independence; they were driven by a people that had

been oppressed for a decade then militarily bombarded for three, and they were driven by the betrayal of their allies in Mogadishu, who had promised power-sharing after the ouster of Siad Barre.

It was only after years of waiting for international recognition of the independence they declared in 1991, that international norms became prominently important to Somaliland's new political and societal leaders. These men and some women realized that they first had to gain consensus on the functioning of their new state, domestic stability and external security, as well as institutionalization of the foundations of central government in order not only to satisfy the wishes of their own population, but the requirements of the international community as well. They started with grand conferences to settle internal political disputes and progressed to the formation of an executive, bi-cameral (evolving democratic) parliament, and judiciary, and the encouragement of economic development, banking, telecommunications, transport, for which they needed international assistance.

International assistance—both political and economic—was perceived to require international recognition, and that was no longer expected to come automatically. Somaliland would need to pass some tests, and those tests were defined, albeit inexactly and informally, by international norms and law. In 2001, Somaliland was ready to put a constitution before its people, as well as a referendum on its then 10-year-old act of independence. Both passed by some 97%.

When that wasn't enough to bring international recognition, Somaliland's leaders became more systematic and more vocal in pursuit of their aim, ever more clearly building their

state, their economy and their security in an increasingly volatile Horn of Africa, with South Central Somalia struggling amidst ongoing internecine conflict.

4. International Norms and Law

While there are no norms pertaining to international recognition *per se*, Somaliland's leaders clearly learned the norms pertaining to self-determination, independence and statehood—from respect for colonial boundaries, to the basic right to self-determination vaguely defined in United Nations doctrine, to sanctioned separation based on mass violations of human rights, to the requirement of demonstrated popular political support, to a permanent population, defined territory, functioning government able to control its territory, and the capacity to enter into relations with other states, under the Montevideo Convention, to protection of minorities under the Badinter Commission, to more general references to democracy and economic development. Their realization of these criteria over the years can largely be attributed to this learning and acceptance of the expectations of newly independent states by established states and multilateral institutions. This has been particularly true of Somaliland's consolidation of centralized democracy (including regular elections and a referendum) and modern economic development, neither of which was traditional to the Somali people or the sub-region. These changes were a product of Somaliland's leaders' understanding of the international norms they believed would win them international recognition; while the people knew what they wanted—independence, stability and security, dependable subsistence, and, for many, recognition as a state based on their experience with South Central Somalia—it was Somaliland's leaders that took these goals and determined the necessary objectives they would have to meet to reach them.

5. Alternative Explanations

Among potential alternative explanations for the actions taken by Somaliland leaders, broadly generalized in relation to stability, security, democratization and economic development, are: the simple desire of the people to attain and maintain security from armed violence surrounding the *de facto* state, and particularly political leaders and parties' desire to sufficiently satisfy their constituencies to maintain power. While both explanations have merit, as Somalilanders were desperate in 1991, and in recent years, to ensure the safety of their children and of their clan families from southern Somali political chaos and armed violence, and political leaders and parties are by nature interested in their own preservation, neither sufficiently explains the means by which Somaliland leaders pursued the security and livelihood of their population and their new state. While the initial grand conferences followed traditional means of consensus-building to obtain the buy-in of the Isaaq as well as a number of smaller northwestern Somali clans, these people's experience would not point to centralized but institutionalized democratic development, a bi-cameral parliament, systematic economic planning, federal security or a three-level judicial system. Such can only be explained in whole by international influence, and the sole convincing reason why Somaliland's leaders would have swung whole-heartedly in this direction is that it served to bring them closer to their *modus vivendi*, international recognition.

6. Implications for other cases

East Africa and the Horn (Map 2)[2]

Comparatively, I have considered Puntland, as well as Eritrea and South Sudan, both now *de jure* independent, in relation to elite use of international norms in pursuit of recognition of independence. In 1890, Eritrea became a colony of Italy. In 1936, it became a province of Italian East Africa. From 1941, the UK administered Eritrea under UN mandate. It was relinquished to and federated with Ethiopia in 1951, and in 1962 Ethiopia's Emperor Haile Selassie formally annexed Eritrea. By the early 1960s the Eritrean Liberation Front (ELF) took up arms against Ethiopian forces. Later the Eritrean Peoples' Liberation Front (EPLF) joined the struggle. After the Derg deposed Haile Selassie, Ethiopian security forces became excessively

[2] Map of the Greater Somalia (Somali regions, including Somaliland, Puntland, Somalia, and parts of Djibouti, Ethiopia and Kenya), at http://ds-lands.com/photo/countries/somalia/02/

brutal in their attacks on both armed fighters and civilians in Eritrea, but by 1991 the combined efforts of both Ethiopian and Eritrean opposition toppled the Derg.

A new government was formed, supportive of Eritrea's call for self-determination, and in April 1993 the UN Mission to Verify the Referendum in Eritrea (UNOVER) supervised a referendum, during which over 99% voted for independence. Since that time Eritrea has been internationally recognized, admitted to the United Nations, become a member of IGAD, and become an observer in the League of Arab States. The circumstances under which Eritrea won *de facto* and *de jure* independence were substantially different from those of Somaliland. While there were several moments during which Eritrea might previously have become independent, those moments did not coincide with the consolidation of a political leadership of Eritrean nationalists who could adequately play to the requirements of international norms and law. This only happened after the Derg was defeated, at which point the international community nearly immediately moved to oversee a referendum on self-determination.

South Sudan was formerly a region of Sudan, ruled both locally and through central government in Khartoum, to which Southern Sudan contributed representatives. Egyptians ruled the area during the Ottoman Empire in the 1830s, then, some 12 years after the Mahdist insurgency, the British colonized Sudan; both occupiers chose to administer the mainly Christian and animist South separately from the Muslim north. South Sudan is known for its oil wealth, particularly in the disputed area of Abyei.

Under agreement between the National Islamic Front (NIF)/National Congress Party (NCP) and the Sudanese People's Liberation Movement (SPLM), an agreement which ended Sudan's second extended civil war in 2005, what was then southern Sudan would hold a

referendum in 2011 to determine the will of the people to remain part of Sudan or become independent. The plebiscite was held and saw nearly 98% of voters opting for South Sudan's independence, which was formally declared on 9 July. The circumstances under which South Sudan won *de facto* and *de jure* independence were also substantially different from those of Somaliland. After two long civil wars with Khartoum, southern Sudanese leaders worked with their counterparts to come to an agreement which would lead to a referendum, like Eritrea's overseen by the international community. Other than that referendum as a demonstration of popular will, however, there was little South Sudanese leaders had done to demonstrate their adherence to international norms and law of self-determination, independence or statehood previously.

When considering Puntland, leaders in the region have found it unnecessary to worry about satisfying the criteria of international norms of self-determination or statehood, as it choice of the former was not intended to lead to the latter. While in Somalia, leaders have found it unnecessary to satisfy international norms as it has been and remains a recognized state, no matter how minimally functional, and has received significant financial, political, security and economic support from an international community primarily concerned with global security in Somalia and the Horn of Africa overall.

The Puntland Region of Somalia represents a type of self-declared semi-autonomy within Somalia, significantly different from the status of Somaliland. While declaring its autonomy from Somalia (particularly from powers in Mogadishu that had lost control of most of the countryside to radical armed insurgent groups) seven years after Somaliland, in 1998, Puntland leaders did so with no intention of irrevocably seceding. They believed they had found

a safe middle ground, by protecting their interests (and their citizens) from spill-over violence from the south, at the same time professing their desire to re-federalize with Somalia when a viable government had attained control and a monopoly on power (including over the territory of Somaliland). Puntland, however, does not yet have full control over its own borders, its economy or its security. Puntland asserts a claim to large parts of Sool and Sanaag along its western border with Somaliland, as Somaliland asserts its own claim over these regions from the other side of that border. Puntland might be considered a viable alternative to Somaliland's self-determination if the latter were not developing so much more effectively than the former.

Although some may consider Somaliland unique, it is not so in relation to the length of time it has been awaiting international recognition of self-declared if not *de facto* independence. As mentioned above, there may be comparative implications for other states as well; the cases of Western Sahara in Sub-Saharan Africa and Iraqi Kurdistan in the Middle East, among others, may incline leaders to consider the best means of meeting international norms of *de facto* independence and statehood toward the end of international recognition in the future. Still, why has Somaliland been forced to pursue this approach to achieving recognition when other states have not? I posit that there are a number of factors at play here, but the long-standing failed state of Somalia from 1991 and the length of time since that Somaliland remained unrecognized prior to its having demonstrated its worth under international norms and law, now make its goal immeasurably more difficult to achieve.

7. Limitations of Somaliland and Limitations of International Norms and Law

It is also important to note that Somaliland has not done a perfect job at adhering to international norms and law—from its establishment of minority protections and its failure to

equitably develop institutions in the eastern regions of Sool and Sanaag to its periodic political failures in relation to its election commission, human rights violations against opposition and civil society actors perceived to threatened national security, delays in transitioning the Guurti to elections and restrictions on national parties. While these shortcomings in achieving liberal democracy may be considered minimal in comparison to the strides Somaliland has already made, how important they may ultimately be to international actors considering recognition is yet to be determined.

Finally, it is important to consider the extent to which international norms and law really do impact established states and multilateral institutions' choices in determining recognition of *de facto* states. While meeting these norms and laws is necessary, in the case of Somaliland to date it has proven insufficient to achieving international recognition. While norms clearly matter in that without Somaliland's adherence to the norms described above they would certainly not be considered for recognition, global security concerns in the Horn, which have centered on the stabilization of Somalia, which for most of the last 25 years could be considered a failed state incapable of agreement on secession and which in recent years has reiterated its refusal to acknowledge Somaliland's separation, are additional and serious obstacles for Somaliland's leaders to overcome. Additional consideration of these factors goes beyond the scope of this dissertation, but I encourage such research—in tandem with consideration of Somaliland leaders' conscious adherence to international norms—in order to more comprehensively consider requirements for international recognition, beyond criteria under international norms for self-determination, independence and statehood.

Chapter III Literature Review

1. Literature on Somaliland

There are a number of different literatures that are relevant to this study—from scholarship on Somaliland to analyses of the impact of norms and law regarding self-determination, independence, and statehood (including democratization, human rights and economic development) to writings on *de facto* states, democratization and international recognition. In the first section of this review I briefly consider current literature on historical and contemporary Somaliland. I focus on the perspectives of the most noted authors on Somaliland, specifically in relation to Somaliland leaders' actions intended to achieve *de facto* independence, statehood and international recognition.

Of historians and anthropologists writing on Somalia and Somaliland, few have sustained their analyses as long or as thoroughly as I.M. Lewis[3] and John Drysdale.[4] Lewis has frequently written about Somali clan structures as underlying political circumstances impacting both Somalia and Somaliland, but he has also contrasted the political successes of Somaliland with the failures of southern Somalia. Drysdale has offered related concerns, while periodically suggesting that a federal re-union between Somalia and Somaliland remains a future possibility. He qualifies this suggestion, arguing that Somaliland would need to have been granted recognition of its self-declared independence before such a possibility would become truly viable for both sides. Drysdale has also offered his own formula—11 key political structures—necessary for Somaliland's recognition to come to fruition. Simply stated, these would include

[3] Lewis, I. M. *Understanding Somalia and Somaliland: Culture, History, Society*. New York: Columbia University Press, 2008.
[4] Drysdale, John. *Stoics without Pillows: A way forward for the Somalilands*. London: Haan Associates Publishing, 2000.

demonstrable: civil order, defense, fiscal policy, a functioning judiciary, public service management, external representation, post and telegraphs, major public works, several levels of education, health care, and a national constitution.[5] Drysdale has also stated that he believes Somaliland has adequately developed these structures he perceives as required for international recognition and concludes, "…it is proposed that Somaliland, having established peace, order and an economically viable government with standards of governance acceptable to the international community, should be accorded in advance its sovereignty as a constituent state of a future confederation of Somalia.[6]

For years, until he assumed the chairmanship of the UN's Somalia Eritrea Monitoring Group, Matt Bryden's name was practically synonymous with calls for recognition of self-determination in Somaliland,[7] recognizing in multiple articles the success of its leaders in achieving the fundamental requirements of international norms and law. Former Ambassador to Ethiopia and East Africa scholar David Shinn[8] and political analysis and scholar Peter Pham[9] have also long maintained that Somaliland's leaders have intentionally met the criteria necessary for statehood, while academics Ulf Terlinden,[10] Michael Walls[11] and Mark Bradbury[12]

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[5] Drysdale, pp. 177-181.
[6] Ibid, p. 192.
[7] Bryden, Matt. "Fiercely Independent." *Africa Report* 39: 6, Nov/Dec 1994, p. 35.
[8] Shinn, David. "Somaliland and U.S. Policy." *Journal of Anglo-Somali Studies*. No. 38, Autumn 2005.
[9] Pham, J. Peter. "The U.S. and Somaliland: A Road Map." *World Defense Review*, 28 February 2008. And "Somaliland Democratization Strategy" with the Atlantic Council and the International Republic Institute, 28 February 2014.
[10] Terlinden, Ulf and Mohammad Hassan Ibrahim. *Somaliland: 'Home grown' peacemaking and political reconstruction*. Report for Conciliation Resources, 2010.
[11] Walls, Michael. "Somaliland: Democracy Threatened: Constitutional Impasse as Presidential Elections are Postponed." Chatham House Programme Paper, AFP 2009/4, September 2009. "Somaliland Presidential Election, International Election Observation Pre-Election Assessment." Unpublished report, 19 June 2009. "The Emergence of a Somali State: Building Peace from Civil War in Somaliland." *African Affairs* 9 May 2009, pp. 1-19.
[12] Bradbury, Mark. *Becoming Somaliland*. African Issues, Progressio with James Currey, Indiana University Press, Jacana Media, Fountain Publishers and E.A.E.P., 2008.

have focused on Somaliland's success in institution-building, as necessary to meet the requirements of international norms and law. In contrast, Somalia scholar Ken Menkhaus[13] has long devoted attention to the achievement of peace and stability in Somalia, privileging regional security over Somaliland's achievement and leaving its quest for international recognition for later consideration.

In 1994, a fluent Somali speaker, Bryden wrote, "Whatever the way ahead may hold in store for Somaliland, it will not soon lead to any kind of unity with the south. Somalilanders have fought long and hard for their independence and they will not be persuaded to relinquish it now—neither through negotiations, nor through force of arms."[14] In 2013, in an interview with Kenya's *Daily Nation*, Bryden responded to emerging Somalia-Somaliland dialogue, stating,

> This is the first time a government in Mogadishu and an administration in Hargeisa have recognised one another as parties to a dispute and that they have something to discuss… So, it is very important that these talks proceed, initially, on a technical basis, exploring common ground, where they look primarily at those issues that are of mutual concern — principally security, airspace, maritime space, commerce, economic issues and the movement of people and goods… When it comes to political issues between them, there is a dichotomy — a diabolical paradox. Both governments see themselves as constitutionally bound to uphold the rule of law. For Somaliland, that is respect for the declaration of independence in 1991. For the SFG, that is respect for the unity and territorial integrity of Somalia, which is recognised by the AU, the UN and the broader international community. For either of these authorities to shift from those positions would be political suicide… I think the only way they are going to be able to talk about final status is if the outcome remains open, because peaceful resolution of the unity issue can only be achieved through mutual consent — not coercion.[15]

[13] Menkhaus, Ken. *Somalia: State Collapse and the Threat of Terrorism*. Adelphi Paper 364, Routledge, NY, 2004. And "Somalia: Too Big a Problem to Fail." *Foreign Policy,* 6 August 2009.
[14] Bryden, Matt. "Fiercely Independent," p. 7.
[15] "Somalia: Kenya's Daily Nation Interviews Matt Bryden." Garoweonline, 25 June 2013.

While Pierre Englebert,[16] Markus Hoehne,[17] Alexandros Yannis,[18] Faisal Roble,[19] Rakiya Omar,[20] and Marleen Renders,[21] all maintain nuanced positions regarding Somaliland in relation to unrecognized self-rule, political identity, established sovereignty and democratic governance, establishing a reality on the ground, ensuring human rights protections, and including traditional leaders in the political process, respectively, Ambassador Iqbal Jhazbhay[22] unreservedly favors international recognition based on the strides that Somaliland has made in meeting international criteria for statehood. Likewise, in Hussein Adams and Richard Ford's edited volume, *Mending Rips in the Sky*,[23] authors Ibrahim Samatar, Mohamed Haji Mukhtar, Ahmed Farah and I.M. Lewis, respectively, focusing on the democratic process of the SNM, criteria for self-determination, and national security, respectively, all argue that Somaliland has met the requirements of a legitimate self-determination claim and *de facto* state. Somaliland's Academy for Peace and Development's reports have also made a sound case for the success of Somaliland's state-building endeavor since 1991.[24]

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[16] Englebert, Pierre. *Africa: Unity, Sovereignty and Sorrow*. Lynne Rienner Publishers: 2009.
[17] Hoehne, Markus V. "Political Identity, emerging state structures and conflict in northern Somalia." *Journal of Modern African Studies* 44:3 (2006), pp. 397-414. And "Puntland and Somaliland Clashing in Northern Somalia: Who Cuts the Gordian Knot?" SSRC, 7 November 2007.
[18] Yannis, Alexandros. "Sovereignty, territorial integrity, state succession and territorial changes in the light of the effective dissolution of states in modern international relations." Unpublished manuscript, Nairobi, June 1996.
[19] Roble, Faisal. "Somaliland: Is Invading Las Anod Part of Creating 'New Reality on the Ground'?" WardheerNews.com, 22 October 2007.
[20] Omar, Rakiya. "Seizing the Moment: A Case Study on Conflict and Peacemaking in Somaliland." Occasional Paper: Peace Building Series No. 3, FutureGenerations Graduate School, January 2010.
[21] Renders, Marleen. *Consider Somaliland: State-Building with Traditional Leaders and Institutions*. African Social Studies Series, 2012, Martinus Nijhoff Publishers.
[22] Jhazbhay, Iqbal. "Somaliland: Africa's best kept secret, A challenge to the international community?" *African Security Review* 12:4 (2004), pp.78-82. And "African Union and Somaliland: Time to affirm 'Africa's best-kept secret'?" *Sub-Saharan Informer*, 17 March 2006. And "Somaliland: An African struggle for nationhood and international recognition." Johannesburg: The South African Institute of International Affairs. 2009.
[23] Adam, Hussein M. and Richard Ford, eds. *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*. Red Sea Press, Inc. 1997.
[24] Academy for Peace and Development. *Peace in Somaliland: An Indigenous Approach to State-Building*. Hargeisa, Somaliland, 2008.

Finally, Suliman Baldo, [25] former Africa Director for the International Crisis Group (ICG), other variously authored ICG reports, [26] and reports by the Institute for Security Studies, [27] the War-Torn Societies Project, [28] the Norwegian Resource Bank for Democracy and Human Rights NORDEM, [29] U.S. Committee for Refugees[30] and the Somaliland Independent Scholars Group[31] have provided critiques of Somaliland's successful political and economic development since self-declared independence, while reports by Amnesty International,[32] Human Rights Watch,[33] African Rights,[34] have documented its human rights challenges.

2. Literature on *de facto* states

Current literature on *de facto* states has also informed my analysis of Somaliland leaders' choices regarding international norms, beginning with the writings of Charles Tilly, who builds a theory of transformation that allows for change in both citizenship and boundaries based on evolving social relations simultaneously occurring on multiple levels. Why does this matter to a study of Somaliland's adherence to norms and law in its pursuit of international

[25] Baldo, Suliman. "Dealing with Somaliland." Development and Cooperation, July 2006. And "Somaliland: The Other Somalia with No War." *The Nation* (Nairobi), 30 June 2006.
[26] International Crisis Group. Somaliland: A Way out of the Electoral Crisis. Africa Briefing N°67, 7 December 2009. International Crisis Group. Somaliland: Time for African Union Leadership. Africa Report No. 110, 23 May 2006. International Crisis Group. Somaliland: Democracy and its Discontents. Africa Report N°66, 28 July 2003.
[27] Alemayehu Behabtu for the Institute for Security Studies. Somaliland Surviving the Agonizing Process of International Recognition. Peace and Security Council Report, ISS, Addis Ababa, 6 November 2009.
[28] War-torn Societies Project. *Rebuilding Somaliland: Issues and possibilities*. Red Sea Press, 2005.
[29] Hollekim, Ragnhild, Stig Jarle Hansen and Geir Moe Sorensen. Somaliland: Elections for the House of Representatives of Parliament, September 2005. NORDEM Report 03/2006.
[30] Frushone, Joel for the U.S. Committee for Refugees. Somaliland: Welcome Home to Nothing: Refugees Repatriate to a Forgotten Somaliland. December 2001.
[31] Somaliland Independent Scholars Group. Implementation of the Six-Point Agreement and Learning from Our Recent Experience. Hargeisa, Somaliland, 25 October 2009.
[32] Fredriksson, Lynn, for Amnesty International. Human Rights Challenges: Somaliland Facing Elections. AFR 52/001/2009, March 2009.
[33] Albin-Lackey, Chris, for Human Rights Watch. Hostages to Peace: Threats to Human Rights and Democracy in Somaliland, 13 July 2009.
[34] Somaliland: Shadows of the Past as Human Rights Deteriorate. African Rights Discussion Paper No. 11, 26 May 2003 in Africa News, 28 May 2003.

recognition? Tilly states: "In a day when a claim to be a coherent indigenous nation forms a crucial part of any bid for internationally recognized sovereignty, how constitution writers answer the question 'Who are you?' matters…"[35]

In addition, Joel Migdal's 'state-in-society' approach to political analysis allows one to grapple "with the question of how to think about this odd process of trying to establish authority, especially state authority, while finding that nothing turns out as planned."[36] He has said, "The state is ever present in these accounts, but its coherence, integration, and impact on society are taken as empirical questions, rather than accepted assumptions."[37]

Offering another perspective on the nature of the state is Stephen Krasner, who names four ways in which the word 'sovereignty' has traditionally been used and confused: (1) international legal sovereignty; (2) Westphalian sovereignty; (3) domestic sovereignty; and (4) 'interdependence' sovereignty. [38] For the purposes of this dissertation, international legal and Westphalian sovereignty are informative concepts. Krasner contends that "the international system is an environment in which the logics of consequences dominate the logics of appropriateness," and he notes that "the prevailing approaches to international politics in the United States, neorealism and neoliberalism, properly deploy a logic of consequences in their ontology."[39] He also asserts that both international legal and Westphalian sovereignty have been if not routinely than continually violated, stating:

> Outcomes of the international system are determined by rulers whose violation of, or adherence to, international principles or rules is based on calculations of material and

[35] African Rights Discussion Paper, p. 187.
[36] White, Adam, ed. *The Everyday Life of the State: A State-in-Society Approach*. Seattle: University of Washington Press, 2013, p. xi.
[37] Ibid, p. xii.
[38] Krasner, Stephen. *Sovereignty: Organized Hypocrisy*. New Jersey: Princeton University Press, 1999, p. 3.
[39] Ibid, p. 6.

> ideational interests, not taken-for-granted practices derived from some overarching institutional structures or deeply embedded generative grammars. Organized hypocrisy is the normal state of affairs.[40]

While I agree that state choices regarding the adherence to or violation of international norms and law is often based on state interests, the framework they establish around national self-determination and statehood, failure to meet them can also play into such interests.

Among contemporary authors writing on *de facto* states, there are few who have addressed Somaliland directly, one is Henry Srebrnik.[41] In the introduction to his 2004 edited volume, he states, "It is the group's own psychological perceptions and preferences, and not tangible attributes such as racial characteristics, which should constitute 'the basis of their claim to have the power to decide their future course.' Perhaps all that is necessary is that the group constitutes a 'politically coherent' community."[42] He goes on to cite Alexis Heraclides in naming unrecognized states 'separate societies' in which "members are convinced that self-rule would result in far greater justice and equality."[43] And he writes, "In some cases these 'nations in waiting' have already established the exclusivity of their writ on the ground and wait only for the outside world to come to terms with the realities of their existence. In others, there are powerful and sometimes mischievous external players, which could undermine their claims on one hand or ensure their success on the other."[44] Addressing Somaliland specifically, Srebrnik notes that, "Somaliland has managed to achieve a 'quasi-juridical' sovereignty and its administration has established low-key bilateral relations with several states and information

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[40] Krasner, p. 9.
[41] Bahcheli, Toun, Barry Bartmann and Henry Srebrnik, eds. *De Facto States: The Quest for Sovereignty*. New York: Routledge, 2004.
[42] Ibid, p. 3.
[43] Heraclides, Alexis. *The Self-Determination of Minorities in International Politics*. London: Frank Cass, 1991, p. 14.
[44] Bahcheli et al, p. 8.

contacts with regional organizations."[45] Finally, he cites Charles King on the success of 'territorial separatists' of the 1990s who became state builders of the new century, "whose ability to govern, educate their children and maintain local economies is 'about as well developed as that of the recognized states of which they are still nominally a part.'"[46]

3. Literature on democratization

In that democracy is one of the primary criteria Somaliland's leaders have attempted to meet in order to fulfill the requirements of international norms and law influencing states and multilateral institutions to recognize their *de facto* statehood, I devote this section to several theories which offer alternative explanations for the path of nation-states to democratization, particularly those of authors who have considered Somaliland.

To begin, I cite Sahr John Kpundeh, who outlines a number of general reasons why African states and societies have chosen democracy, the most compelling of which pertains to the need to attain support for economic development.

> This new disposition toward democratization in Africa is a consequence of pressures both internal and external to African societies. To be sure, the continent's declining economic fortunes have made people more skeptical and critical of their governments, with new African thinking prompting individuals to move beyond old taboos. Demands from within African countries are pressing leaders to deliver on the promises of economic growth and prosperity they made in order to encourage the acceptance of structural adjustment policies supported by international financial institutions. The new insistence by external aid donors and creditors on good governance also has provided a window of opportunity for African democrats to push for transparency and accountability in their countries.[47]

[45] Srebrnik in Bahcheli et al, p. 223.
[46] Ibid, p. 225. And Charles King, "The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States" in *World Politics*, 53(4), 2001, p. 525.
[47] Kpundeh, Sahr John, ed. *Democratization in Africa: African Views, African Voices*. National Academies Press. Panel on Issues in Democratization, 2014.

Interesting as well are the analyses of Somalilanders and others who forego explanation of decisions to pursue and actions to consolidate democracy to focus on assessment of how well Somaliland has been carrying out the presumed goal of democratization. These include Claire Elder of the Rift Valley Institute,[48] and other authors and institutions that closely follow Somaliland's election processes.

Still others consider the roots of Somaliland's pursuit of democracy as having originated with the *modus operandi* of the Somali National Movement and the decentralized governance of traditional Somali political and social structures, including Dr. Mohamed Fadal.[49] They also include Mohamed Farah Hersi writing for the Academy for Peace and Development, and Interpeace.

> Somaliland's combined peace- and state-building efforts endeavoured to heal the wounds inflicted on Somalilanders during this war and the decades-long reign of Siad Barre's military regime that preceded it. For this healing process to succeed, it was essential for all of Somaliland's communities to make peace, including those that had fought on the side of the old regime… Somaliland's founders envisioned a new state built upon a unique hybrid system that would blend tradition and modernity… In the early years of the new century, Somaliland introduced democratic measures to augment and deepen the clan-based power-sharing arrangements that the three conferences had established. It began putting in place a range of new institutions and practices…. The democratization initiative launched by clan elders, independent intellectuals, and emerging political leaders infused Somaliland society with a new spirit of optimism and hope, a new sense of purpose, and a renewed belief that diplomatic recognition of Somaliland as a sovereign state was inevitable. Somaliland's democratization began with the drafting of a constitution in 2001 and its ratification by referendum. This was intended to achieve the following objectives: (1) to finalize Somaliland's separation from Somalia and emergence as a legitimate sovereign state through direct expression of the people's will; (2) to install a legal foundation and regulatory framework for Somaliland's

[48] Elder, Claire. "What future for democracy in Somaliland?: Learning from the 2012 local council elections." Rift Valley Institute Nairobi Forum. Somaliland Elections Meeting Report. 22 July 2013.

[49] Fadal, Mohamed. "Institutionalizing Democracy in Somaliland." Social Research and Development Institute (SORADI). Hargeisa, February 2009.

> governance structures; and (3) to open the political arena to multiple parties, as the primary institutional embodiments of democratic politics.[50]

Finally, I must cite Seth Kaplan's analysis of democracy in Somaliland, as included in Larry Diamond's edited volume of 2010, which stresses not the root cause/s of democratization but the social and political context of its success.

> Somaliland's success so far in building its region's most accountable and open political system holds important lessons about how states can develop and democratize – and why most countries in its region have not…. First, Somaliland's evolution shows that states should look inward for their resources and institutional models and adopt political structures and processes that reflect the history, complexity and particularity of their peoples and environment… This means not that Western political models have no relevance to non-Western societies, but rather that those models must be adapted to accommodate local political, economic, and societal customs and conditions…. A second lesson to be gleaned from Somaliland's experience is that a population's cohesiveness and the success of democratization efforts are closely related… These cohesive states' glue is more likely to accommodate the competitiveness intrinsic to democracy….[51]

4. Literature on international norms and their domestic influence

Drawing from a significant and growing literature on the influence of international norms on domestic actors, it is important to note that there is a range of opinion on how such influence manifests in their thoughts and actions, a number of authors on which are highly relevant to the case of Somaliland.

For example, Thomas Risse has written about institutions and social action in relation to the logic of consequentialism, the logic of appropriateness, and a newly identified third logic.

> In many social situations, actors regularly comply with norms which they have internalized and which they "take for granted." While strategic behavior is explicitly

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[50] Hersi, Mohamed Farah. "The Origins of Democracy in Somaliland." *Confronting the Future of Somaliland's Democracy: Lessons from a Decade of Multi-partyism and the Way Forward*. Pillars of Peace: Somali Programme, May 2015.

[51] Kaplan, Seth. "The Remarkable Story of Somaliland." *Democratization in Africa: Progress and Retreat*. Diamond, Larry and Marc Plattner, eds. John Hopkins University Press and the National Endowment for Democracy, 2010, pp. 259-260.

> goal-oriented and intentional, the "taken for grantedness" of norm-regulated behavior implies that enacting the (legal) norm does not need to be a conscious process. In this case, the social structure of norms exerts its effects on actors almost directly, since actors know what is expected of them and what constitutes appropriate behavior. The logic of appropriateness does not imply that actors actively approve of the social norms in terms of believing in the moral validity of the norm, only that they acquire and internalize the social knowledge of what is expected of them in a given social situation. Internalizing social knowledge still requires that agents adjust their preferences and – maybe – even social identities. [52]

Similarly, Martha Finnemore and Kathryn Sikkink have noted,

> At the extreme of a norm cascade, norms may become so widely accepted that they are internalized by actors and achieve a "taken-for-granted" quality that makes conformance with the norm almost automatic. For this reason, internalized norms can be both extremely powerful (because behavior according to the norm is not questioned) and hard to discern (because actors do not seriously consider or discuss whether to conform). Precisely because they are not controversial, however, these norms are often not the centerpiece of political debate and for that reason tend to be ignored by political scientists…. Explanations for these similarities point to past norm cascades leading to states taking up new responsibilities or endowing individuals with new rights as a matter of course.[53]

In addition to the conscious and unconscious integration of the benefits of adherence to international norms and law, Kate O'Neill, Jorg Balsiger and Stacy VanDeveer have written about how flexibility and learning, beyond preference and identity formation, contribute to international cooperation.[54]

Several other authors have critiqued the often narrow analysis of international relations theorists in considering the means by which international norms impact domestic actors, like those leading policy and governance in Somaliland. Alexander Betts and Phil Orchard wrote

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[52] Risse, Thomas. *Law and Politics beyond the Nation-State: Areas of Conversation and of Common Ground.* Paper prepared for the Conference on "Law and Politics," Max Planck Project Group 'Common Goods: Law, Politics, and Economics,' Bonn, May 24-25, 2002, pp.7-8.

[53] Finnemore, Martha and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52, 4, Autumn 1998, pp. 904-905.

[54] O'Neill, Kate, Jorg Balsiger and Stacy VanDeVeer. "Actors, Norms, and Impact: Recent International Cooperation Theory and the Influence of the Agent-Structure Debate." *Annual Review of Political Science* Vol. 7: 149, June 2004.

about their volume, "The book explores how the same international norms can have radically different effects in different national and local contexts, or within particular organizations, and in turn how this variation can have profound effects on people's lives. How do international norms change and adapt at implementation?[55] While Ciaran O'Faircheallaigh "argues that research on norm adoption is hampered by characteristics of current IR theory that result in a lack of appropriate attention to key actors and processes… The agency of domestic groups that stand to benefit from application of international norms is underplayed, reflecting the heavy emphasis on structural factors that characterises the dominant constructivist approach to analysis of international norms."[56]

Finally, Noha Shawki has focused on the agents of translation of international norms into domestic action:

> How are international human rights norms translated into local practice? What is the process by which human rights are adapted to local contexts and implemented at the local level? The preliminary findings suggest that the initiative of translators, individuals and/or community groups who are well-versed in the international human rights framework and discourse and at the same time very immersed in their local communities, is often the catalyst for local human rights initiatives.[57]

While I have found the literature on international norms and domestic influence particularly compelling in relation to Somaliland's leaders' pursuit of self-determination, such influence remains challenging to prove. By contrast, the literature on democratization often misses Somaliland's particular circumstances, and ignores the motivations of those pursuing democracy, based on the assumption that democracy is the rational preference for a system of

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[55] Betts, Alexander and Phil Orchard. *Implementation and World Politics: How International Norms Change Practice*. Oxford University Press, 2014.
[56] O'Faircheallaigh, Ciaran. IR Theory and Domestic Adoption of International Norms. *International Politics* 51: 155, March 2014.
[57] Shawki, Noha. "Global Norms, Local Implementation: How are Global Norms Translated into Local Practice?" *Globality Studies Journal* 26: 22, 2 September 2011.

governance. When this literature does address circumstances specific to Somaliland, it supports my argument, in relation to both traditional structures and processes, and to pragmatic needs.

5. Self-determination and Secession in Theory

a. Principles of self-determination in international law

This section provides a brief history of international law and norms of self-determination and secession, as well as evolving criteria for the international recognition of national self-determination claims, particularly those manifested as secession. I also include a review of the literature interpreting these norms, law and criteria, as it is these that have guided the actions of Somaliland's governing elite and other leaders in their quest for international recognition of *de facto* independence.

First, self-determination refers to the right of a people to freely determine its own destiny. Since UN Resolution 2625 (1970), the scope of this definition has also included the establishment of relations among groups in existing states, such as political power-sharing arrangements far short of national independence. Self-determination can be and has been realized through democratic processes in plural societies using various forms of autonomy and devolution of power, including (ethno) federal arrangements and corporate autonomy. Debate about the effectiveness of such solutions often revolves around the likelihood of their containing or exacerbating further claims to autonomy or independence. States have also utilized formal or informal preferential policies, and cultural and educational programs to lessen ethnic conflict, consolidate democracy, and allow limited self-determination.

For example, Arendt Lijphart's consociationalism has received significant attention as a democratic formula through which plural societies can maintain stability and marginalize ethnic

violence, while realizing some degree of self-determination of peoples. Lijphart has proposed an institutional solution intended to channel and shape ethnic identities, which is only expected to function in societies where there is an established tradition of elite communication, and a relative balance of power between three or four separate ethnic groups.[58] Similarly, Donald Horowitz has proposed a centripetal formula for democratic participation,[59] and Benjamin Reilly has offered a collection of models for democracy in plural societies, loosely categorized as preferential voting systems.

Stefan Wolff and Marc Weller attempt to define autonomy in contrast with self-determination in their 2005 edited volume, differentiating between territorial autonomy, non-territorial autonomy, and autonomy in combination with other tools of state construction.[60] In this same volume, Wolfgang Danspeckgruber discusses 'designing autonomy' to include self-governance and regional integration.[61] The problem with these analyses is that they focus on conflict at stages through which Somaliland has already passed. Their conclusions do not apply to a people that has struggled to overcome decades of entrenched grievances and carried out more than 20 years of state building, separate from Somalia.

Though democratic solutions to self-determination claims are certainly feasible in some deeply divided societies, finding viable formulas requires serious consideration of context, including long-standing prior political or armed conflict, and the degree of ethnic (or in the case of Somaliland clan) intermixing. Such solutions have not always proven possible, or even desirable, to those holding power, or to those from whom it has been withheld. A lot still

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[58] Lijphart, Arendt. *Democracy in Plural Societies: A Comparative Exploration*. Yale University, 1977.
[59] Horowitz, Donald. Ethnic Groups in Conflict. University of California Press, 1985.
[60] Weller, Marc and Stefan Wolff, eds. *Autonomy, Self-governance and Conflict resolution: Innovative approaches to institutional design in divided societies*. New York: Routledge, 2005, pp. 11-18.
[61] Weller and Wolff, pp. 33-34.

depends upon who wields that power, and what incentives are available to encourage their cooperation, as well as the cooperation of potential spoilers. It is therefore likely, when domestic solutions to domestic conflicts fail, that self-determination can also manifest as secession or separation.

Self-determination in the form of secession first emerged in the context of early nation state formation, during the collapse of the 18th and 19th century European empires. At the turn of the 20th century, it was transformed into an ideological tool to promote communist expansion. Later it was used to redefine post-World War I borders, and after World War II it gained ascendance as the primary norm of global decolonization. From decolonization until the 1990s only Bangladesh successfully achieved full independence, from India.[62] During the last decade of the 20th century, collapse of the former Soviet Union, Yugoslavia and Czechoslovakia released numerous peoples to independent statehood. Eritrea, East Timor and South Sudan also won independence in 1993, 1999 and 2011 from Ethiopia, Indonesia and Sudan, respectively.

According to United Nations resolutions and international covenants on human rights, "all peoples have the right of self-determination. By virtue of [that] right they freely determine their political status and freely pursue their economic, social and cultural development."[63] The right to self-determination has, however, been severely limited by a single major proviso to this language—that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the

[62] The formation of Pakistan does not qualify as secession because it occurred as part of the partition of the British Indian Empire.
[63] Report on the Conference of Human Rights, Vienna, June 1993, A/CONF.157/24, Article 2.

Charter of the United Nations."[64] This has proven a formidable obstacle, particularly in Africa where the African Union (and its predecessor, the Organization of African States) has regularly thwarted (or in the case of Somaliland sidestepped) challenges to post-colonial borders.

Rooted in Chapters XI and XII of the UN Charter regarding non-self-governing territories, norms of self-determination have evolved from: Resolution 1514 (1960), the Declaration on the Granting of Independence to Colonial Territories and Peoples; Resolution 2625 (1970), the Declaration on Friendly Relations and Co-operation among States; Resolution 1541 (2004), reaffirming Saharawi and other peoples' right to self-determination; the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Cultural and Social Rights. Interpretations of the scope and applicability of each of these documents have evolved as well.[65]

Yet the definition of self-determination itself remains fuzzy. It is still frequently conflated with secession (or separation) and independence, and acceptable means by which it can be realized remain ill-defined.

In our still-overwhelmingly-Westphalian world system, states remain privileged units in international relations. Non-intervention, state sovereignty and territorial integrity routinely trump national self-determination claims. Yet this situation is in flux. International interventions challenging state sovereignty have manifested as 'humanitarian actions.' Military interventions for professed humanitarian (and very real security) aims have been waged repeatedly over the past several decades. These interventions have often been favorably perceived by powerful

[64] *The Declaration on the Granting of Independence to Colonial Countries and Peoples* (the Colonial Declaration), paragraph 6, and the *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations* (the Declaration on Friendly Relations), 1970.
[65] Halperin and Scheffer, pp. 20-24.

members of the international community as moral necessities, and have sometimes proven successful in resolving previously intractable conflicts. In fact, it is common today to hear normatively based calls for international actors to abide by a 'responsibility to protect,' or to engage in 'atrocity prevention.'

b. Evolving theory on self-determination

Unlike the broad right to self-determination described above, secession, as the most extreme means of achieving self-determination, is not codified in international law. What Somalilanders commonly refer to as 'separation' (or 're-separation') most certainly is not. However, a growing literature debating the criteria by which to judge *de facto* and evolving cases of secession has emerged.

Among the most respected of theorists in this area is Allen Buchanan, who disaggregates the 'right to secession' into two main types—primary and remedial. It is Buchanan's (more conservative) remedial right which I have found most compelling in relation to the case of Somaliland. As Buchanan defines it, a 'remedial right' to secession is based on suffered injustices, and enacted only as a "remedy of last resort."[66] According to Buchanan, the application of a remedial right to secession can only be justified on three grounds: threat to physical survival from rights violations, the unjust seizure of previously sovereign territory, and the failure to fulfill obligations under autonomy agreements.

A primary right to secession can, however, be justified on two different grounds, which Buchanan labels 'ascriptive' and 'associative.' An ascriptive justification broadly allows the right of a nation *qua* nation to secede. Defining a people as nation, however, has often been a

[66] Buchanan, Allen. "Theories of Secession." *Philosophy and Public Affairs*, Winter 1997, pp. 31-61.

troubling matter of interpretation. For example, as with Paul Gilbert's communitarian justification, nationhood is based on the "existence of a real community, not merely an imagined one… based on 'civic nationalism,' which regards the nation as a group of people which derives its communal character wholly from shared political institutions."[67]

Buchanan defines an associative justification of primary rights as one which requires that a people make a choice to secede; this is 'pure plebiscite theory.'[68] Of particular interest in the case of Somaliland, which held its own referendum on independence in 2001, this theory focuses on an act of self-determination as the primary criterion of the right of a people to secede. To meet associative criteria for secession, Buchanan notes specific requirements that: a majority of the people desire secession; their newly formed state is politically viable; and the political viability of the state from which they depart is not hampered.[69]

Heraclides also developed evaluative criteria for "qualified secessionist self-determination."[70] While Lee Buchheit has advocated a case-by-case evaluation of secessionist claims, including the need to consider: human rights conditions, successor state viability, and impact on both the remainder state and the international community.[71] While norms of secession are still evolving, they are already useful to consideration of separatist/secessionist, remainder state and international interests, as they have been to those seeking recognition of independence, such as Somaliland's government and non-governmental leaders.

There are also convincing theoretical arguments against secession, for maintaining the unity of the existing state. Buchanan lists eight: protecting legitimate expectations, self-

[67] Lehning, P. B. *Theories of Secession*. New York, Routledge, 1998, p. 7.
[68] Ibid, p. 39.
[69] Buchanan (97), pp. 39-40.
[70] Heraclides, A. *The Self-Determination of Minorities in International Politics*. London, Frank Cass, 1991.
[71] Buchheit, Lee. *Secession: Legitimacy of Self-Determination*. New Haven, Yale University Press, 1978.

defense, protecting majority rule, minimizing selective bargaining, soft paternalism, threat of anarchy, wrongful territorial acquisition, and distributional justice.[72] For Heraclides, legal obstacles to secession fall into just three categories: the principle of self-determination itself, [73] norms of state formation, and non-intervention. He names legal and non-legal arguments: international law as the law of states not peoples, mutual agreement between states and provinces, the fear of indefinite divisibility, the danger of emerging non-viable states, threats to democracy, and resulting stranded or trapped minorities.[74] While Donald Horowitz claims that the creation of a formal right to secession would almost surely lead to some combination of: diminished state sovereignty, secessionist violence, internationalization of conflict, ethnic conflict in successor states, and perverse incentives for the undivided states regarding devolution of power.[75] As will be argued below, none of these potential obstacles can be well-applied to Somaliland, and Somaliland's leaders have gone to some lengths to ensure this is so.

Internal domestic accommodation has proven insufficient in resolving intra-state conflict in numerous cases. In fact, one of the most common and fundamental motivations for contemporary self-determination struggles is severe, long-standing state repression. While political and economic accommodation can offer viable solutions to conflict in some cases, state impunity can become so offensive and resistance to state repression so entrenched that more radical action, including secession, must be anticipated, as was the case with Somaliland.

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[72] Buchanan (91), pp. 87-125.
[73] Heraclides, p.21. Regarding conflicting norms of self-determination, Harry Beran also differentiates between national and democratic self-determination (in Lehning, p. 32).
[74] Ibid, p. 28.
[75] Horowitz, p. 5.

As Heraclides has described it, "the type of policy chosen by the Centre in order to resolve the conflict is of cardinal importance for the road to secession and violent separatism."[76]

In contrast with many of the authors cited above, Ted Gurr argues that ethno-nationalist conflict is now subsiding—due to increasing civil capacities of states to respond to ethnic challenges, and an international willingness to intervene.[77] Gurr's data, however, rest heavily on the incidence of new (rather than long-standing) cases, mainly confined to Europe. In fact, only a small number of comparisons have been drawn between Eurocentric case analyses and self-determination claims and secessionist outcomes in the developing world, including Africa. Most recent literature on self-determination is still overwhelmingly focused on new state formation out of the former Soviet Union, Yugoslavia and Czechoslovakia.

In other words, sub-categories of self-determination claims arising out of existing weak and failing states (like Somalia), unresolved post-colonial power transfers (like the Western Sahara), or failed autonomy arrangements (like South Sudan), are seldom employed to theorize about specific cases. Instead, generalizations have too often been made as if secessionist self-determination were an undifferentiated (overwhelmingly European) historical phenomenon. It is therefore important to more thoroughly disaggregate the various means by which theorists have considered secession outside the confines of post-Soviet Europe.

That said, Halperin and Scheffer broadly defined numerous possible iterations of self-determination on which they developed "criteria for transition to independent statehood."[78] These include: adherence to international law, a commitment to respect the inviolability of all

[76] Horowitz, p. 11.
[77] Gurr, T. *Peoples Versus States*. Washington DC, U.S. Institute of Peace, 2000, p. 281.
[78] Halperin and Scheffer, p. 84.

other borders, non-use of force, a commitment to peaceful settlement of disputes, a commitment to constitutional democracy, guarantees of the right of political dissent, guarantees of protection of individual and minority rights, limits placed on arbitrary police power, and a market-oriented economy. Halperin and Scheffer, like others writing in the early 1990s, viewed self-determination largely in relation to the collapse of the Soviet Union; they saw the emergence of post-Soviet nation states as an opportunity to establish new criteria for recognition. Notably, a set of basic principles put forward by then-Secretary of State James Baker in 1991 addressed both Soviet leaders and the leaders of emerging states, calling on them to: support internationally accepted principles, including democratic values and practices; respect existing borders, both internal and external; support the rule of law and democratic processes; safeguard human rights, including minority rights; and respect international law and obligations, especially the provisions of the Helsinki Final Act and the Charter of Paris.[79]

In their classification of self-determination struggles by type, Halperin and Scheffer categorized Somaliland as a 'sub-state.' Other categories in their typology included: representative, trans-state and dispersed peoples. Of these four categories 'sub-state' struggles were deemed most likely to result in viable claims to independence.

Halperin and Scheffer's criteria, however, omitted a number of related factors specific to the case of Somaliland, including: the length of time since a claim was first presented and the impact of the longevity of *de facto* statehood; the difference between a long established *de facto* state and young claims to independence (in relation to parties which might still be amenable to alternative forms of self-determination); the tipping point after which a people

[79] Halperin and Scheffer, pp. 29-30.

which has achieved *de facto* statehood, after surviving serious repression, no longer deems alternative forms of self-determination acceptable; and the possibility of international negotiations with the *de facto* state for commitments to rights and democracy in exchange for recognition. It is also interesting to note, in relation to Somaliland, the conflation of criteria for the existence of a new state (independence and statehood) with those for international recognition of a *de facto* state, an important distinction which Michael Schoiswohl addresses in his recent volume, further discussed below.

c. Secession, Independence, Statehood and Recognition

I now turn to several critical essays by a number of theorists who have recently contributed to the evolving body of knowledge on secession as self-determination. Hurst Hannum and Eileen Babbitt, in particular, have offered important analysis on approaches to separation, new state formation and international recognition.[80]

First, Hannum and Babbitt have given a cogent description of the primary type of self-determination that shaped the 20th century: "The remarkable… success of decolonization gave real content to self-determination, although its restrictions to independence for colonial territories did not address the ethnic divisions within states."[81] Over the past decades, Hannum has argued that a significant normative change is occurring in the way self-determination is being interpreted by the international legal community,[82] and Babbitt has noted that many self-determination claims have become intractable.[83]

[80] Hannum and Eileen F. Babbitt. Lexington Books, 2006.
[81] Ibid, p. 1.
[82] Hannum and Babbitt, p. 3.
[83] Ibid, p. 4.

Among other theorists in this area, Gerry Simpson has stated that, "the elasticity of self-determination has, throughout history, both ensured its longevity and diminished its legitimacy… the principle has evolved into a highly manipulable and indiscriminately employed slogan. It vests those who use it with a tainted respectability but is at the same time deprived of clarity and the possibility of legal content or persuasive force."[84] While Erin Jenne has called national self-determination a "deadly mobilizing device," and described 'the paradox of national self-determination' as "a political ideal that has remained robust over the decades, despite— or perhaps because of— its legendary slipperiness."[85]

Babbitt has proposed two options when self-determination claims are made against a state: negotiate, or refuse to acknowledge the legitimacy of the claims. When the state chooses the latter option, or when there is no viable state to do the choosing, intractability and irresolvable conflict can drag on for years, as with Somaliland. Babbitt lists the following conditions that cause such conflicts to become intractable: group identity; leaders unwilling or unable to choose negotiation because they believe they can prevail; a conflict-habituated system; extremists/spoilers on both sides; no concept of 'loyal opposition'; financial or other incentives from external parties; and groups claiming self-determination perceive that self-determination (synonymous with session) is a right, analogous to those protected in international human rights conventions.[86] "Because of these perceptions, groups seeking self-determination believe they are entitled to independence, that they have adopted a legally and morally righteous cause, one that should be supported internationally. This leads to extreme

[84] Simpson, Gerry J. "The Diffusion of Sovereignty: Self-Determination in the Post-Colonial Age." Sellers, Mortimer, ed. *The New World Order: Sovereignty, Human Rights, and the Self-Determination of Peoples*. Oxford and Washington DC: Berg, 1996.
[85] Hannum and Babbitt, p. 7.
[86] Ibid, p. 116-117.

position taking and hard bargaining; the 'right' of self-determination as expressed through secession becomes non-negotiable."[87] This is precisely the case with Somaliland, where representative leaders have become unwilling to accept any solution short of full independence and international recognition of *de facto* statehood.

Like Buchanan, Horowitz and other theorists, Hurst Hannum contends "that the current international norm on self-determination does not support enforced changing of borders and instead favors autonomy arrangements and the protection of minority rights to address minority grievances."[88] Babbitt and others therefore propose that if this were explicitly articulated by leading states and international organizations, it would discourage most secessionist agendas. Successful cases of secession/separation, like those of Bangladesh, Eritrea, Timor Leste and South Sudan may prove to be the exceptions which prove the rule.

Babbitt, like Buchanan, argues that such clarification of international rules could also "encourage existing states to respond to the grievances of their minority groups, since they would be reassured that decentralization or power sharing is not a slippery slope to partition of their country."[89] She acknowledges, however, that the problem with this approach is that norms are still going to be "applied inconsistently, often in accord with the interests of large international actors."[90] Everything remains conditional. "Self-determination is most often interpreted as synonymous with secession, and the international community adds to this confusion by not clearly stipulating the conditions under which new states will be

[87] Hannum and Babbitt, p. 117.
[88] Ibid.
[89] Ibid.
[90] Ibid.

recognized."[91] Fundamentally she argues for more explicit and consistent conditions under which external self-determination (secession) can be made acceptable to the international community, thereby encouraging internal types of self-determination in most cases, with the added benefit of clarity for those separatist leaders seeking to adhere to norms that are necessary to achieve recognition, like leaders in Somaliland.

Babbitt also describes 'phases of conflict'—from initial aspirations by 'separatist' groups, to a period of time when they feel they are not taken seriously, to the gathering of resources and opportunity to organize action. These too are important considerations for Somaliland, particularly in relation to the moment of 're-separation,' and the prolonged period since its unilateral declaration of independence *sans* international recognition. They also speak to the importance of relationships between remainder state and 'separatist' leaders, in this instance the complicated relationships between Somali and Somalilander officials.

Hannum and Babbitt have also identified new, creative solutions in recent developments in minority and indigenous rights, which assert alternative forms of self-determination short of secession, including Article 27 of the Covenant on Civil and Political Rights (1966),[92] the Copenhagen Document,[93] and the UN General Assembly Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities (1992).[94] They call this body of rights the 'new norm of self-determination,'[95] and note:

> While the human rights covenants and numerous UN resolutions make the bald statement that 'all peoples' have the right to self-determination, this has never been interpreted by responsible bodies to include secession from an independent state.

[91] Hannum and Babbitt, p. 117.
[92] Ibid, p. 70.
[93] Ibid, p. 71.
[94] Ibid, p. 72.
[95] Ibid, p. 76.

> Furthermore, most international formulations of 'self-determination' include simultaneous reaffirmations of the principles of national unity and territorial integrity, which can hardly be interpreted as authorizing unilateral secession…. It bears repeating that international law does not forbid unilateral secession if it can be achieved through military success, and conflict resolvers may sometimes need to recognize the reality of a successful insurgency and facilitate the creation of a new state. But the international community continues to exhibit a strong preference for the resolution of secessionist civil wars within existing borders, and minority and indigenous rights offer at least a minimal basis on which such resolutions might be sought.[96]

The devil of course lies in the details of exceptions, including Eritrea and South Sudan, and Somaliland's long-standing claim. The burden, however, remains on the group seeking 'separatist self-determination,' for "they must demonstrate that only separation will be able to meet the internationally sanctioned goals of protecting identity and culture and ensuring effective participation in government, as outlined in the discussion of minority and indigenous rights… [But] where violence has irredeemably scarred the national psyche, it may be the only viable course."[97]

While I appreciate the pragmatism of the essay referenced above, it leaves me wondering if Somaliland's leaders can realistically benefit from newly evolving indigenous or minority rights, these post-1992 normative developments in thinking on self-determination.

As already mentioned, international law formally addresses self-determination, but not secession (or separation). There is also a growing body of literature on international norms and potential criteria for considering the validity of secession, self-declared independence, statehood and, presumably, recognition. Yet this literature has yet to cover all possible categories of self-determination claims resulting in separation from existing states, building as it does on past decolonization and state disintegration models. This leaves a fair amount of

[96] Hannum and Babbitt, p. 76.
[97] Ibid, pp. 76-77.

conceptual space unfilled—including norms that can thoroughly address Somaliland's specific context. While application of a remedial right only theory (in relation to endured repression by Somali security forces) and application of pure plebiscite theory (in relation to Somaliland's 2001 referendum) could mean that Somaliland's leaders can demonstrate they have met fundamental criteria for independence under many existing norms, the length of time it has remained unrecognized (more than two decades) and its status as having 'no state from which to secede' have compounded their challenge. Additionally, as further discussed below *ala* Michael Schoiswohl, it is one thing to demonstrate adherence to criteria of statehood, and another to meet requirements of international institutions and individual states for recognition.

Chapter IV Research Design and Methods

1. Research and the Researcher: Design and Methods

Through multivariate historical and field analysis, this dissertation focuses attention on the case of Somaliland's *de facto* independence through an act of national self-determination and its leaders' subsequent choices to meet perceived criteria of international norms and law in order to achieve international recognition of that independence. I evaluate in-depth empirical data collected from more than 100 interviews, most conducted in Hargeisa and Las Anod, Somaliland, with others in Nairobi and Dadaab, Kenya, Mogadishu, Somalia, Addis Ababa, Ethiopia, London, UK, and Washington DC and New York. These represent the perspectives of informants from Somaliland civil society,[1] including minority leaders, political leaders from executive and parliament, political party leaders, and citizens from Las Anod in the contested eastern region of Sool. I compare these perspectives with those of academics and policy analysts on the Horn of Africa, and with current theory and practice pertaining to national self-determination, particularly secession (separation), independence and statehood. I selected my informants first by ensuring that both government and non-governmental actors were well represented in their differing perspectives. I then added informants from two distinct and challenging populations, non-Somali minority groups and Somalis from eastern Somaliland, based on what access I could sensitively and securely attain. In relation to government officials, I chose representatives from each branch, and each party, and a wide range of clans and sub-clans. In relation to civil society representatives, I met with individuals and small groups from a

[1] I define civil society fairly broadly to include non-governmental organizational leaders, journalists, independent activists, and small business owners and leaders, who work in some way for the betterment of society. While I describe these categories of informants in a number of places throughout this dissertation, I am not able to identify many by name, due to lingering risk of political backlash for doing so.

wide range of local organizations, Somalilanders working for international organizations, journalists, independent activists and small business leaders.

My assumption that the opinions of the approximately 100 informants I was able to interview over the course of my research[2] can largely be generalized to the wider population is based on the leadership roles they play in their various communities, and the strong likelihood that those communities influence their leaders' decisions as their leaders influence their communities. Given the cohesiveness and kinship orientation of these relationships in Somaliland, this is a well-founded assumption. While many of my Somalilander and Somali informants, as well as other Somalis I have known and worked with over the last 15 years, will clearly articulate their philosophical and political abhorrence for the depth and breadth of clan influence on their families and communities, they, and their friends and relations living in poverty or surviving among the working class, will readily acknowledge the necessity of maintaining active social and economic relations with their historical clan families, clans and smaller kinships groups. The 2001 referendum on the constitution and independence of Somaliland remains the most accurate overall indicator of majority Somalilander opinions on a range of political issues, including independence.

On a number of occasions I conducted impromptu group meetings with non-Somali minority leaders, citizens in Somaliland, when I visited their communities on the streets and in 'refugee' camps in Hargeisa, and on one specific occasion I was able to intentionally gather a group of five Yibir leaders together for two hours for a more directed in-depth discussion of their views. In general, however, I preferred to meet with informants one on one, to encourage

[2] This number was neither pre-determined nor indicative of a threshold I wished to achieve. It was the number of interviews I was able to conduct during my field work and the point at which I began to collect repetitive data.

greater candidness of responses. I estimate that half of my interviews were conducted fully in English, and half in Somali, with the assistance of one of several translators I engaged to assist me. Two of my translators were men; one worked with a local non-governmental organization and one was a refugee. My third translator, with whom I came to work much more regularly, is a young woman who has worked extensively with international non-governmental organizations. It is my strong belief that no informants' responses are without bias and therefore fully 'truthful.' I have therefore judged the veracity of the information they provided through a variety of means, including their personal and professional identity, the privacy of our discussion, their stake in the game, and their perspectives toward my own identity, and that of my translator. For the most part, I believe that taking these factors into account has left me with a particularly rich set of empirical data.

I spent approximately 3 months in Somaliland in 2006, 2007 and 2011, on two independent research trips, one human rights assessment mission for Amnesty International, and one humanitarian assessment mission for the United Nations Somalia-Eritrea Monitoring Group. While working with AI and the UNSEMG, I conducted and funded my academic research, including interviews, separately and independently. Over the course of these years I also spent more than 3 months in Ethiopia, and approximately one year in Kenya, including short assessment missions to the Dadaab refugee camps, the towns of Mandhera and Garissa along the Somalia border, Mogadishu, Somalia and Kampala, Uganda. My field work of all types has informed the analysis presented in this dissertation. In Somaliland, conditions were relatively stable, although on one occasion I was forced to implement security precautions

when a disgruntled parliamentarian fired a weapon close to my location downtown, and my travel to Las Anod in the far eastern region of Sool in Somaliland was not without incident.

I also gave a great deal of thought to my hypotheses regarding national self-determination claims, which I used to formulate my primary interview questions. Other potential factors which are not necessary or sufficient to an understanding of international norms pertaining to self-determination, or Somaliland perceptions of such norms, I eventually discarded.

For example, international law has generally had little impact on a people's decision to exercise self-determination by declaring independence, but if the dominant international interpretation of a claim to recognition of independence favors self-determination, separation becomes implementable. Somaliland's separation from South Central Somalia in 1991 occurred after passage of UN Resolution 2625 in 1970, the most current international legal guidance on self-determination available at the time. While international norms seem to have had little influence over its leaders' decision to declare independence, the Government of Somaliland has actively used legal and normative arguments in pursuing its claim to international recognition of *de facto* independence. The length of time since an initial declaration of independence, during which *de facto* independence may be demonstrated, may prove important in this case. To date, no single state or international organization has chosen to fully recognize Somaliland's *de facto* independence. Despite two AU fact-finding missions to Somaliland in 2005 and 2008, which reported favorably on political conditions and recommended consideration of Somaliland's claim, neither the AU nor individual African Union states have yet taken action to recognize Somaliland.

This dissertation has utilized an interpretive approach that examines one primary case, that of Somaliland, within a framework that considers comparative field research, constructivist understandings of norms, and international relations theory. While an analysis of national self-determination concerns international relations, I strongly believe that the context of each individual state and political entity requires comparative research into its specific conditions, and the perspectives of its leaders and its people. By limiting my research to one primary case in the context of Sub-Saharan African and other global self-determination claims, I seek to meet the twin goals of practical understanding and mid-range generalizability. Through historical analysis and theorizing which I have grounded in fieldwork, I hope to have crafted the conceptual lens to better understand decisions taken in the quest for international recognition in the case of Somaliland, and to suggest a design capable of application to a future larger N study.

I have chosen to engage in causal analysis, including consideration of the intersection of a range of factors considered important by the leaders and the people of Somaliland in arguing for international recognition. I have also drawn on grounded theorizing to maintain an open framework of interpretation, and on the relational analysis of Charles Tilley,[3] who describes interactions as dynamic but nevertheless generalizable.

2. Research challenges, data analysis and ethical considerations

While this dissertation considers data from primary and secondary archival source materials, my foremost method for data collection was a directed interview process—including interviews with government officials, leaders of civil society and other citizens of Somaliland.

[3] McAdam, Doug, Sidney Tarrow and Charles Tilly. *Dynamics of Contention*. Cambridge University Press, 2001.

My decision to conduct my primary research in Somaliland was based on several factors, including the need to develop a deeper understanding of the conditions in my primary country, and a desire to ensure a breadth of interviews only possible to obtain in the field. I employed a replication design of topical interviewing of a specific selection from six categories of informants, including more than 100 individuals and groups representing a wide range of perspectives on Somaliland's *de facto* independence and its quest for international recognition. Interview questions were designed to uncover informants' first-hand knowledge and personal analysis of several key factors that advanced or hindered domestic support for *de facto* independence and international support for recognition. Further research focused on the findings of independent scholars of Somaliland, particularly in relation to their interpretation of contemporaneous norms of self-determination. Also, like Aili Tripp, I have chosen to take people "seriously at a conceptual level, not just as a source of data."[4] I have therefore provided some of my informants with initial findings, to offer useful data for participation in this dissertation, and to solicit feedback for further research.

Over the course of four research trips to the region (in August 2006, April/May 2007, November/December 2007 and February 2011), I reformulated my interview questions several times, adjusting for what was and was not most relevant to informants and to the evolving course of this dissertation. This means that final data does not include answers to every question asked of every informant. This proved to be an acceptable tradeoff, however, in that it redirected attention to the most critical factors affecting *de facto* independence, international norms of self-determination and international recognition from 1991 to the present in ways

[4] Tripp, A. M. *Women and Politics in Uganda*. Madison, University of Wisconsin Press, 2000, p.xxiii.

that made sense to my primary informants who lived this reality. For example, in relation to the moment of achievement of *de facto* independence, it rather quickly became clear that, while unique in its popular conception, almost no informants disputed the basic facts and there was little need for further research on this topic.

By contrast, one of my initial working assumptions—that Somaliland's borders and its monopoly on power in its eastern regions were self-evident—was disconfirmed after only a handful of interviews. Recognition of this false assumption led me to travel to Las Anod in December 2007. There I discovered some of this dissertation's most interesting findings on the border regions claimed by both Somaliland and Puntland. I subsequently focused greater attention on these areas.

Also surprising in light of my initial ideational inclination, by the completion of my 2006 field research, it had become clear that although Somalilander officials and other highly educated Somalilanders have become accomplished at citing chapter and verse of international legal documents supporting the right to self-determination, international norms had little initial influence on popular demands to separate from the Somali Republic in 1991, and are still considered by some informants to have little value in Somaliland's pursuit of recognition.

My interview times generally ranged from half an hour to an hour and a half. I conducted follow-up interviews with approximately one third of my informants. Initially, when possible, interviews were conducted in English with English-speaking informants. As I collected interview data and located gaps in my research, I utilized the services of several Somali guides and translators. This significantly widened the range and nuance of my informant responses after 2007. Additionally, I often carried a Somali translation of interview questions, which

facilitated the understanding of many informants, including those answering in English, helping them to feel more confident in their responses. Informants were generally asked a minimum of six questions, and often up to twenty, depending on time and level of expressed interest. On occasion, informants were asked a single question to which they responded for the duration of the interview. While structuring interviews in a uniform manner has clear merit, these informal 'conversations' often yielded intriguing findings, and opened new avenues of inquiry.

In addition to in-person and telephone interviews, and secondary and archival research, I had multiple opportunities to conduct participant observation research— accepting invitations to attend or speak at political and cultural events, mainly in Hargeisa. These events allowed me to experience first-hand the evolution of Somaliland politics and culture over a period of several years, and to witness the effect of my presence on informants and other political actors. For the most part, my presence was used to amplify the seriousness of these events, but this varied depending on the capacity in which I participated, and how familiar I was to those involved.

During my initial two field visits to Somaliland, I was yet to become a known commodity to those I was interviewing, which slowed my initial data collection, in that my potential informants were not always comfortable or willing to give up their time for a researcher and a project that was new to them. I was therefore heavily reliant on my translators, who also helped me to do outreach and schedule with those who spoke Somali only. Also, within a week of my research I learned that my initial translator himself was a partial liability, having developed a mixed reputation in the NGO community as someone not necessarily to be relied upon. This forced me to reach out to several Somalilander friends and colleagues who helped me find honest, if not necessarily more neutral, translators and guides, and to learn how best to

reach out to new contacts and potential informants on my own, to establish an initial introduction leading to easier rapport in my interviews.

My most effective research was likely carried out between the periods of my initial anonymity and later years in which I had become a known commodity, after which time I was asked to speak at various fora, and sought out by those who wished to express their strongly held views in support of international recognition—or in opposition to it, and at which time I became a genuine participant observer in the 'case of Somaliland,' and had to go to greater lengths to ensure my independence and neutrality.

During the periods when I was in Somaliland for my employers (Amnesty International and later the UN Somalia Eritrea Monitoring Group), I was careful to describe my different roles to those I was interviewing for my doctoral research, and I held research interviews separately, after I had completed my organizational field missions. In fact, the more work I conducted on Somaliland, the more access I acquired to key actors presenting various perspectives, which better informed my analysis. Since most of my informants were either government or non-governmental leaders—including minority rights activists, the wearing of multiple hats was familiar to them. For those I interviewed in Las Anod, there was no need to discuss my organizational roles as they were unaware of my previous work or research in Hargeisa.

It is also important to briefly describe the conditions under which I traveled to Somaliland's eastern region of Sool. When the then-former foreign minister approved my plans to travel to the east in 2007, I was obliged to accept a security escort, a requirement of both the Somaliland government and the United Nations operating in Somaliland. I had initially planned to travel overland from Garowe in Puntland to Las Anod in Somaliland. In the interest

of security, I chose instead to accept armed guards provided by the Government of Somaliland, under certain conditions. Following common NGO protocol, armed escorts must travel in a separate vehicle.

It took most of two days for us to travel by land north from Hargeisa to the port city of Berbera, south again into the central highlands through Sheikh, then Burao, traversing ever more arid land to Las Anod, within a few kilometers of the Puntland border. This was new territory for me, interviewing residents whose lives differed greatly from those in Hargeisa. My research immediately became more focused, my interview questions narrowed to a few. I had to work quickly in the interest of security, and my translator and I had to meet with a range of informants literally queueing in front of our modest hotel. Maintaining a low profile became impossible even before we arrived in Las Anod, but the queue made us more visible and more vulnerable. It was also more important in this remote area to be very precise in my description of myself and the purpose of my research. While some were suspicious of political motives, my greater concern was being mistaken for an aid worker or a funder. That concern proved well-founded, as the following description of my field research will illustrate.

My traveling companions were two Somalilander women, one a middle-aged NGO director collecting evidence on abuses against women and providing basic guidance on logistics and interviews, someone trusted in the area, and the other a talented young guide and translator on leave from an international organization in Hargeisa. The three of us traveled in one vehicle with our driver. The trip was eventful, between flat tires and engine trouble, stops to introduce ourselves to local leaders, and more stops for khat chewing, prayer and siestas. About an hour outside of Las Anod something more unusual occurred, however. We began to

pick up ‘escorts.’ In one village a local leader greeted us, then hopped in his vehicle and followed along. At first we appreciated the support, until the same thing happened in the next village, and the next. By the time we pulled into dry, dusty and blindingly bright Las Anod we had become a convoy.

When we pulled into the mayor’s compound to introduce ourselves, we were immediately called into a ‘meeting’ with these local leaders. It did not take long, with the help of my translator, to determine the real purpose of all their support. Even though the foreign minister and a parliamentary committee chair had both phoned ahead on our behalf to explain my research, this large group of male elders was there to press for financial assistance, as they insisted that I must be a donor after all. Following a prolonged and rather uncomfortable exchange with these men (in translation), I managed to give the usual description of my work, and the group rather unceremoniously, and rudely, dispersed, leaving me, my two colleagues, our guards, and the mayor to share an awkward moment before beginning to discuss my research. Consequently, I wanted each of my individual informants in Las Anod to have a very clear grasp of my intentions and the guidelines under which I conducted by research as quickly and concisely as possible, including required permission, confidentiality and anonymity, and my inability to offer financial compensation. As it turned out, unlike their local leaders, most local residents already intuited these ground rules.

3. Data sources and collection

A description of my methodology would remain incomplete without some detail of the categories of those I personally interviewed, as it is important to understand the social and political differences among them that have affected the data they provided.

Civil society actors, including humanitarian aid and human rights organizations, think tanks, and professional and political associations, have made up a significant and vibrant sector of Somaliland society since 1991. They include some of Somaliland's most educated and active citizens. While journalistic standards and rule of law impacting small business in Somaliland are still in their early stages of development, the importance of Islamic law and Muslim practice means that activist religious leaders are held to high standards and generally held in high regard. Similarly, traditions of locally based 'democratic' practice have inspired and established human rights, humanitarian and development, gender equality, minority rights, environmental and other types of non-governmental organizations and activism, perhaps to a surprising extent in the eyes of much of the international community.

Among interviews I conducted with Somali and Somalilander informants in Hargeisa, Las Anod, Mogadishu, Nairobi, and Washington DC and other American cities, dozens of my informants represented civil society. Initially, I had limited the definition of this category to those working for or with locally based NGOs. As I gathered more data, however, it became obvious that a more natural classification should include academics, local individuals working with international organizations and UN agencies, business people, journalists, religious leaders outside of government, and other informed and politically active individuals not directly affiliated with the government or political parties at that time. These generally educated individuals had worn multiple hats, but would frequently mention their clear desire to remain outside of government and 'politics.'

Almost all whom I first interviewed in 2006 from civil society in Hargeisa expressed clear support for self-determination, independence and recognition of Somaliland by the

international community. This varied so little for so many interviews that I began to believe oft-cited assumptions reported in the international press that 'everyone' supports independence in Somaliland. In fact, however, after my pool of informants expanded, it became clear that this opinion, while popular, was by no means exclusive. This finding, however, rather ironically demonstrated that freedom of expression, a key pillar of democracy, was alive and well in a society where the government and the majority of elected and appointed representatives are outspoken in pursuing a single overriding political goal. The reasons why informants supported recognition also varied, and were often colorfully described through traditional Somali cultural mediums of metaphor, poetry and story. Again I note that while I have been able to name many of the other informants quoted in this dissertation, I have chosen to mask the identities of most of my informants from civil society to ensure they will face no retaliation from any actors about whom they may have shared their candid opinions as part of my research.

I have also chosen to categorize my minority informants separately from general civil society informants for two reasons. First, minority groups in Somaliland still face discrimination which affects their lives and livelihoods in unique ways. Second, that experience significantly colors their perspectives on international norms and self-determination. In addition, minority groups also tend to self-segregate in Somaliland.

Among the categories of my primary informants, Somaliland's political party leaders still represent the views of the old SNM; they are contemporary politicians seeking to further establish Somaliland's *de facto* independence and institutions, those with the most at stake, economically and politically, in pursuit of recognition. The three official parties are the ones with the greatest public support, as gauged by local elections. Historically and currently, they

are: the Justice and Welfare Party (UCID), the United People's Party (UDUB), and the Peace, Unity and Development Party (Kulmiye), led by Faisal Warabe, former President Riyale Kahin, and President Mohamed Silanyo respectively. UDUB opinions are for the purposes of this dissertation categorized as government, since UDUB was in power during most of the course of my field research. I had the opportunity to meet and address former President Riyale at a policy briefing in Washington DC. I have also interviewed the other two major party leaders. And I have had the opportunity to interview Dr. Mohamed Gabose, former physician to Siad Barre, chair of a political association *Qaran* (in Somali 'the nation),' and former Minister of Interior for the Government of Somaliland under Silanyo, among other political association and party leaders. As part of the Amnesty International delegation mentioned above, I also visited Gabose and two of his deputies in Mandhera Prison in December 2007, where they had been detained by the former government since late July of that year. They were released shortly thereafter. For some time Gabose's fate strangely paralleled that of his homeland; like Somaliland, his *de facto* fourth party remained unrecognized at the national level. Barred from running in the most recent presidential election, Gabose threw his hat in with Kulmiye. After their victory in June 2010, Gabose was appointed Minister of Interior, but has since relinquished that post.

Other informants hailed from Somaliland's bicameral parliament, which consists of an elected lower house (or House of Representatives) and a selected Upper House of Elders, the *Guurti.* (A *Guurti* is a traditional gathering of elders, first formally organized within the SNM.) There are currently 82 parliamentarians and 82 members of the Guurti, plus honorary members, in Somaliland. All of these members were selected male elders, though over time there have been a few female members who have inherited seats. Leaders and members of the

Guurti are still appointed, not elected, clan elders from their regions. Appointments are made by region and therefore reflect clan affiliations. Somaliland's democratization process has, to date, included successful local, presidential and parliamentary (House of Representatives) elections. Somaliland's constitutional referendum took place on 31 May 2001, the first presidential election on 14 April 2003, and the first House of Representatives election on 29 September 2005. The last presidential election took place in June 2010, and the most recent local elections in November 2012, although the dates for these were delayed several times. Provision for transition to an elected *Guurti* was included in the 2001 referendum, but strong opposition by some of Somaliland's powerful elders and members of the former executive, has delayed this. The former President and *Guurti* relied on one another to support extensions of their tenure.

Among parliamentarians I interviewed were: the Secretary General (Speaker) of the House and his Chief Secretary, the only two women members of the House, the Secretary of the *Guurti*, the *Guurti's* Politics and International Relations Committee Chair, and the *Guurti's* Human Rights and International Relations Committee Chair. Parliamentarians were often accompanied to interviews by one or more deputies or assistants. The image was that of a teacher with an entourage of students. This differed with the Speaker, who offered his opinion the majority of the time, and his deputy who was not shy about adding his own. They seemed very comfortable with this arrangement.

On occasion House and *Guurti* informants referred to 'the government' as separate from themselves, indicating a perceived distinction between them and officials in the executive branch, and feelings of disempowerment and distance from the decision-making power of the

president and his cabinet. Parliamentarians also frequently described Somaliland's courts as 'controlled' by the former president. With this in mind, parliamentarians, particularly members of the *Guurti*, would still often express views that closely resembled those of executive officials. In some cases it was as if they were literally reading from the same script. Not surprising, this phenomenon was most apparent in their answers to questions about criteria necessary for self-determination, independence and recognition—clearly the primary goals for almost all political leaders.

This was also true in discussions regarding the protection of basic human rights in Somaliland. For example, the *Guurti* Human Rights Committee Chair and other *Guurti* leaders were quick to sacrifice their support for individual human rights on the altar of international recognition. In fact, they often described national self-determination as a basic human right. They would express disapproval of international protection measures favoring individual over collective rights. For example, parliamentary bias toward collective rights contributed to confusion over government responsibilities toward southern Somali refugees[5] and eastern Somalilanders from the contested regions of Sool and Sanaag, and led to government interference in civil society organizations (including the SHURO-Net Coalition), and the arrest of unregistered opposition candidates in Somaliland (*Qaran*'s Dr. Gabose and two of his deputies).

Delays in the transition of the *Guurti* from selected to elected house of parliament have also contributed to concerns by some that Somaliland's democratization is not yet sufficiently mature to warrant international recognition. This was particularly true in relation to presumed collusion with the former president, who was believed to have supported delays in the *Guurti*

[5] From interviews conducted in Hargeisa in 2006 and 2007.

transition to secure *Guurti* approval for delays in elections, widely believed to benefit his party. Accusations of corruption against some *Guurti* elders have also emerged, since it remains subject to no clear oversight to ensure transparency and accountability.

Of particular interest to this dissertation are answers to interview questions provided by Somaliland government informants from executive and judicial branches in relation to the state of *de facto* governance, international norms, and efforts to overcome remaining obstacles to international recognition. If party leaders have had a significant stake in independence and recognition, the livelihoods of acting government officials have directly depended on them. They therefore often put their own spin on current conditions and steps taken to meet perceived requirements to achieve international support.

Defining government in Somaliland has often been an exercise in tracking power back to the center. The word 'government' itself is commonly used to refer to the president and his many ministers, but also encompasses the struggling judiciary, and the *Guurti* and House of Representatives. At the time of my field research there were some 25 ministers; others may be appointed at the will of the President. For the most part government power has rested with the executive, and more specifically with the president and several of his closest ministers. Government power emanates from clan family, which made the former administration an interesting anomaly, as President Riyale Kahin is from a relatively small clan, the Gadabursi, in northwest Somaliland. He was therefore dependent on the Isaaq, and specifically several dominant Isaaq clans, to maintain his authority. Riyale Kahin was Mohamed Ibrahim Egal's vice president during his second term in office. When Egal died in office, Riyale Kahin was inaugurated as president in 2002. He also won the presidency in the 2003 election. Muhammad

Silanyo, from the Habar Jeclo of the Isaaq, won the presidency in 2010 with a close margin of victory, but Riyale and UDUB did not contest and a smooth handover of power took place.

Finally, there are two categories of informants which have served as significant outliers to answers on almost any question related to the history of Somaliland's struggle for independence, its current state of governance, international norms and Somaliland's quest for international recognition—those from minority non-Somali ethnic groups and those from the contested eastern border region of Sool. The perspectives of these two groups are discussed at greater length in chapters below.

Chapter V Historical Background

1. Why Somaliland[1] matters

Why should one care about a small, unrecognized East African territory that separated from tumultuous Somalia more than two decades ago? Why is this poor area roughly the size of England and Wales with a population of just 3.5 million important?

Somaliland would be important if only as an island of growing prosperity and stability in a sea of state and non-state violence that has plagued the Horn of Africa for half a century. But it is much more than that; it is a functioning democracy in a 99% Sunni Muslim state, surviving alongside continual upheaval in South and Central Somalia. It is in possession of some 3,000 km of coastline, including the commercial port of Berbera, essential to Ethiopian and other regional trade, and a wealth of as yet untapped on and off shore oil and natural gas. Also, in a 2001 referendum, the majority of its voting population voiced a definitive 'no' to reintegration with Somalia, whose security forces under the dictator Siad Barre had caused massive devastation in Somaliland, including the exodus of hundreds of thousands of refugees during the Somali Civil War. Somaliland has belonged to the Unrepresented Nations and Peoples Organization since 2004.[2]

Initially inspired by Morton Halperin and David Scheffer's *Self-Determination in the New World Order*,[3] I have focused my research on the case of Somaliland, with some comparison to other resolved and unresolved claims to self-determination in Sub-Saharan Africa. I made this

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[1] For the sake of simplicity and accessibility, I have chosen to use the term 'Somaliland,' rather than the former British Protectorate of Somaliland or northwest Somalia, while recognizing that this term is itself controversial among those committed to a single united Somalia, who commonly refer to this territory as Northern or Northwestern Somalia, and take exception to a name that implies formal separation from Somalia.

[2] http://unpo.org/members/7916

[3] Halperin, Morton H. and David J. Scheffer. *Self-Determination in the New World Order*. Washington DC: Carnegie Endowment for International Peace, 1992.

choice based on the depth and breadth of progress made by Somaliland's authorities since 1991 in meeting most if not all acknowledged fundamental criteria used to judge both the legitimacy of self-determination claims to separation, and the viability of existing nation-states and democracies. Somaliland thereby stands apart as a significant case in relation to its formal claim to *de jure* recognition of *de facto* independence.

At the start of this dissertation I had only recently emerged from years of advocacy for the independence of East Timor (now Timor Leste) from 24-years of Indonesian occupation. I was at that time predisposed to view Somaliland as a similar case of international negligence of a people which deserved recognition of national sovereignty. Once I began my field research, I found the question of recognition neither as clear nor as clearly resolvable as I had presumed. Where I had expected to find near-unanimous and unconditional support in Somaliland for international recognition of *de facto* independence, I found a wide range of views on whether, when and how recognition might be granted. Where I had assumed clear territorial integrity and government authority throughout the territory, I found deep-seated conflict along Somaliland's border with the semi-autonomous Somali region of Puntland.

In this chapter I explore Somaliland's historical experience and the perspectives of its leaders and analyze how and why they came to believe Somaliland should exercise national self-determination and become internationally recognized as independent. I consider their strategic thinking over time on how to meet these twin goals, by building democracy and enhancing economic development, and achieving other advances. And I consider some of the regional and international obstacles to recognition, despite Somaliland's adherence to

international norms and law—from the African Union, the United Nations, and in relation to Ethiopia, Egypt and the Nile.

To fully understand how Somaliland's leaders arrived at their decision to pursue first independence through self-determination, then international recognition, one must consider at least the last half century of its history. To begin, there were the distinct colonial histories of the British Protectorate of Somaliland and Italian colonization of South Central Somalia (Italian Somaliland), contrasting indirect rule and benign neglect by the British with direct and heavy-handed Italian control. These histories left 'British Somaliland' and 'Italian Somaliland' in very different stages of political and economic development on the eve of their independence in 1960, and significantly contributed to deep fissures between the two regions throughout the years of the Somali Republic to follow.

It can still be asked, however, why in 1991 Somaliland's leaders and its people chose to pursue separation from Somalia, rather than a less drastic solution—a stronger federation, negotiated autonomy, or temporary autonomy (as chosen by Puntland several years later). While the obvious answer to this question is the 1988-1991 Civil War, disillusionment with confederation started much earlier, for the northwest region of the Somali Republic suffered most at the hands of the Somali National Army (SNA) under President General Mohamed Siad Barre. Its people had been increasingly marginalized from participation in government in Mogadishu, denied development assistance, and from 1988 suffered brutal repression.

The Somali National Movement (SNM) emerged alongside multiple armed groups opposed to Siad Barre in Somalia, and served as the front line of defense against SNA aggression in the north, but it was not a self-proclaimed secessionist movement. The SNM

joined with its allies, armed opposition groups in Somalia, to resist, then topple, the government of Siad Barre. The aim of its leadership was liberation from state repression, but the SNM exceeded its own expectations, and its leaders were pressed by the people of Somaliland to declare independence and establish a separate state, free from violence and discrimination. Somaliland's declaration, however, was not then and is still not recognized by the international community.

2. A brief history of Somaliland

> *"Can we really speak of a failed state if it is questionable whether a meaningful state ever really existed?"*[4]

Somaliland (the former British Protectorate of Somaliland) united with South Central Somalia (former Italian Somaliland) to form the Somali Republic in 1960. This marriage of Somali territories was rocky from the start, with the northern region attaining less political control by far than its southern counterpart, and this rocky relationship continued for nearly a decade. Following a coup which overthrew Somalia's elected government in 1969, people across Somalia suffered 30 years of increasing repression under President Siad Barre's Somali National Army (SNA); this repression was most acute in the north, laying the foundation for the re-separation of Somaliland along former colonial borders, when local leaders declared Somaliland independent, claiming the people's right to self-determination.

Clan elders and leaders of the northern Somali National Movement (SNM) declared Somaliland's independence from Somalia on 18 May 1991, after the SNM and other armed Somali opposition groups toppled Barre's regime and ended the first Somali civil war. While

[4] Little, Peter. *Somalia: Economy without a State*. Indiana University Press, 2003.

Somalia subsequently descended into decades of inter-clan, 'warlord'-based and criminal violence, Somaliland began to build a new government.

Current Regions of Somaliland[5] (Map 3)

[6]

Back in 1960, the British Protectorate of Somaliland and Italian Somaliland had merged to form the modern state of Somalia, as just two of five areas of the so-called 'Greater Somalia,' after only days of Somaliland's post-colonial independence.[7] In fact, Somalia's national flag (the 5-pointed star) represents the five regions of neighboring states with significant Somali populations: Somalia, Somaliland, northern Kenya, eastern Ethiopia, and Djibouti. The clan families of the 'two Somalilands,' which had been so arbitrarily divided then reunited, were held together under first a republic (from 1960-1969), then military dictatorship (from 1969-

[5] Somaliland had, until early 2008, consisted of the regions: Awdal, Woqooyi, Galbeed, Togdheer, Sanaag and Sool. Somaliland's former President Riyale later altered this configuration to add Gabiley, Badhan, Buhodle, Salal, Sarar, and Odweyne regions.

[6] Map by Xarbi.wordpress.com, designed by Sami Mohamed Xarbi, www.somalilandtoday.org, 2010. Accessed on 4 August 2014 at http://xarbi.files.wordpress.com/2010/11/somaliland-map-in-soomaali.jpg.

[7] Drysdale, John. *Somaliland: The Anatomy of Secession*. Haan Publishing, 1987.

1991). The remainder of the Somali peoples populated areas of Djibouti, Ethiopia (the Somali region, known as the Ogaden), and northern Kenya, whose post-independence borders had been fixed based on colonial claims.[8] Lacking a unifying ideology, drawn from pastoral nomads and sedentary farmers, structured around clans which did not recognize modern borders, lacking experience with centralized government, Somalia was off to a challenging start.[9] As Peter Little has written, this Somalia was a "poor match for the hierarchy of the modern state."[10]

It is a common misperception regarding Somalia that it is socially 'homogenous,' because the vast majority of its people are ethnically Somali, speak Somali and practice Sunni Islam. In fact, political affiliation and group identity in the region are built on complex clan-based systems of cooperative and competing kinship ties. Among Somalis there are traditionally four main clan families: the Dir, Darod, Hawiye and Rahanweyne (Digil). Each of these clan families is split into six or more clans, which are split into sub-clans and sub-sub clans, as well as smaller lineage units and extended families. The two most prominent, the Darod and Hawiye, have consistently vied for localized and central power, often through brutal armed conflict. The Isaaq, dominant in Somaliland, trace their lineage separate from this rivalry, through the Dir.

By 1977 Barre's Somalia had suffered defeat in the Ogaden War against Ethiopia, revealing cracks in its powerful political façade, and blowing holes in popular support for further pursuit of 'the Greater Somalia.' Opposition, spurred by SNA brutality in the north and economic marginalization of peoples across the country, was mounted by undemocratic and

[8] Bradbury, Mark. Somaliland. Country Report, CIIR, 1997.
[9] Little, p. 15.
[10] Ibid.

often brutal local 'warlords.' In contrast, the Isaaq-led Somali National Movement (SNM) formed in London in 1981 and later established a base of operations in eastern Ethiopia. By 1991, as opposition forces grew in number and arms, and Barre's regime collapsed, Somalia disintegrated into internecine battles among multiple clan-based 'warlords,' and Somaliland's leaders declared its independence and began its state-building project.

For decades Cold War rivals had played out their proxy battles for power in the Horn of Africa. While the United States was supporting Ethiopia's Haile Selassie, Siad Barre courted the Soviet Union. When the self-styled socialist Derg took control in Ethiopia, the U.S. offered aid to Somalia. After Siad Barre was overthrown, former opposition movements became combatants against one another in a new civil war. These included the United Somali Congress (USC) factions, led by General Mohamed Farrah Aidid and Ali Mahdi, the Somali National Alliance (SNA), the Somali Patriotic Movement (SPM) and the Somali Democratic Movement (SDM). The causes of this war were many—conflicting colonial legacies, a kinship system of governance and a lack of power-sharing, contradictions between centralized state and pastoral cultures, uneven development and economic decline, Cold War politics and militarization, corruption, repression, and years armed conflict.[11] By the end of 1992 an estimated 500,000 Somalis had died due to war and famine. Tens of thousands had been killed and hundreds of thousands displaced from Somaliland alone.

In the midst of this human catastrophe, in May 1991, leaders in Somaliland, consisting of the five former regions of northwestern Somalia, are widely reported to have succumbed to popular pressure to declare independence. In fact, some of Somaliland's most prominent

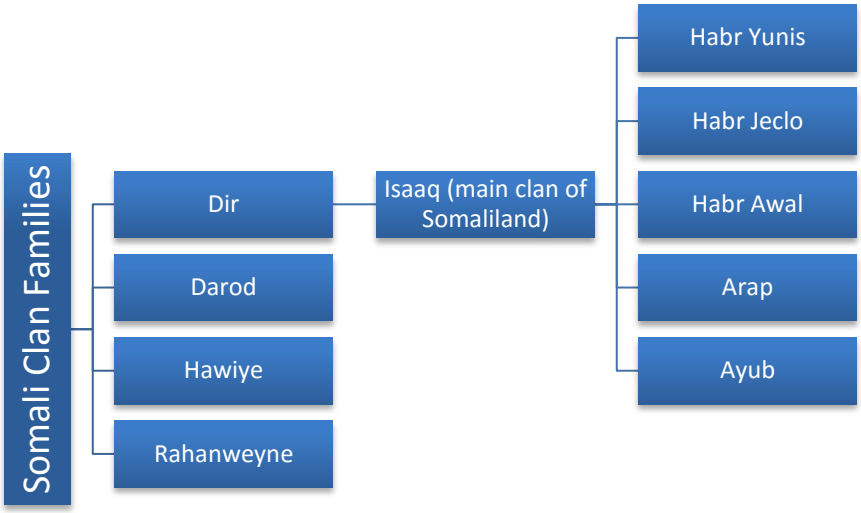
[11] Little, p.1.

leaders (including later Somaliland President Mohamed Ibrahim Egal) actively opposed independence,[12] but apparently acquiesced to public demands.[13] It has taken the remainder of South Central Somalia more than two decades to even approach the level of unity and governance that Somaliland achieved in its first several years of *de facto* independence. Today a fractious and still relatively unpopular government runs a *de jure* weak state in Somalia that still fails to protect its citizens against continual human rights violations by non-state actors.[14]

By contrast, the first administration of Somaliland under Abdurahman Tuur ran from 1991-1993 and attempted to establish a consociational power-sharing system among local clans. There are five main clans in Somaliland—the most powerful, the Isaaq, along with the Gadabursi, Issa, Dulbahante and Warsengeli. There are also multiple sub-clans of Isaaq, including the Habr Yunis, Habr Jeclo, Habr Awal, Arap and Ayub, which disaggregate by region into smaller kinship units (often referred to in English as 'sub-clans'). [15]

[12] Zartman, I. William. *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. Lynne Rienner Publishers, 1995, p. 82.
[13] Drysdale, p. 141.
[14] Amnesty International. *Fatal Insecurity: Attacks on Aid Workers and Rights Defenders in Somalia*. October 2008. AFR 52/016/2008. And *Routinely Targeted: Attacks on Civilians in Somalia*. June 2008. AFR 52/009/2008.
[15] While the term 'sub-clan' does not exist in Somali, it is still a useful designation for analysts in English to disaggregate the many layers of clan-based social division. For the purposes of this dissertation I have chosen to apply the typology of clan units laid out by I.M. Lewis in his 1960 analysis of Somalia, which remains the clearest means by which to differentiate among Somalis' complex horizontal and vertical kinship-based relations until today.

Major Clan Families of Somalia and Isaaq Sub-Clans of Somaliland (Chart 1)



Somaliland's first government was not fully successful in its efforts, particularly in integrating non-Isaaq clans, and civil war erupted in March 1992, lasting into October of that year.[16] By the beginning of 1993, however, under the administration of Mohamed Ibrahim Egal, a series of extended conferences of elders were held to establish steps toward reconciliation, security, state formation and constitution building in Somaliland, and initial achievements were won. Fighting broke out again in April 1995, lasting until January 1997, over control of the Port of Berbera. Clan elders also succeeded in ending this conflict through traditional means of conflict resolution.

Somaliland has since established a hybrid political system, including an executive and judiciary, and a bicameral parliament, a parliamentary upper house or council of elders, known as the *Guurti*, and a democratically elected House of Representatives, blending democratic and traditional means of governance, with the stated intention of eventually transitioning to a fully democratic parliament. Professor Hussein Adam from Holy Cross College attributes

[16] Bradbury, p. 19.

developments in Somaliland to "a grassroots approach to state formation."[17] And Peter Little has asked, "How much today [in Somaliland] is a renaissance of the indigenous pre-colonial system?" [18] I would argue that while much of what occurred in the initial years after Somaliland's declaration of independence did emerge out of traditions of societal organization, what those traditions were employed to build would lead far from their history, in large part due to the intentions of Somaliland's leaders once state-building had begun. Somaliland's interim National Assembly developed in several stages, beginning with a focus on peace and reconciliation, moving to the formation of local and regional political bodies, and finally establishing national institutions.

Local elections were first held in 2002. Peaceful presidential elections were carried out in 2003, with the opposition Kulmiye (Peace, Unity and Development) party coming in an extremely close second, within 80 votes of the victorious United Democratic Party (UDUB). President Dahir Riyale Kahin was democratically elected in 2003, despite this small margin, with no public violence or disruption of political affairs, though he never fully managed to shake public skepticism about his former tenure as a high ranking officer of Somalia's National Security Service during the 1980s in Somaliland's port town of Berbera. In September 2005, Somaliland held its first fully democratic parliamentary elections, which yielded a power-sharing arrangement between two main opposition parties. The next round of presidential elections were due in 2008 but postponed several times until June 2010, when Kulmiye's Ahmed Mohamed Silanyo won the presidency, wresting power from UDUB. President Riyale stepped down and Somaliland experienced a peaceful transition of executive power.

[17] Hussein Adam in Zartman, p. 82.
[18] Little, p. 13.

Somaliland's constitution allows for the formation of political parties and freedom of assembly, but has limited the legal number of national parties to three, those that obtain the highest vote count in local elections.[19] This limit was established to avoid the fracturing of parties along clan lines, but no additional provision was established for the rotation of parties outside new rounds of local elections. The current three recognized parties are: UDUB, the Justice and Welfare Party (UCID) led by Faisal Warabe, and Kulmiye. UDUB government officials have argued that the debate over the legality of a fourth party is subject to judicial interpretation, but Somaliland's justice system, still under review and proposed reform, has not yet proven capable of adequately addressing this issue.

In November 2007 in Las Anod, the capital of Somaliland's eastern region of Sool, several people were killed when sporadic fighting between local Dulbahante sub-clan militias escalated into armed conflict between Somaliland and Puntland forces over control of the town, on Somaliland's southernmost border with Puntland, which Somaliland soon won. During the fighting, tens of thousands of people (up to half the population of Las Anod) were displaced to Buhodle and Burao in Somaliland, and Garowe in Puntland, destinations chosen by displaced persons in relation to their clan and sub-clan affiliation. The threat of armed conflict between the forces of Puntland and Somaliland continues to impact civilians and the well-being of the local community today. Civilians, largely from Dulbahante sub-clans, have consistently complained about the significantly underdeveloped state of their local economy and infrastructure, including a fundamental lack of basic education and health care. Calls to the governments of both Somaliland and Puntland for assistance had, until 2008, gone largely

[19] Hashi Jama, Ibrahim. www.somalilandlaw.com.

unheeded. At that time the federal government of Somaliland promised an additional 2% of its annual budget for development in Sool, ahead of presidential elections. Most citizens of Sool and eastern Sanaag had not taken part in the presidential election of 2003 or the parliamentary elections of 2005.

Needless to say, Somaliland still faces myriad political and economic challenges, including economic development slowed by lack of international aid, security threats from southern Somalia and Puntland, and a fragile democratic transition, but the challenge considered most serious by its government officials is its ongoing lack of international recognition, which would allow, among other benefits, official international aid.

3. Challenges to Regional and International Recognition

Somaliland's leaders have deployed their arguments for international recognition in relation to norms and law, demonstrated via its accomplishments named above, with identified key actors. A range of international actors remain relevant to Somaliland's status, both governments and international organizations; these include the African Union, the United Nations, Ethiopia and Egypt. While Ethiopia has concerns about conflicting norms of self-determination, particularly in relation to its own Somali region, it also relies on the Berbera seaport and maintains other commercial interests in Somaliland. During the height of Somaliland's 2009 election crisis, Ethiopia showed a keen interest in helping to maintain Somaliland's stability and security. The Government of Ethiopia dispatched a skilled mediator to intervene with then-President Riyale, the two main opposition leaders, and the Speakers of the House of Representatives and the *Guurti* that year. Perhaps the most serious related concern for Ethiopia, however, pertains to its rights to the waters of the Blue Nile. Ethiopia supports

Somaliland in many ways, short of recognition, but it has also supported several successive governments of Somalia.

There are few incentives to encourage government officials in Somalia to recognize Somaliland, but there are a host of disincentives, including desire for the reunification of 'the Greater Somalia' (re-federalization of Somalia, Puntland and Somaliland) and economic interests (control of northern ports). Similar but much more complex are the disincentives to any Puntland support of Somaliland's claim, including Somali nationalism, close ties with southern Somali government leaders, and southern promises to and agreements with Puntland leaders. Somaliland's leaders have wasted little time arguing their case with either government to date, but their shared history and Somalilander leaders' evolving perspectives on Somalia and Puntland offer important data on the challenges to international recognition which they continue to face.

In August 2006, Somalia's Islamic courts were gaining power in Mogadishu, but they had not yet taken full control. That would happen later the same year, precipitating a U.S.-backed Ethiopian armed intervention to support the latest transitional government (of Abdullahi Yusuf) in Somalia.

By my August 2006 field research, the Islamic Courts Union (ICU) had maintained *de facto* control of Mogadishu for more than six months; later they were ousted by Somalia's Transitional Federal Government (TFG) forces alongside the Ethiopian incursion in late 2006 and early 2007. Remnants of the ICU then broke into factions which disappeared into clan and sub-clan communities as they fled, mostly south, from the capital.

By December 2007, remnants of the ICU had formed armed insurgent militias, including some known as Al-Shabaab (the 'Youth'), with the support of certain local Hawiye religious leaders, elders and 'warlords' opposed to Ethiopia's presence. Ethiopian troops remained in Somalia, alongside a newly formed AU peacekeeping mission of Ugandan and Burundian forces (AMISOM), authorized by the UN in early 2008.

In December 2008, I interviewed scores of displaced persons in Hargeisa who had fled deadly violence between Somali insurgents and the TFG, AMISOM and Ethiopian forces in the south. Tens of thousands of women, children and men had arrived seeking refuge, with family in Hargeisa, if possible, in settlements, if not.

By September 2009, Ethiopia had withdrawn from South Central Somalia, and the controversial Darod leader Abdullahi Yusuf had resigned the TFG presidency. He was replaced by a charismatic young former ICU-leader Sheikh Sharif Sheikh Ahmed, who subsequently established Islamic law (*sharia*) in Somalia. The tide of displaced persons from southern Somalia to Somaliland ebbed with these changes, but it picked up again after Al-Shabaab, Hizbul Islam and other armed opposition factions, increasingly desperate for support, carried out deadly raids against government forces in densely populated areas of Somalia, and horrific 'court' judgments against civilians under extreme interpretations of *sharia* from May 2009. These actions began undermining local support for armed opposition groups. Though these groups maintained control of much of southern and central Somalia, they also fought one another for power in Kismayo, Merka, Baidoa and other major towns.

Due to these numerous and significant changes in the political terrain of Somalia, my informants' views on the relationship between Somaliland and Somalia varied somewhat over

time. Still, general opinions of Somalilanders regarding the TFG, the ICU (and subsequent iterations of radical opposition groups), and Ethiopia—the primary actors in the armed conflict in southern Somalia—varied far less over time than might be expected. Indeed this is evidence of the steadfastness with which most Somalilanders have considered themselves fully separate from events in Somalia, a fact Somaliland's leaders have not failed to marshal in meeting the requirements of international norms and law on self-determination and statehood. As one civil society representative stated, "The rest of Somalia doesn't want Somaliland to be independent. This creates conflict, because the people won't want to go back."[20]

Because the TFG and the ICU both voiced strong irredentist aspirations to reinvigorate the dream of a 'Greater Somalia,' to reintegrate Somaliland into Somalia, Somalilander leaders considered them relatively equal threats to Somaliland's separate existence, and to future international recognition of Somaliland. A civil society leader simply stated, "The TFG has claimed Somaliland. The Somali National Charter as their constitution includes Somaliland."[21] Another said, "It will require a referendum to decide the fate of Somaliland. You can't force people to do what they don't want to do."[22] Many informants were also disturbed by the reputations of political and military figures leading Somalia, former and current TFG, Darod and Hawiye, many of whom they deeply distrusted. And many were concerned by the growing prevalence of *madrasas* (Islamic schools) and dress codes imposed on local women, among other indications of conservative Islamic cultural influence expanding into Hargeisa.

[20] Interview in Hargeisa in August 2006.
[21] Interview in Hargeisa in May 2007.
[22] Interview in Hargeisa in May 2007.

While there had been no terrorist attacks on Somaliland soil from 2004 to late 2008, such violence had surged in neighboring Puntland, including the abduction of international aid workers by armed factions. This contributed to fears that radical Islam was also spreading into democratic and moderate Islamic Somaliland. Fears regarding terrorism, however, were largely trumped—despite deadly suicide bombings in late 2008[23]—by Somaliland's election crisis, from September 2009. No matter how great Somalilander concerns that armed violence from the south could breach their borders, domestic political concerns regarding the consolidation of democracy and statehood remained most important to most of my informants. One of my civil society informants put it this way, "There is confusion with Somalia. We have to explain to the world the difference [between Somaliland and Somalia]."[24] Another stated, "We must empower Somalis. Who should you be rewarding—the people with the guns or the people with democratic principles? Somaliland is a good example. Award the good example, build on it.[25]

Opposition party informants either had less knowledge of or chose to withhold information on Somaliland's relations with regional and international actors obstructing or promoting recognition. This was particularly true regarding Somaliland's relations with Somalia. That Faisal Warabe seemed to have and chose to share more detailed analysis may reflect his closer relationship with the former Somaliland administration and his long cultivation of ties with diplomats. In 2006, he asked, "Are there threats from Somalia? The TFG made a mistake in their selection of Yusuf, from a minority clan in the northeast. They need the Isaaq and Hawiye. If this [TFG] fails to function properly… they will only serve to strengthen Somaliland. There will

[23] Simultaneous suicide bomb attacks were carried out in September 2008 at UN and presidential compounds in Hargeisa, as well as an intelligence facility in Bosasso in Puntland.
[24] Interview in Hargeisa in August 2006.
[25] Interview in Hargeisa in May 2007.

be war in Somalia." Also in 2006, now-President Silanyo argued the need to engage with moderate elements of the ICU, as well as the TFG.

While most Somalilanders I interviewed avoided discussion of Puntland (outside those in Las Anod), it is important to briefly consider the role of this neighbor of Somaliland and semi-autonomous area of Somalia. As already mentioned, Somali nationalism in Puntland stands in strong opposition to Somaliland's claim to independence and recognition. Opinion even among Puntlanders on Puntland is split, however. While some are committed to future reintegration into a federal Somali state (when the south becomes peaceful and secure), others see violent conflict in the south as a long-term threat and devote their energies to building a strong and prosperous Puntland. In any case, Somali nationalism in Puntland encourages an ongoing commitment to irredentist claims to large sections of Sool and Sanaag, currently administered by Somaliland and considered by its leaders as part of its territory. Long running feuds over land and water rights for nomadic herders and agro-pastoralists add to disputes, as do clan family, clan and sub-clan loyalties dividing the Dulbahante in Sool.

Clan leaders have also played positive roles, however, and indications are that many people and some leaders, particularly around the hotly-contested town of Las Anod, believe they have already paid too heavy a toll caused by decades of intra-clan fighting. In addition, intra-Dulbahante reconciliation conferences have been going on for several years now, to directly address concerns of mutual interest. There could be much to gain if the governments of Somaliland and Puntland could agree on unimpeded border passage for nomadic communities, and renewed economic and social commerce between kin groups living on either side of their

borders. Whether or not Somaliland and Puntland leaders will recognize and pursue this, for mutual benefit, is yet to be determined.

a. The African Union: Two assessment missions vs. *Uti Possidetis Juris*

Incentives and disincentives for the African Union in relation to Somaliland are as numerous as its member states. AU (formerly OAU) member states with an interest in Somaliland have included not only Ethiopia and Egypt but others interested in issues of territorial integrity or regional security. As a regional institution, the AU is tasked with balancing the mandated right of a people to self-determination with the dominant African norm to protect territorial integrity of post-colonial state borders. Still, in 2005 and again in 2008 the AU dispatched a delegation to Somaliland to assess its political situation. Reports from both missions recommended further action to consider Somaliland's claim to recognition.

African Union institutions, including the African Commission on Human and People's Rights, however, have done little to address Somaliland's claim to recognition. While individual AU member states may express sympathy for the unresolved status of Somaliland, the majority have continued to privilege their post-colonial territorial integrity over any one people's claim to self-determination, which could potentially alter post-colonial African borders. Beyond this general tendency to disregard such claims, regional power dynamics, particularly those involving Ethiopia and Egypt, have served to erect even more formidable obstacles to Somaliland.

To understand the African Union and its member states' concerns, it is important to understand the precise definition of *Uti Possidetis Juris*. According to Cornell University Law School's Legal Information Institute, it is "a principle of customary international law that serves

to preserve the boundaries of colonies emerging as states."[26] As Enver Hasani has interpreted the evolution of this doctrine in relation to African states,

> With the collapse of colonial rule, most abstract lines running along given longitudes and latitudes that divided colonial 'spheres of influence' were converted into international boundaries based on the principle of uti possidetis juris… African leaders have often claimed that their borders are artificial and imposed arbitrarily by foreign powers. However, since independence these leaders have subscribed to the fact that today's borders are the only viable solution for the continent. The Organization of African Unity (OAU) stressed in 1964, a year after its formation, that the borders of Africa reflect a 'tangible reality,' while its leaders made a commitment to respect the borders existing at the time of independence (uti possidetis juris)… Ethnic groups that attempted to secede from the parent state met severe resistance from the international community, such as in the cases of Katanga (Zaire/Congo) and Biafra (Nigeria)… [T]he OAU and its African leaders adopted the same philosophy and practice as their colonizers: the rules of the OAU were designed to preserve the external borders and relations among the new sovereign states of Africa… An African colony was considered independent after it had emerged from foreign rule and was able to conduct its foreign relations with full authority, internal difficulties notwithstanding.[27]

Since decolonization, African countries and the Organization of African States (now African Union) have gone to great lengths to protect the territory of their post-colonial governments; those territories that do not strictly adhere to common norms in this regard have been considered threats to the security and stability of all governments which face or could potentially face border challenges in the future. *Uti possidetis juris* has therefore become a *modus operandi* in relation to national self-determination. Only Eritrea and South Sudan have successfully separated from established African nation states since that time, and at great cost of lives. The primary argument used to support this policy position is the threat of a 'slippery slope,' that would encourage separatist territories within other states to challenge their

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[26] http://www.law.cornell.edu/wex/uti_possidetis_juris. Accessed 24 July 2014.

[27] Hasani, Enver. "International Law under Fire: Uti Possidetis Juris From Rome to Kosovo." *Fletcher Forum of World Affairs*, Summer/Fall 2003. Kratochwil, Friedrich. "Of Systems, Boundaries, and Territoriality: An Inquiry into the Formation of the State System." *World Politics* 39 (1), October 1986, pp. 36-41. Mazrui, Ali A. "The United Nations and Some African Political Attitudes." *International Organization* 18 (3), Summer 1964: p. 499.

territorial integrity as well. This particular norm is well understood by Somaliland leaders, and has directly encouraged them to not only argue adherence to but to actually ensure adherence to the borders of the former British Protectorate of Somaliland.

In addition, as cited below, are two specific mission reports in which AU officials argued the reasons for follow-up action on Somaliland, arguments that sync with those presented to them by Somaliland's leaders and its people. Both nonetheless came up against the weightier norms established to protect territorial integrity and led no further.

From 30 April to 4 May 2005, the African Union sent a small observer mission to assess Somaliland's claim to international recognition of *de facto* independence. The Deputy Chairperson of the Commission, H.E. Patrick Mazimhaka, a Rwandan, led the mission, accompanied by Zimbabwe's Dr. A.M. Kambudzi, Analyst in the Peace and Security Department, Col. Jaodoy Jean de Matha, Senior Military Expert from Burkina Faso, Mr. Patrick Tigere, Head of the Humanitarian, Refugees and Displaced Persons Division in the Department of Political Affairs from South Africa (now deceased), and Mr. Dieudonne Kombo Yaya, Senior Political Officer from the Central African Republic.

According to a short report from that mission, the delegation was sent to "see the prevailing situation (political, socio-economic, security, humanitarian and other related issues) in the country and listen to the concerns of the leadership and people of Somaliland, and duly report back the findings of the Mission to the Chairperson of the African Union Commission, with recommendations for further action."[28] Despite near total subsequent inaction on the part of the AU, the report had noted, "The message was the same in every place: 'the irreversible

[28] African Union, Resume, AU Fact-Finding Mission to Somaliland, 2005, p. 1.

independence of Somaliland; the irreversible sovereignty of Somaliland; no return to the Union with Somalia; the quest for recognition from the AU and the international community.'"[29]

This report noted that the process of state building in Somaliland remained "anchored… on the recognition by the Somalilanders of the inherited colonial borders at the time of independence from Britain in June 1960."[30] And, "there is a visibly emotional attachment to the reclaimed independence and a firm determination among the people of Somaliland not to return to the failed union with Somalia, whether or not recognition is granted."[31] In its concluding observations and recommendations, the report states:

> Going by the clear presentation and articulate demands of the authorities and people of Somaliland concerning their political, social and economic history, Somaliland has been made a 'pariah region' by default. The Union established in 1960 brought enormous injustice and suffering to the people of the region. The fact that the 'union between Somaliland and Somalia was never ratified' and also malfunctioned when it went into action from 1960 to 1990, makes Somaliland's search for recognition historically unique and self-justified in African political history. Objectively viewed, the case should not be linked to the notion of 'opening a Pandora's box.' As such, the AU should find a special method of dealing with this outstanding case…. 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 case…. Whilst it remains a primary responsibility of the authorities and people of Somaliland to deploy efforts to acquire political recognition from the international community, the AU should be disposed to judge the case of Somaliland from an objective historical viewpoint and a moral angle vis-à-vis the aspirations of the people.[32]

It is little wonder that the expectations of Somaliland authorities were raised after this mission and report in 2005; the delegation had its received its message that it had adhered to criteria for valid self-determination (i.e. its suffering under the regime of Siad Barre), adhered

[29] African Union, 2005, p.2.
[30] Ibid.
[31] Ibid, p.4.
[32] Ibid, p.2.

to the colonial borders, maintained territorial integrity of that same region, and maintained the popular support of its people for independence. Former President Riyale subsequently submitted a formal application for Somaliland's membership in the African Union. (To date I have found no record of a formal reply.) Nor was there subsequent action taken on the recommendations of the observer mission; while its report clearly indicated the need for some creative form of AU action—and Somalilander officials initially expected at least observer status—nothing comparable was done.

Also informative is a confidential document I obtained from an anonymous source regarding a follow-up assessment mission conducted by the AU Special Representative to Somalia Nicholas Bwakira in Hargeisa from 12-14 September 2008.[33] The primary purpose of this visit was almost word for word the same as the one carried out in 2005. Bwakira similarly summarized the views of Somaliland political leaders, civil society representatives and businessmen:

> The independence and sovereignty of Somaliland is irreversible. The prevailing feeling is that AU member states misjudge, do not listen and do not put their case at the top of their agenda. The perception is that the international community has turned a blind eye and its back on Somaliland. [The] AUC did not give any feedback on the AU Fact-Finding Mission to Somaliland in 2005 by then Deputy Chairperson of the Commission, H.E. Patrick Mazimhaka. [They possess] the determination to pursue their quest for recognition by AU member states and other members of the international community.[34]

Bwakira concluded with recommendations, stating:

> I would like to recommend to the Chairperson of the Commission to consider requesting member states to send a fact-finding mission to Somaliland as a follow up to the AUC missions of 2005 and 2008. The purpose of such mission would be to assess the developments which have taken place in Somaliland for the last 15 years and make recommendation as to the most appropriate course of action… As a peace dividend, the

[33] White paper entitled Visit of the African Union Special Representative for Somalia, 2008.
[34] African Union, 2008, p. 1.

> international community should provide institutional capacity building support to Somaliland infrastructure and facilitate its access to the international and regional financial institutions and banking systems…. The African Union Commission and IGAD should explore channels of communication and dialogue with the Somaliland authorities, and establish the best way they could be integrated into the regional socio-economic and political discourses including issues such as migration, illegal smuggling of arms, the fight against piracy and displacement of populations…. The African Union Commission should examine how best it could help to support the internally driven democratization in Somaliland through the provision of technical expertise and election monitors when required. It is important for the African Union Commission to find ways and means of associating itself with the continuing democratization process and extend technical support as required.[35]

Such language again did nothing if not falsely raise Somalilander expectations, after which no effective action was taken by the AU, despite its additional recommendation in this report of Somaliland's democratization process. Still, most of those I interviewed from among Somaliland's civil society leaders expressed the belief that the AU remains crucial to achieving full international recognition of Somaliland's *de facto* independence, according to international norms and law.

Answers to questions I asked my informants about the AU reveal which African countries they considered important, and what arguments they were making to convince them of their worthiness of international recognition. A number of these focused on AU commitment to colonial borders, including:

> The AU is most important; it must at least listen to the case. It is the most legitimate authority….The AU charter references African [colonial] borders. We need aid. And this requires bilateral agreements.

Timing is often crucial, as is the advocacy necessary to convince any institution of the benefits to offering recognition. While many whom I interviewed expressed their belief that the AU holds the key to Somaliland's overall international recognition, Somaliland opposition party

[35] African Union 2008, p. 3.

leaders were skeptical of their government's means of approach toward this end. Faisal Warabe called Riyale's request for AU membership 'premature,' and the press conference to announce it 'a mistake.' Gabose criticized a perceived lack of overall commitment by Somaliland's former executive and its inability to effectively pursue recognition. In 2007 he said about his own group "*Qaran* has never closed the hope on the AU. But the government of Somaliland isn't selling it the way they should sell it."[36]

Most Somaliland government officials whom I interviewed expressed their belief that the AU is important to recognition, and their incredulity that no support has yet emerged from that institution, particularly after the favorable report of 2005, which accepted many of their strongest arguments in meeting international norms and law. Former Foreign Minister Edna Aden said Somaliland's situation is like a soccer match in which one team is outside the arena and the other team is inside; the victor is declared before the match ever takes place. She went on to say:

> The AU could at least get us into the arena. Where is this democracy the world is trying to teach us? By denying self-determination, you are denying democracy… The AU doesn't have the capacity to deal with Somaliland. It fears its own wounds would suffer if Somaliland is discussed. They forget Somaliland is different, we are not moving colonial boundaries. Western Sahara has observer status, why not Somaliland?[37]

Another official noted, "The AU adheres to colonial boundaries. The delegation saw [Somaliland] for themselves."[38]

[36] Interview in Hargeisa in May 2007.
[37] Interview in Hargeisa in August 2006.
[38] Ibid.

But an elder human rights defender said the AU should refrain from recognition until Somaliland meets basic conditions [particularly in relation to minority rights]. For him, "Somaliland has to put its own house in order first."

In general terms, many Somalilanders still view the African Union as an institution the support of which is necessary for recognition; but they also view its most powerful members as biased against Somaliland, in spite of their knowledge, and in some cases appreciation, of the strides Somaliland has made toward meeting essential international criteria for recognition. Somaliland's leaders will be the first to acknowledge the lack of capacity the AU possesses when forced to address simultaneous armed and political conflicts, poverty and under-development, and wide-ranging security issues on the continent. But many will also add that their admission into the AU as a full member state would cost the AU almost nothing, and would almost assuredly provide greater assistance in addressing these very issues, and allowing Somaliland a forum at which to argue its general claim to international recognition.

In May 2007 the *Guurti* Secretary shared overly optimistic news, along with a realistic assessment of political affairs, and a dire forecast if Somaliland's current security and stability is refused recognition and denied support.

> Riyale is in Addis this weekend. We are near observer status. We keep hearing that everyone is 'waiting for the process in the south.' Let the international community take a position on Somaliland, so it can contribute to regional stability. If Somaliland collapses, this will become a 'host' region, with its sea and mountains and camel caravan trails. If this administration doesn't get support from the international community, the international community will suffer. We can play mediator with reconciliation in the south. Then the governments will talk about how to share future relations, they will come to the table at that time. But we can't interfere with this situation while self-determination is unresolved.[39]

[39] Interview in Hargeisa in May 2007.

b. The United Nations

Somaliland's leaders have repeatedly attempted to argue their case for international recognition with UN officials, particularly in that the norms they have strived to adhere to have in large part been those created or promoted by this global institution. Yet UN officials and relevant UN agencies, including the Special Representative of the Secretary General on Somalia (SRSG), the UNHCHR Independent Expert on Somalia (IE), the UN Development Program (UNDP), and the UN High Commissioner for Refugees (UNHCR), have consistently demonstrated more support in and for South Central Somalia than Somaliland. Only in 2009, when the election crisis in Somaliland threatened to turn violent, did UN attention re-focus.

The former UN Special Representative of the Secretary General for Somalia, Ahmedou Ould-Abdallah, clearly put Somalia first. He gave some support to Somaliland and appeared in Hargeisa only to avoid destabilization during the 2009 election crisis. Given his previous reluctance to give anything more than a nod to Somaliland, the irony of his visit was not lost on Somaliland's leaders, a number of whom dismissed his gesture as too little, too late.

On the other hand, a long established humanitarian presence of certain UN agencies has helped Somaliland develop in critical ways. The UN Development Programme (UNDP), while also putting Somalia first, started its rule of law project in Somaliland in 2006, and it has maintained an interest in developing and maintaining stability in the region. Likewise, the UN High Commissioner for Refugees (UNHCR) has been operational, albeit in a limited capacity, in addressing the needs of displaced southern Somalis and others in Hargeisa, as well as Toqhdeer, Sool and Sanaag. UNHCR officials are aware of the role Somaliland has played in

hosting tens of thousands of displaced persons, with minimal international assistance with which to meet their needs.

While one might expect the UN High Commissioner for Human Rights (UNHCHR) to be involved in the assessment of Somaliland's claim to a right to self-determination, it has avoided this thorny aspect of international human rights law, and only recently begun establishing programs to address individual and presumably collective rights protections in Somaliland.

Faisal Warabe was particularly critical of the UN in 2007, stating:

> The UN and NGOs, particularly Boutros Ghali and the 'Egyptian agenda,' have had the most influence. [Boutros Ghali] introduced the first resolution on territorial integrity of Somalia and Albright spoiled our chances of recognition in the UN Security Council. Kofi Annan failed to produce his own agenda. He played a negative role. In 1995 to 1996 the UN played a part in the civil war by supporting militias. Now they discourage NGOs from settling here.[40]

His last reference is to a frequently-mentioned system of security analysis which had consistently ranked Nairobi as safer than Hargeisa, and thereby prevented international aid workers from being permanently stationed in Somaliland.

A former SNM leader, now a leading historian, offered his account of the roles of the UN, among other international actors, in Somaliland:

> Astronomical figures have been spent [by the UN] on Somalia, not Somaliland. This is a kind of abuse. The UN would never talk about positive developments here.... There have been 14 separate reconciliation conferences. Think of the money that's been spent. As a nation, we have the right [to self-determination]. Gradually the international community will recognize what's going on. No one can take us back to that vulgarity [in the south]. There has been reconciliation here.[41]

The Speaker of Somaliland's House of Representatives noted that the international community has been looking to the AU to take the lead on Somaliland, but discounted it as

[40] Interview in Hargeisa in May 2007.
[41] Interview in Hargeisa in August 2006.

having no capacity and chided other actors for using it as an excuse. In our first interview in 2006, he said:

> The AU has many problems on their hands… Then there is the UN, particularly Boutros Ghali. Egypt prefers a strong Somalia to play against Ethiopia because of its Nile policy. Somaliland will not be part of Somalia, but there could be dialogue. A future confederation is possible, but it will take generations.[42]

By our second interview in 2007, after the U.S.-backed Ethiopian military intervention in South Central Somalia, the Speaker had become more specific, and more impatient:

> Somaliland is a fact the UN cannot ignore. They must at least discuss developments. They should consider Somaliland as a different entity. If they want to solve Somalia, they must come here too.[43]

There are other organizations with a vested interest in the fate of Somaliland. Perhaps the most obvious among them has been Independent Diplomat, an organization which advises, but does not officially represent, non-recognized state entities like Somaliland. Independent Diplomat has had a financial incentive to assist the Government of Somaliland in advancing its claim to international recognition, but it has also professed a normative one. According to its website, "ID offers expert and impartial advice and assistance in diplomatic strategy and technique to governments, political groups and NGOs…. particularly on conflict areas and issues under discussion at the UN and other international bodies…. ID only helps those who support democracy, human rights and the rule of law, and do not promote unlawful violence."[44] Also from its website, "ID advises the democratically-elected government of Somaliland, which seeks international acceptance and diplomatic recognition of the state of Somaliland. Recognizing Somaliland would consolidate the peace and security that Somaliland has achieved, remove the

[42] Interview in Hargeisa in August 2006.
[43] Interview in Hargeisa in May 2007.
[44] http://www.independentdiplomat.org/our-work

grounds for future Somaliland-Somalia conflict and assist Somaliland's development by improving the conditions both for private sector investment and development assistance."[45] Independent Diplomat took a principled stand with Somaliland leaders on the need to strengthen democracy in Somaliland during the 2009 election crisis.

Most educated members of Somaliland civil society whom I interviewed had already put a great deal of thought into Somaliland's place in the region, and in the world, and how the interests and corresponding actions of regional and international actors have impacted Somaliland's security, its capacity for economic development, and thereby its quest for recognition. One important finding from my research has been that many informants suggested that economic engagement, proceeding in a measured and transparent manner, is as at least as important, if not more so than international recognition; they supported ways to pursue economic engagement short of recognition. The following several comments, however, offer contrary contributions to this emerging dialogue in Somaliland pertaining to international influence on economic development in relation to international recognition. Economic development appears to have become a Catch-22, as both an acknowledged requirement of international recognition and a critical component of the nation-state that requires international recognition in order to continue.

> Somaliland needs solid partners to help the economy grow…. We should think about trade, not just security.
>
> There is no bilateral assistance yet, it's all from the UN. Most of those funds are spent on experts and UN salaries. Most of the people making the difference in Somaliland today are from the diaspora.

[45] http://www.independentdiplomat.org/our-work/somaliland

> You have seen our roads, our destroyed infrastructure. We cannot do this by ourselves. We cannot explore our natural resources. Companies won't come,[46] except the Norwegian oil companies.
>
> We just want recognition…. Should we have aid before recognition? That's not enough. First, importing is too expensive, because of creditors and insurance premiums. Second, food is very expensive. Third, resource exploitation is impossible now... Recognition is not just for recognition's sake.[47]

Interviews I conducted with Somaliland executive officials about international norms and law were interwoven with broader discussions of regional and international affairs, and specific actors helping or hindering Somaliland's claim to recognition. Some, like former foreign ministers, drew from their own personal experience to describe both the actions Somaliland has taken to meet perceived international obligations, and the responses of the actors to which their arguments about this compliance were aimed. Abdillahi Duale said:

> The international community can't be blamed. I appreciate the international community's efforts. But up to now resources have been wasted, and the solution remains too remote. Why does Somaliland focus on development? We are hostage to a country that doesn't exist. We have passed the stage of rehabilitation, now Somaliland deserves infrastructure and development. The international community [remains] focused on Mogadishu. This is hypocrisy. Somaliland has done everything without much assistance, with indirect UN and international assistance only. The international community must support Somaliland, because recognition is a fact, a reality. We may have skeleton institutions but we're practicing good governance. We have minerals, oil and gas, and cattle. The population is increasing. We are asking donor countries to assist in capacity building and technical assistance. We need education. The nation building process can't be ignored. History is being made in a tough neighborhood here.[48]

Other Somaliland officials also offered critique of international inaction, including:

> We are not stateless. International organizations and international NGOs still act as if this is Somalia, but it is a safe haven. Somaliland is peaceful and democratic; conflict resolution has worked here. But there has been a lot of international interference….[49]

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[46] Recognition would provide necessary legal contract guarantees for companies wishing to invest in Somaliland.
[47] Four interviews conducted in Hargeisa in August 2006 and May 2007.
[48] Interview in Hargeisa in May 2007.
[49] Interview in Hargeisa in August 2006.

Somaliland joined South Central Somalia to form the Somali Republic, and the Somali Republic joined the United Nations as a member state, both in 1960; Somaliland was not part of the country known as Somalia prior to this time.[50] In the following brief sections, I consider how 4 successive UN Secretaries General reacted to Somaliland's claim to self-determination and international recognition thereof. Given the overall lack of interest by UN Security Council members in Somaliland relative to Somalia, it would clearly take the commitment of UN leadership, possibly a Secretary General, to bring Somaliland to the attention of the UNSC, the General Assembly and the international community *writ large*. Such political interest, and will, has been absent, thwarted by a number of factors, several of which are mentioned below, despite Somaliland leaders' commitment to the international norms and law determining criteria for national self-determination and statehood to date.

i. Secretary General Javier Perez de Cuellar completed his term with the United Nations on 31 December 1991, just months after Somaliland declared independence. During the majority of his tenure the UN was still fundamentally indifferent to the plight of Somalia. De Cuellar eventually appointed James Jonah as the first UN special envoy to Somalia. Jonah started his term under de Cuellar's successor.

ii. Somaliland's chances for consideration worsened under the new Secretary General, Egypt's Boutros Boutros-Ghali, who would serve in this role through 1996. Boutros-Ghali had a reportedly rather close relationship[51] with the ousted Somali General Siad Barre and his Darod clan family—which likely informed the Secretary General's commitment to peace

[50] http://www.un.org/en/members/#s. Accessed on 24 July 2014.
[51] Waters, Robert Anthony, Jr. *Historical Dictionary of U.S.-Africa Relat*ions. Lanham, Maryland: Scarecrow Press, Inc., p. 39.

in Somalia through strong rule. While influenced by Egypt's long-standing geopolitical concerns with Ethiopia, he also had a vendetta against Mohamed Farah Aidid and the Habr Gidr.

While the UN Security Council (UNSC) began its extended arms embargo on Somalia under Boutros-Ghali's tenure in 1992, enforcement of the embargo was sketchy at best. Under his leadership, the UN also authorized the U.S.-led Unified Task Force (UNITAF or Operation Restore Hope) in late 1992, the first of a series of U.S. and UN operations, which culminated in the Battle of Mogadishu in October 1993. This was a turning point in international engagement in Somalia, and likely prolonged civil conflict and civilian casualties significantly.

By far the most significant factor in Boutros-Ghali's policy in relation to Somaliland pertained to the longstanding conflict between Ethiopia and Egypt over rights to the Blue Nile waters. In 1979 Anwar Sadat had stated, "The only matter that could take Egypt to war again is water,"[52] and in 1998 Boutros-Ghali said, "The next war in our region will be over the waters of the Nile, not politics."[53] As a nationalist Egyptian, Boutros-Ghali acted to protect the interests of his country, including as SG. One easy way to keep Ethiopia off balance was to advocate for a united Somalia, perceived as the counter weight to Ethiopia's power and authority in East Africa and the Horn. Supporting irredentist Somali leaders meant opposing Somaliland's claim.

iii. From 1997-2006 UN Secretary General Kofi Annan had a different agenda for Somalia and Somaliland. While much less than his predecessor, he too privileged Mogadishu over Hargeisa in significant ways. It was a different era of diplomacy and the UN was keen to reaffirm its commitment to Somalia's unity and territorial integrity, due to both real and perceived needs for stability, security, and specifically counter-terror operations in the Horn of

[52] Pacific Institute. *Water Conflict Chronology List*. http://www.worldwater.org/conflict/list
[53] Ibid.

Africa. Somaliland was therefore commonly viewed as an inconvenience amidst a long series of relatively unsuccessful internationally-backed (and funded) peace processes on Somalia. The first African UNSG expended his political capital on wider and more controversial issues to such a degree that, without more pressing justifications than were offered, self-determination for a small country currently doing quite well for itself did not warrant serious consideration.

iv. To date, under the leadership of UN Secretary General Ban Ki-Moon, who took office in 2007, Somaliland has yet received scant attention for its claim. For example, in a fairly recent conference of the Somalia Contact Group, UN and other international participants once again focused on Somalia, just weeks after Somaliland sent a letter to the UNSC leadership, which was allegedly not distributed to UNSC members.[54] In May 2013 Somaliland's Foreign Minister Mohamed Omar wrote to Ban Ki-Moon in response to fresh UN comments about Somali authority over Somaliland.[55]

After the Government of Somaliland refused UNISOM access to its territory for Somalia security operations, many in the breakaway state expressed deep concern that Somaliland-UN relations were deteriorating far beyond the UN's typical perceived indifference. M.A. Egge wrote in the *Somaliland Press* in June 2013, "Something has gone seriously wrong somewhere, and to put issues straight, we herein underpin the fact that the UN (elements in it or its whole entirely notwithstanding) are directly infringing upon the rights of [Somaliland], her people and her territorial integrity, by again offending our nationhood and rights for self-determination.

[54] Lee, Matthew Russell. "Somaliland: With Ban's Deputy at Somalia Conference, UN Dodges on Somaliland." *Somaliland Press*, 7 May 2013.
[55] Medeshivalley.com, 15 May 2013.

We support, in the strongest terms possible, the government's decision to refuse UNISOM's operative capabilities in Somaliland."

A series of UN Special Representatives for Somalia—from Ahmedou Ould Abdallah, through Augustine Mahiga, to Nicholas Kay—all under Ban Ki-Moon, have done little with their infrequent brief stops in Hargeisa to persuade Somaliland that the latest UNSG takes its claim to international recognition any more seriously than his predecessors did, yet surprisingly they have continued to adhere to perceived international norms and law and to use this adherence to argue Somaliland's case.

c. Ethiopia, Egypt and the Nile

Over the last two decades, Ethiopia has supported a stable Somalia, a necessity for its own security in the region, while simultaneously maintaining friendly and supportive relations with Somaliland, to which its interests are financially tied. If it was not clear prior to Ethiopia's intervention to back the TFG in Somalia, it was certainly clear afterward, Somaliland's powerful neighbor to the west continues to exert significant influence on regional politics affecting its claim to recognition. For Somaliland this has presented another paradox. The Government of Ethiopia has simultaneously bolstered weak Somali governments while developing diplomatic and economic relations with Somaliland, short of formal recognition.

Ethiopia has important economic interests in the area; for example, it has been forced to rely on Somaliland's port of Berbera on the Gulf of Aden in the absence of access to ports in Eritrea. Further, the Government of Ethiopia is compelled to ensure stability and security in Somaliland. This became evident when it dispatched a mediation team, led by then State Minister Tekede Alemu, to help resolve the simmering electoral dispute threatening violence in

August and September 2009. It has also hosted talks between Somaliland and Puntland in Addis Ababa. But Ethiopia remains deeply concerned about its own armed opposition groups, most relevant in its Somali Region, where the Ogaden National Liberation Front (ONLF) has called for independence and continually challenges government forces there.

Non-governmental intellectuals I interviewed in Somaliland had already given Ethiopian influence on the viability of Somaliland claim serious consideration. Many Somalilanders I interviewed stated that Ethiopia might be encouraged to recognize Somaliland, because it is in Ethiopia's best interest to keep Somalia divided, because a (re)united Somalia would be in Egypt's best interest, and a fundamental driver for policy in the region is their dispute over rights to the Nile. It is possible Ethiopia could be convinced to support Somaliland's independence, but to this point it has not been proven necessary to its best interests to do so. In general Ethiopia was viewed by most Somaliland leaders as centrally important to their bid for international recognition, both as a powerful member of the AU, and as powerful neighboring government, and they therefore tailored their arguments for recognition based on how they perceived Ethiopia would accept international norms in relation to their interests.

In addition, as I have already mentioned a number of times, one regional conflict over resources, above all others, impacts Somaliland's claim. The Government of Egypt opposes Somaliland's independence. Egypt struggles for control of more of the Nile waters for its country and its people. For decades Ethiopia, along with Kenya and Sudan, has held legal rights to most of the Nile prior to its reaching Egyptian land. Over recent years this has incited threats, as well as new rounds of negotiation among the relevant parties. It has also inclined Egypt's leaders (through several governments) to adhere to political policies that disadvantage

Ethiopia in other ways.[56] One such policy is support of a united Somalia, in the belief that only a united Somalia can sufficiently serve as a counter weight to Ethiopia's East African and continent-wide power and authority. And supporting a unified Somalia requires a refusal to support self-determination as separation, independence, statehood or recognition of Somaliland. In this way a scarcity of resources in a country that has no other interest in or relations with Somaliland is highly determinative of international recognition.

[56] Milas, Seifulaziz. *Sharing the Nile: Egypt, Ethiopia and the Geo-Politics of Water*. London: Pluto Press, 2013.

Chapter VI Somaliland and Somalilanders: International Norms and Domestic Opinion

> Separation, or secession, is anathema to independent states and to the existing inter-state system. As a result it has been only partially studied…. The division of labor within political science itself works against secession, leaving it suspended between comparative politics and international relations… But whether we like it or not… separatism abounds….[1]

> Unrecognized states are the places that do not exist in international relations; they are state-like entities that are not part of the international system of sovereign states; consequently they are shrouded in mystery and subject to myths and simplifications… Unrecognized states exist in the shadows of international relations, in a kind of limbo….[2]

1. Support for leaders who support recognition

Somalilander executive, judicial and parliamentary officials, party leaders, and non-governmental leaders and activists, in general, support international recognition. Though their unwavering support in its pursuit—and their adherence to international norms and law to get there—may be laudable, their motivation need not be so. I also asked my informants to think about government as separate from this primary stated objective. I was thereby able to consider the broader question of how Somaliland's leaders have been able to exploit popular perspectives to advance their strategic goals.

The former UDUB government conflated its existence with independence. Such confusion, whether deliberate or unintentionally encouraged, obfuscated the need for mechanisms of oversight and accountability within domestic institutions of governance, since everything was subsumed by the overarching quest. One civil society representative stated, "The people see the government as a means of attaining independence, it goes hand in hand.

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[1] Heraclides, A. *The Self-Determination of Minorities in International Politics*. London, Frank Cass, 1991,p. xv.
[2] Caspersen, Nina. *Unrecognized States: The Struggle for Sovereignty in the Modern International System*. Cambridge MA: Polity Press, 2012, pp. 1-2.

The people will vote for what will get them there."[3] While most educated informants outside government whom I interviewed were not fooled into accepting Somaliland's administration and its professed *raison d'etre* as synonymous. Many consistently maintained strong support for Somaliland's claim to recognition while offering a range of ideas about government, from mild and constructive to deeply critical, depending in part on their perspectives on the urgency of the need for international recognition. I have since heard civil society actors in particular maintaining this cognitive distinction in relation to the current Kulmiye administration as well, though stating or implying that the people did not, "The people see the government as a means of attaining independence, it goes hand in hand. The people will vote for what will get them there."[4]

Responses to my interview questions also pivoted on how close informants were (or believed themselves to be) to government administration, and how dependent they believed themselves to be on close relations with individual government officials. One said, "They are interlinked—support for the government and support for independence. Sometimes it's true that a bad government has to be supported."[5] While another offered, "Democracy is a very funny thing—everyone has their own interpretation. There are loyalties on different levels regarding the government but the country will not compromise on independence."[6]

A number of informants spontaneously raised the need for the administration to live up to its obligations to serve the needs of the people, and complained about its demonstrated inability to meet their expectations—implying that recognition is only one criteria by which any

[3] Interview in Hargeisa in August 2006.
[4] Interview in Hargeisa in May 2007.
[5] Interview in Hargeisa in May 2007.
[6] Interview in Hargeisa in August 2006.

administration should be judged. This opinion was also widely and strongly held by minority informants and informants from Las Anod.

These responses made clear that good intentions were not a prerequisite for adherence to international norms and law. As one other respondent noted, "Every government is supported for certain reasons. This one is supported because they want secession. If the government diverges [from this goal] it will have no support."[7]

The question of whether popular support for independence has been conflated with support for past and current administrations governing Somaliland incited animated responses from parliamentarians too. I deduced that this was often because of significant differences with and sometimes confrontations between them and the administration of President Riyale Kahin, depending on their party affiliation and the house of parliament in which they sat. During our second interview, the Speaker bluntly stated, "First comes recognition of Somaliland; the people will support any institution which pursues it."[8] Like others, the *Guurti*'s International Relations Committee Chair pointed to the need to move beyond what was deemed natural endogenous support to active exogenous support for recognition. He said, "Popular support of government is still there. Everyone agrees on the existence of Somaliland." And he noted something he termed a 'support identity' among Somalilanders.

The most direct responses I received distinguishing support for independence from support for government came from a senior and a junior justice official, both of whom somehow came to the figure of 80% when gauging public support for the Riyale administration. One noted, "The public supports independence, they voted with this aim, and in the end they

[7] Interview in Hargeisa in May 2007.
[8] Interview in Hargeisa in May 2007.

will have independence. But they are not satisfied by government. I could fill up pages with their weaknesses." The other added, "Most support independence, but not Sool and Sanaag."[9]

Executive officials understandably found this question politically uncomfortable, as it rubbed against concerns that popular support for (their) government depended on demonstrable steps toward the achievement of recognition, about which they were all too painfully aware they had made few. Not surprising, by contrast, opposition party leaders in Somaliland had a personal stake in distinguishing popular support for independence and recognition from popular support for government administration. For example, Faisal Warabe stated, "The government does not have majority support. They are hostage to independence." This phrase echoes others commonly used to describe Somaliland in relation to Somalia, 'a hostage to chaos in Mogadishu,' and 'a hostage to peace.' Somaliland's government leaders nevertheless use this demonstrated popular support for self-determination as evidence they have met one major international requirement in their strategic pursuit of recognition.

Minority informants expressed surprisingly complex and diverse, as well as critical, opinions on popular support for independence and government in Somaliland. A prominent minority rights advocate said, "The majority of people are uneducated, so theirs are not thoughts but feelings. We express ourselves as if we are on an island, as a special breed of people."[10] And a minority leader said, "People support the government, but most, the majority, support independence."[11] In my primary minority group, the 'chairman' was backed by other members in asserting that the majority of the people of Somaliland support "only self-

[9] Interview in Hargeisa in May 2007.
[10] Interview in Hargeisa in August 2006.
[11] Interview in Hargeisa in August 2006.

determination, not the sitting government." This question touched on an important distinction that seemed to free minority informants from otherwise automatic responses.

In addressing support for recognition, I have found that most Somalilanders, even those who may be deeply critical of the sitting administration, support or actively work for international recognition of *de facto* independence. That some others do not is in fact a positive indicator of the health of Somaliland society, which leaves room for political opposition and outright criticism of recognition—particularly by minorities and political analysts. Still, this situation took a turn for the worse in 2009-2010 when vocal journalists and local non-governmental organizations challenging the administration on its human rights record were targeted with small scale harassment, including arrest and short-term detention. For this and similar reasons, some of the most convincing supporters of international recognition for Somaliland were informants who yet argued that such recognition should not be granted prior to further advances in good governance, democratization and human rights. They accept the need for Somaliland to meet the criteria of international norms and law in order to attain recognition, and wish to use this as leverage to encourage more positive change by the government intent on achieving that recognition.

2. Challenges to popular will and state responsibilities to its people

i. Protecting Minorities

Among different sectors of the population from which I interviewed ordinary people living in Somaliland, were citizens of the eastern region of Sool, southern Somali refugees and those from non-Somali ethnic minority communities. While I consider the circumstances and perspectives of the first and second of these categories separately in other sections of this

dissertation, in this section I consider how minority representatives consider Somaliland's quest for self-determination, how their social and political circumstances affect it, beyond their perspectives, and how they may be able to consciously reflect international norms and law on self-determination and statehood in their relationships with Somaliland and the international community.

While minority groups are unlikely to be able to coordinate well enough or muster the resources necessary to determine political outcomes in Somaliland, they can be considered potential spoilers for recognition. It is therefore necessary to consider the nature and role of minority populations in the Republic of Somaliland. I.M. Lewis and other scholars[12] have estimated that only 5 to 15% of the total population of the territory that comprised Somalia at the fall of the dictatorship of Siad Barre (including Puntland and Somaliland), were not ethnically Somali. This estimate is likely still accurate today. While much has been written about the particular forms of discrimination faced by 'Bantu groups,' particularly in southern Somalia,[13] there are a number of different ethnicities, as well as overlapping caste designations, among these minority groups. Collectively, they are known by many Somalis, and self-described, as 'Gaboye' or 'outcasts.' Individually they include the Yibr, Midgan, Tumal and Dami peoples, generally understood in relation to their traditional affiliation with specific crafts, trades and services performed for the benefit of Somali society. There are few equivalents to Somalia's semi-hidden caste system. The set of societal dynamics that surround and sustain

[12] Lewis, I. M. *Modern History of the Somali*. Oxford/Hargeisa/Athens, OH, James Gurrey/Btec Books/Ohio University Press, 1988/2002. And Menkhaus, Ken. "Bantu Ethnic Identity in Somalia." *Annales d'Ethiopie*. Vol. XIX, 2003, p. 323.

[13] See Besteman, C. and L. Cassanelli, eds. *Struggle for Land in Southern Somalia: The War Behind the War*. Boulder CO/London, Westview Press/Haan Publishing, 2000.

them perhaps finds its closest analogy with India's untouchables,' though comparable group relations also exist in parts of Eastern Europe.

Minority individuals in Somaliland will often name a specific group with whom they identify most closely, or whose family and community lineage they trace as their own. Since 1991, however, international actors appear to have had a growing impact on them by encouraging the instrumentalization of collective self-identification. In effect, minority leaders have been oversimplifying their affiliations in reaction to pressure by donors to conglomerate, in order to vie for greater financial assistance together than they could acquire apart. I encountered symptoms of this change in multiple conversations with minority representatives who, though clearly proud of their lineage, would resort to generic Somali terms for minorities, in the belief that this would simultaneously satisfy presuppositions about minority needs and glean them monetary benefits.

Non-Somali citizens of Somaliland, as well as Somalia, remain discriminated against in the areas of employment, education, health care, and marriage and other societal relations—with visible, albeit gradually diminishing, effects, as members of minority groups inter-marry and otherwise interact with non-minority Somalis for individual over collective interests. Minority status has also been shifting due to economic changes, including the influx of impoverished refugees from southern Somalia and Ethiopia, the re-elevation of status of traditional occupations, and the sedentarization of traditionally nomadic populations.

Still, evidence of ongoing discrimination is visible in some half dozen 'settlements' in which many minority group members still reside in and around Hargeisa. In August 2006, I observed Tumal community members living in make-shift lean-tos lining congested back streets

of the capital. There they congregated to practice blacksmithing, teach their young male children this trade, sell their wares, and live their daily lives—cooking, eating, washing, and sleeping on the streets. In early and late 2007, I observed thousands of people living in two sprawling Dami settlements in the type of shelter used by Ethiopian and southern Somali refugees. These settlements consisted of camps with colorful 'tents' constructed of plastic, wire and fabrics distributed by aid agencies or collected from dump sites, grouped to provide a degree of cohesiveness and security. Some boasted small schools—shells of buildings in which children crammed together on bare floors to learn from few teachers—and clinics staffed by semi-trained health care personnel lacking adequate medication and medical supplies. In conversations and group interviews with more than two and up to dozens of adult minority Somalilanders, answers almost invariably were restricted to the views expressed by the highest status, most powerful and most vocal men in the group.

Two of the individuals whose interviews I draw from were not themselves members of minority groups, but human rights advocates who focused substantial time and energy on minority rights. About half of my minority informants participated in interviews I conducted in English; the other half utilized my interpreters, which freed them to more fully express their passionate concerns in Somali. One or two would appoint themselves to provide what had clearly become a standard running narrative of collective oppression. I would periodically break free of their 'tours,' by stepping into a shelter with a group of women who had something they wanted to share privately, or by privately posing more challenging questions to the men who were guiding me through the settlements.

On the whole, minority leaders mirror their constituents in that they generally possess a substantially lower level of formal education than ethnic Somalis in Somaliland. This is likely due in large part to the ongoing discrimination described above, and it was particularly reflected in their analysis of economic, social and political issues. They were generally unable to directly address issues that ranged beyond their immediate experience, and they demonstrated a diminished degree of understanding about national, regional and international affairs. Along with informants in and from the eastern region of Sool, minority informants represent those Somalilanders who possess and express much greater doubt in, contempt for and opposition to international recognition for Somaliland's claim to independence. More important than their perspectives, however, is the statement made by the nature of their circumstances in Somaliland, which can be interpreted to belie Somaliland's adherence to international norms expecting minority protections by newly formed states.

ii. Territorial Integrity and the case of Sool[14]

In November 2007, several people were killed during fighting between local Dulbahante sub-clan militias, supported by opposing Somaliland and Puntland forces, in Las Anod, the capital of the Sool region of Somaliland; this led to quick victory for Somaliland, since in control of the region. During the fighting, tens of thousands of people were displaced to the towns of Buhodle and Burao, as well as Garowe in Puntland. Over a year later few of those displaced had received any form of emergency assistance and most were still living in very poor conditions. Some were afraid to return to Las Anod because they had supported Puntland forces, which lost control of the area, or due to property damage sustained in the fighting.

[14] One of Somaliland's eastern-most regions abutting the territory of Puntland, with Sanaag, also in part contested by Puntland.

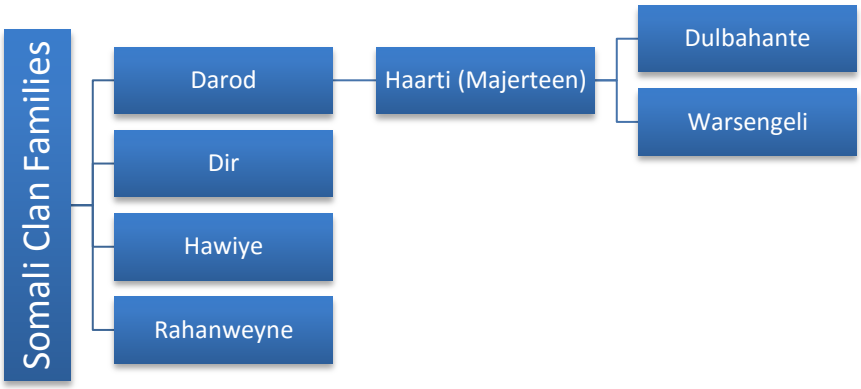
The ongoing threat of sporadic armed conflict between Puntland and Somaliland forces thereafter continued to impact the rights of civilians in the area and the well-being of local communities. And civilians have continued to complain about the underdeveloped state of the local economy and infrastructure, including a fundamental lack of basic education and health care. Although it may be the case that Somaliland maintains a sufficient monopoly on power across the majority of its territory—as defined by previous colonial borders of the former British Protectorate—it can still be held responsible for meeting the most basic needs of its people, including in its most remote regions. Yet the two concerns are not unrelated. How Somaliland's leaders might go about securing control of its border lands remains important to its claim to international recognition.

In December 2007, I traveled with two Somalilander women, a translator and a guide—along with drivers and security required by the UN and the Government of Somaliland—overland through Somaliland's central highlands to the arid western region of Sool and its capital Las Anod. Over the course of 48 hours we interviewed some 25 citizens there—men and women, supporters of Somaliland, Puntland and southern Somalia, who were students, human rights workers, government officials, businessmen and mothers. At times we became concerned for their safety and our own as rumor spread that we were conducting interviews, and groups of individuals formed queues dozens long outside the front door of our hotel.

If widespread dissent from majority support for independence and recognition for Somaliland exist anywhere, it is along Somaliland's eastern border. In fact, from the opinions we could gather over a necessarily short period of time, the population was quite evenly divided—between those who were deeply supportive of Somaliland's rule in the region (and

consequently in favor of recognition), those who were deeply opposed (who supported either Puntland authority or reunification with Somalia), and those who remained conflicted and undecided. Almost all informants belonged to sub-clans of the dominant local clan, the Dulbahante, a traditionally nomadic group from areas of land straddling the border of Somaliland and Puntland. Support for either government tended to divide along Dulbahante sub-clan lines.

Clan Families and Major Harti (Majerteen) Clans in Eastern Somaliland (Chart 2)



Sub-Clans and Affiliations of the Dulbahante in Las Anod, Sool, Somaliland (Chart 3)

Pro-Somaliland	Pro-Puntland	Neutral/Divided
Hamud Ugaas	Abdi Garad	Ogayahan
Mohamed Garad (Bahararsame)	Ugaadhyahan	Jamac Siyaad
Chama Siad	Naleeye Ahmed	Farah Garad
	Nugaal	
	Khaalef	

Two particularly interesting findings emerged from my time in Las Anod. First, neither Puntland (which had lost control of the region to Somaliland government forces just a month

earlier) nor Somaliland (then in control) had invested significant resources in providing for the most basic needs of the local population. More than a third of my informants from Las Anod pragmatically argued that whichever government cared enough to do so in the future could win their support. Second, prominent among those who were most deeply anti-Somaliland in their sentiments were older women, with little education and no personal experience beyond their immediate homeland. They were ideological and angry and would go so far as to say they were prepared to sacrifice their husbands and sons to return regional control to Puntland.

There is little doubt that future steps taken by the governments of Somaliland and Puntland will affect the degree of support won by each from the local population, and this will in turn impact Somaliland's ability to consolidate its monopoly on power along its border with Puntland, ensure peace, stability and security, and further advance its ability to meet international norms and law in pursuit of international recognition. Why Somaliland government officials have to date invested so little in meeting the needs of its border populations remains something of an enigma, given its otherwise savvy focus on the criteria of international norms affecting recognition. See Appendix 1 for more detailed data from interviews I conducted in Las Anod.

iii. Leveraging recognition to ensure human rights and democracy

A number of my informants who expressed strong support for international recognition of Somaliland's *de facto* independence, also described past doubt or opposition; many of these were expatriates returning from the U.S., other western countries or the Middle East, who had since become true believers in the capacity of Somaliland to achieve genuine democracy and economic development, but remained critical of government administration.

The year 2007 represented a time of eroding political space for civil society in Somaliland. This involved government interference in an inter-NGO struggle for control of a prominent umbrella human rights organization and an emerging new Human Rights Commission, as well as increasing use by government authorities of unconstitutional regional and national security commissions to arrest and detain individuals accused of presenting 'threats to national security.' Somaliland government officials have often expressed reasonable concerns about terrorism and related security threats on their territory, and they have also on occasion used them to justify the arrest, detention and surveillance of non-governmental actors. While in comparison to its neighbors Somaliland's human rights record has remained quite clean, government uncertainty about how to handle a growing public inclination toward democratic expression of free speech, press, assembly and association—particularly protest activities—appeared to have succumbed at least in part to this disturbing counter-trend.

On the other hand, government officials and even some human rights advocates in Somaliland have at times admonished international human rights advocates because, they say, individual rights are relatively less important than collective rights, and they distract attention from the credibility of Somaliland's claim to recognition from the international community. They argue that self-determination itself constitutes a fundamental human right, human rights include collective rights, and international recognition of Somaliland's self-declared independence is the most essential right requiring protection in Somaliland today. Government officials, parliamentarians and human rights leaders alike have emphasized their belief that recognition is essential for Somaliland to attain the economic development and security necessary for the government to ensure fundamental individual human rights to its citizens.

The paradox, as always, is that human rights protections are also potentially important to those who could provide that international recognition.

Some Somalilanders, most outside government, have in fact urged international organizations and major donor governments to demand greater government transparency and demonstrated improvements in human rights protections for journalists, political opposition figures, human rights advocates, minorities and other vulnerable people in Somaliland. They insist on the need for a reverse order of events—the Government of Somaliland must take clear steps to protect individual human rights in order for their claim to recognition, and economic assistance, to be given serious attention by the international community. Incomplete human rights protections and democratization thereby continue to impact the well-being of Somalilanders across the territory. They certainly had political implications for the former government, which unsuccessfully reinforced diplomatic efforts in pursuit of international recognition while facing the 2010 presidential election. The calculus used by international actors to determine their position vis-à-vis Somaliland can include criteria by which to evaluate Somaliland's democratization and human rights protections, as well as its establishment of domestic security and stability.

3. Somalilanders make the case for Somaliland using international norms and law

As has been described above, Somaliland's leaders, both government and non-governmental, individually support and deem popular support firmly demonstrable in favor of independence and international recognition. Since 1991 Somaliland's government has not wavered in its assertion of independence through self-determination or its quest for international recognition, which it justifies on the grounds of international law and norms. Even

those who still hope for the eventual 'Greater Somalia' generally believe its possibility cannot be entertained until South Central Somalia is peaceful and stable. As long as that remains an unlikely eventuality, they strongly argue that Somaliland is here to stay.

As has already been mentioned, traditional Somali means of governance operates by consensus, and this *modus operandi* has largely carried over into present day politics at the local and national levels. While one cannot dismiss minority or border outliers to consensus on independence and recognition in Somaliland, the Somali people on whole and through their official and civic leaders, chose to become, and has chosen to remain, an independent nation state. Unless South Central Somalia chooses to engage in a violent irredentist claim on Somaliland territory, the options for international action on Somaliland aside from possible recognition are few.

As mentioned, one of the findings of this dissertation has been how little international law and norms appear to have influenced Somaliland's initial declaration of independence, in contrast with how much they have influenced the approach of Somaliland's leaders' quest for international recognition since. As one government official shared, "There was no awareness in the public [in 1991]. It is [now] about the OAU/AU charter, the colonial borders, actual British borders. Somaliland was on the map, for three days.[15]

In one notable exception to common understanding of a lack of popular knowledge of international norms and law in 1991, parliamentarians expressed the belief that at least local leaders were aware of and considered these as relevant to Somaliland's initial declaration of independence. They explained how they believed international law should have worked at that

[15] Interview in Hargeisa in May 2007.

time. And they simultaneously bragged that Somaliland had so far fundamentally managed without the assistance of the international community, while complaining that it should not have to do so much longer. They distinguished between 'separation,' 'separating from the union,' and 'secession.' And they stressed the need for international action in fulfillment of existing norms and law. In addition, the Guurti Secretary, and others, raised the somewhat controversial assertion that Somaliland's 'act of union' with Somalia in 1960 was never actually ratified by Somaliland, which should have influenced Hargeisa's standing under international law when it chose to leave the union. The Speaker of the House built a similar argument in our second interview, stating, "It was not secession, we reclaimed independence. It was separation. We have a right to self-determination. International law should consider the effect, the results… Without the international community, we have solved problems anyway."[16]

Similarly, in relation to popular knowledge in 1991, a parliamentarian asserted, "They knew their rights, and knew that the OAU/AU colonial boundaries can't be changed. They knew the example of Syria and Egypt."[17] This argument, that Somaliland was only returning to its borders under the British Protectorate, while oddly configured, is important to the AU and its members, which have taken otherwise problematic colonial borders as sacrosanct in most cases, in order to avoid challenges to their own post-colonial authority. Somaliland leaders have understood and utilized this argument cogently over the years, but whether it was clear to them in 1991, or only in retrospect, remains unproven.

Many leaders and intellectuals have memorized law and norms and routinely use them as rhetorical ammunition in making their case. For example, many educated Somalilanders

[16] Interview in Hargeisa in May 2007.
[17] Interview in Hargeisa in August 2006.

know a great deal about territorial integrity, the Westphalian predisposition toward established nation states, and AU member states' fears that recognition of Somaliland would let the proverbial cat out of the bag in relation to established colonial borders, among other norms. They have therefore come to believe that their best chance for recognition is demonstrating Somaliland has met international obligations for self-determination and statehood, and thereby serves as the (non-threatening) exception to separatist states. One informant argued, "…International actors say, 'Why should I recognize you?' There are legal factors, strategic positions, resources—determining recognition."[18]

Did my informants believe that current international standards for self-determination would win them their claim? Some indeed assumed that international law and norms wield influence in the international community, while acknowledging that no law governing secession *per se* currently exists. Of course most of the Somalilander policy makers and thought leaders I interviewed did not in fact consider their act of self-determination to be an act of secession. As one civil society leader described it, "Most [people] were not aware of their rights; they were just taking back what belonged to them. It was just practical."[19] And a local analyst argued, "It was more political bargaining than knowledge of international law. It was the will of the people."[20] Other informants offered similarly discouraging comments about the role of international law and norms in what they commonly referred to as Somaliland's 're-separation.'

In addition, some of my informants argued that Somaliland's lack of international recognition is due in large part to regional and international power politics and state interests.

[18] Interview in Hargeisa in August 2006.
[19] Interview in Hargeisa in August 2006.
[20] Interview in Hargeisa in August 2006.

But overall they expressed the belief that, still, they must find better ways to convince powerful governments and international institutions to recognize Somaliland, and to do so requires working to meet and demonstrate meeting basic requirements of self-determination and statehood under existing international norms and law, even if they do not believe they should have to do so. "People are not much aware of what these laws are saying. People are determined to have their own state, so they have to abide by these laws of self-determination."[21] Responses to my interview questions regarding the value of international law and norms varied over time, but those from non-governmental leaders and activists in particular tended to vocally disregard the perceived importance of international law and norms, while simultaneously insisting they have met their criteria.

4. The Norms Somalilanders Use

International norms and law pertaining to national self-determination and statehood have been and continue to be actively used by Somalilanders, and particularly their government and non-governmental leaders, to argue Somaliland's claim to international recognition for *de facto* independence. To many of my informants the true usefulness of these norms and law is yet to be proven. Most expressed the belief that norms can be used to make a strong argument that Somaliland has met the basic criteria required for international recognition, to counter the interests of power politics, the fears of other African leaders, and 'lack of a Somali state from which to separate' that have stood in their way. From 1991, expectations were high. As an election official noted, "There was a minimal understanding. People thought they would go to heaven after independence. No one could disagree. [The first president of Somaliland

[21] Interview in Hargeisa in May 2007.

Abdirahman Ahmed Ali] Tuur said it will take long years to get recognition. But people were expecting recognition from the beginning."[22] This informant also noted that one popular military leader [Hassan Musa] had promised to 'bring secession within a year.' When these expectations were thwarted—year after year-- a more serious strategy was clearly required of Somaliland's leaders.

a. Popular Will

Civil society actors, like most informants during the period of my field research, were more pragmatic than to believe that unenforceable international norms and non-binding law, in themselves, would yield international recognition. That did not, however, stop intellectuals from marshaling the strongest arguments available to make their case, citing international criteria for self-determination and statehood. The most important argument for recognition for most Somalilanders, overriding all others, has been the will of the people, defined as demonstrated majority support for independence. Informants regularly expressed disbelief that the international community disregarded their previous suffering, or what they chose for themselves to end that suffering. As one civil society leader stated, They say, 'it would be like opening Pandora's Box. There will be twenty more countries lining up.' But self-determination is about the people; whether recognized or not, this [experiment] will continue.[23] For most of my Somalilander informants, the 2001 referendum still provides sufficient evidence of popular support. As another civil society leader stated, "It should be about what the population wants, not the UN."[24]

[22] Interview in Hargeisa in August 2006.
[23] Interview in Hargeisa in May 2007.
[24] Interview in Hargeisa in August 2006.

In relation to the influence of international law on, first, Somaliland's declaration of independence and, second, its quest for international recognition, executive officials were somewhat divided. They were, however, in full agreement on Somaliland's capacity to meet existing international criteria for recognition, often citing specific evidence of Somaliland's achievements, and noting its 'right' to self-determination, as they perceived it, under international law. Former Foreign Minister Duale stated, "Independence was and is the will of the people. It accords with the UN Charter, the AU Charter. The self-determination concept means executing and implementing the will of the people."[25]

b. Colonial Borders, Territorial Integrity and National Sovereignty

For many of my informants one of the most important actors expected to apply existing international law and norms on self-determination to Somaliland is the African Union, but this has not happened beyond two favorable assessment missions, as described above. Somaliland adherence to the former British Protectorate boundaries is another strong argument for AU support for recognition, as it respects post-colonial African commitment to maintain stable borders.

Opposition party leaders and sitting government officials answered questions about their awareness and perceptions of international law and norms by placing them in historical context, and exercising great care in choosing their words, for Somaliland's adherence to international law is the crux of the matter for many politicians. It is what gets them elected leads them closer to their goal of international recognition, the center of national foreign policy. As then-Kulmiye leader, now-President Silanyo said, "Africans are sensitive to

[25] Interview in Hargeisa in August 2006.

secessions, like in Nigeria. But this is not a parallel; it's a very different case. We adhere to the AU charter in our claim, we are requesting a return as we were at the time of independence."[26] Maxamuud Saalax Nuur (known as Fagadhe), an intellectual and diplomat then working with Kulmiye, also expressed a strong understanding of international law and norms, their vulnerability to global power politics, and effective means by which to cite them in support of Somaliland's claim. He said, "The Deputy Chair of the AU was in Somaliland and said that Somaliland meets all obligations of a sovereign state. Both John Kufuor and Alpha Konare have said that Somaliland's recognition would not create a precedent but fulfill requirements of the UN Charter.[27] And UCID party leader Faisal Warabe said, "Norms are useful, even non-intervention and territorial sovereignty."[28]

Somaliland parliamentarians had clearly given a lot of thought to how international law and norms can best be used to make Somaliland's case to the international community, and wrestled with the troubling reality that they were nevertheless still far from international recognition. Several bemoaned the paradoxical nature of existing norms and law that privilege the territorial integrity of struggling but recognized states over the emerging claims to national self-determination of stable territories. Others questioned any international interpretation that norms of territorial integrity could be applied against their claim, since Somaliland lies within the same borders as the former British Protectorate. The Speaker of the House of Representatives asked, "Why is the international community ignoring Somaliland? It may be easier than East Timor. We have the borders. Ours was a voluntary union, not by force. It was a

[26] Interview in Hargeisa in August 2006.
[27] Interview in Hargeisa in May 2007.
[28] Interview in Hargeisa in August 2006.

choice, very clear."[29] The *Guurti* International Relations Committee Chair said, "Somaliland has fulfilled every criteria, but the world is now focused on something else. Neutral countries establish criteria and recognize new states, but for the AU, colonial boundaries will never be changed. Yet that too should work in our favor."[30]

An elder justice official I interviewed focused on the need for Somaliland to fulfill AU criteria, particularly with respect for territorial integrity based on previous colonial borders.

> Boundaries of African countries are boundaries made by colonial states. We have a legally recognized boundary, and a functioning government, elections and a referendum. Somaliland deserves to be recognized. We have no terrorism, no fundamentalism, no landmines, a functioning government, the [political] will.[31]

A younger justice official cited the Montevideo Convention as important to Somaliland's case under international law, and suggested that the primary obstacle to recognition was Somaliland's lack of territorial integrity along its eastern border regions.

> This is not secession but separation. Like Egypt and Syria, Bangladesh and Pakistan. We are two countries that united then separated. Note Article 1 of the Montevideo Convention [on the Rights and Duties of States in 1933]. I suggest two theories. The first is deductive, *de jure* recognition. The second is constitutive, meeting the four conditions of Article 1[32]… Recognition would include Sool and Sanaag regions too.[33]

[29] Interview in Hargeisa in August 2006.
[30] Interview in Hargeisa in August 2006.
[31] Interview in Hargeisa in August 2006.
[32] The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.
[33] Interview in Hargeisa in August 2006.

Chapter VII What Somalilanders have done to meet perceived international obligations

As has been examined throughout this dissertation, Somaliland's leaders have sought to demonstrate their having met the majority of if not all criteria under international norms and law, including those described under a remedial right only theory of secession. In addition to distinguishing in greater detail among many of the norms already mentioned above, this chapter highlights a number of factors impacting international criteria for self-determination and statehood, as well as recognition. These include: the requirement by some for the existence of a viable remainder state from which a territory may secede; doubts regarding the legitimacy of international oversight of the 2001 referendum in Somaliland; Somaliland's contested borders with Puntland, despite adherence to those delineated by the former British Protectorate; and sufficient adherence to standards for human rights protections for its people.

I also emphasize in this chapter how important it is to differentiate among international criteria for credible self-determination, *de facto* independence, statehood and international recognition, even if the Government of Somaliland and the international community have often conflated these. If it can be demonstrated that Somaliland has met a sufficient number of these criteria in a substantial fashion, ongoing non-recognition may be found to be situated fundamentally beyond the arena of international norms and law.

1. Somaliland before and after independence

a. The colonial difference: The Republic of Somalia and failed integration

Somaliland's experience of colonial rule differed greatly from that of South Central Somalia. While the former remained under the indirect rule of British Protectorate authorities from the late 1800s—including the years of the Mahdist rebellions, except for a brief period of

Italian rule during World War II— so-called 'Italian Somaliland' was governed with a much heavier hand. If one looks at these colonial histories over time, it is possible to observe comparative advantage and disadvantage of British and Italian rule.[1] While the Italians were expending significant revenue in commercial development and institution-building from the colony's early years, the British took their time with such endeavors, primary accomplishments only emerging over the last decades prior to independence. By contrast, British methods allowed Somaliland's traditional leaders to maintain their religious and clan-based customs much more so than Italian means of control, while fostering in these leaders a sense of British democracy, and political and economic institutions.

Such differences played out during the early years of the Somali Republic, when South Central Somalia was much better prepared for centralized rule, and thereby better able to wrest significant political and economic control from its northern counterpart.[2] Such differences continued to play out after Siad Barre took power, with two major effects. The first marginalized Somaliland during his country-wide literacy and health campaigns. The second made Somaliland the brunt of some of his forces' worst repression, and the target of some of the most egregious human rights violations committed during the 1988-1991 Civil War.

British protectorate boundaries later proved to be those along which the leaders of Somaliland declared independence in 1991, reclaiming the full territory which had been made independent when the British relinquished control in 1960. Somaliland's leaders presumed these former colonial boundaries would be acceptable to and ultimately recognized by the African Union (then Organization of African Unity), under their own post-colonial guidelines.

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[1] Lewis, I.M. *Making and Breaking States in Africa: The Somali Experience*. Trenton: Red Sea Press, 2010, pp. 10-23.
[2] Bookman, Milica Zarkovic. 1992. *The Economics of Secession*. New York: St. Martin's Press.

Additionally, British indirect rule left one of the most valuable of Somali clan traditions—that of consensus decision-making—intact in Somaliland. As South Central Somalia deteriorated into clan-based 'warlord'-led violence, Isaaq and other clan leaders in Somaliland proceeded to build a democratically-based system of governance, political and economic institutions and social services, from the ground up. Perhaps the greatest irony in differentiating the outcomes of colonial rule in South Central Somalia and Somaliland, however, is that the territory which survived its colonial legacy with clear direction as an emerging democracy capable of self-government is not recognized, while the territory which has barely survived continual armed violence and political chaos in the south is.

b. Somali repression of Somaliland and the Somali Civil War

From the start of reunification of Somalia as the Somali Republic in 1960, Somalilanders were slighted.[3] Their capital was now Mogadishu, many of their most talented businessmen and politicians moved south. Their political representation in government was minimal, as was economic development. Many Somalilanders assert that conditions were so unequal that when it came time to approve the Act of Union, northerners were already prepared to go their own way. But despite northern votes against the Act, it still passed, as totals were counted cumulatively throughout the Republic, not by region. Early on violent opposition—in the form of a coup attempt and an assassination in the north—demonstrated the severity of political differences between the two areas. Though over the years the situation did gradually improve, and talk of separation significantly diminished, economic and political disparities between the north and the south remained and grew.

[3]Lewis, pp. 23-36.

From the 1979 coup, conditions disintegrated. During the early years of Barre's 'scientific socialism,' strides in education and health care were significant, but not in the northwest. Barre's fellow clansmen, from northeastern Somalia and other areas, were favored over the majority Isaaq regions of Somaliland. Conditions worsened to such an extent that armed opposition groups began forming, across Somalia, including the primarily Isaaq Somali National Movement (SNM). By the time armed conflict between Barre's SNA and the armed opposition groups reached the level of civil war, northwest Somalia was regularly under fire by land and air. From 1988-1991 the SNA decimated Hargeisa and several other northern towns, including Burao, Berbera and Erigavo, killing tens of thousands, and driving hundreds of thousands of Somalilanders to seek refuge in Ethiopia and other neighboring countries.

One cannot conduct research in Somaliland without acknowledging and accepting testimony on the vast and excessively brutal human rights violations committed against civilians throughout the territory by units of Siad Barre's SNA, both before and during the Somali Civil War. At the beginning of most interviews I would mention that I had previously collected evidence about abuses committed during the war, viewed available videos and photographs, and visited a mass grave site, as well as war wreckage left lying around Hargeisa and other areas of Somaliland as reminders of the sacrifices made by its people.

Descriptions offered by my civil society informants describe the depth of devastation that led most Somalilander families to unreservedly support the SNM, and later self-determination as secession, in some way. For example, "I was 10 years old in 1988. My house was destroyed. My father was arrested many times, then deported to Mogadishu. There were

midnight arrests, disappearances for days at a time."[4] These descriptions also reveal societal wounds still so raw and a people still so vulnerable that reunification with Somalia remains anathema to most. Another civil society representative stated, "Hargeisa was bombarded by planes and ground shelling, including non-military targets. This was supposedly to fight 'insurgents,' but civilians were rounded up, tied up. It was the government against its own people, not clan against clan. Electric poles and pipes were removed. It became a ghost town; only hyenas, wolves, and lions walked free. There were houses without roofs, like empty water tanks. There were killings and lootings."[5] And another said, "They used planes, tanks, land mines, napalm and chemicals. They tied up groups of ten and bulldozed them into holes. Young people were rounded up as mobile blood donors. They would give three to five liters a day and collapse. Then they were dumped."[6]

Minority informants also shared stories of SNA violations in Somaliland during the civil war years, echoing those told by other Somalilanders, with an added dimension. They described how minority groups were often caught between the SNA and SNM, accused by each side of collaborating with the other. This history still affects political relations between minority and clan groups in Somaliland today, or at least minority perceptions of those relations. Individuals still harbor distrust toward and lay blame on one another for actions dating back to the civil war. My research data indicate that during the civil war minority leaders and groups were indeed used as pawns between the warring parties. Now minority leaders attempt to use past

[4] Interview in Hargeisa in May 2007.
[5] Interview in Hargeisa in August 2006.
[6] Interview in Hargeisa in August 2006.

suffering as leverage to press the successors of one of those parties, the SNM, for changes they require.

These accounts from civil society activists and minority informants all expressed the deep suffering endured by individuals, clans, social groups and Somaliland society as a whole during the extended fighting of the Somali Civil War. They remain an integral part of the present day narrative of Somalilanders—those who fought or otherwise supported the struggle against Siad Barre, those whose families were affected, and even those not yet born, to whom the history of this pivotal period has been passed down as fundamental to identity as a Somalilander— and they speak to a strong ongoing societal commitment to independence, which they believe is necessary for peace and stability. They also speak to the importance of the pursuit of international recognition, which most Somalilanders perceive as essential to the support they now require to ensure security, political stability and economic well-being into the future.

c. The Somali National Movement and its leadership

A wide array of interests has driven Somaliland's historical narrative. The first set of political interests were held by the local nomadic and agriculturally-based clan families, and their clans, sub-clans and smaller kinship units who lived side by side and sometimes vied for control over local water sources, farmland and land for grazing. From the late 19th to the early 20th century a new set of interests forced themselves into the Horn of Africa during Europe's 'scramble for Africa,' and the lands of the Somalis were divided among the French, Italians and British, alongside the Abyssinians.

By 1960 Britain peacefully relinquished control of the territory known as the British Protectorate of Somaliland in the midst of African decolonization, simultaneous with its own diminishing interests in the Horn, leading to Somaliland's independence. Within days of that independence in 1960, Somaliland's leaders literally carried their flag to Mogadishu to join recently independent 'Italian Somalia,' with the intention of beginning the project of re-creating the 'Greater Somalia.' Though these two former territories did to form the Somali Republic, the dream of the 'Greater Somalia,' along with expectations of equal participation and shared power, were soon thwarted for the north, as the Ogaden was subsumed by Ethiopia, French Somaliland became Djibouti, and a swath of southern Somalia was joined to Kenya.

While the republican experiment lasted, the people of the north and their leaders—primarily from the Isaaq clan—suffered substantial economic and political discrimination, but after the coup led by General Mohamed Siad Barre in late 1969, their suffering rose to an entirely new level. Political officials and security personnel from the SNA gradually increased control, political repression, and economic exploitation in the northwest, until finally they resorted to overt force of arms. It was not long thereafter that SNA brutality was met with northern armed resistance.

By the mid-1980s, a group of northern leaders formed the Somali National Movement (SNM); at the same time a number of other armed opposition groups were forming in areas of the south, also in response to growing exploitation and repression. Initially the SNM had only one goal, to free its people from southern violence and repression; having failed to find the means to reform Siad Barre's political apparatus, most had come to believe the only remaining

option was government overthrow. For years the goals of the SNM movement remained fairly clear and simple, until, nearing victory, they met pressure for more.

By 1988 the SNM, along with the Somali Salvation Democratic Front (SSDF), the United Somali Congress (USC) and the Somali Patriotic Movement (SPM), among others, was fully engaged in the Somali Civil War; their forces, aided by Ethiopia, diaspora support and the support of civilians across the northwest and other areas of Somalia, fought the forces of Siad Barre. The SNA and Barre's intelligence unit were exceedingly brutal in their attempts to crush the resistance and retaliate, particularly against the SNM. Within three years most of Hargeisa was razed, tens of thousands were estimated killed in the fighting, and hundreds of thousands were forced to flee, most to Ethiopia. One cannot dispute the extreme devastation experienced in the north. By the third year of this full-scale assault, the vast majority of the remaining population had turned to some form of resistance to the SNA, whether through active participation in the SNM or passive support. No family was left untouched by death or loss. Homes, land and cattle were destroyed, and individual livelihoods and the regional economy were decimated, while the powerful sense of combined Somali, Somalilander, and Isaaq identity was strengthened.

By the time civil war was raging in Mogadishu and Siad Barre was forced from power, the people of the north had had enough of their long experiment with South Central Somalia and were ready to move on. Much to the surprise of many SNM leaders, on their return to Hargeisa, Berbera, Borama and Burao, their communities, and their clans and sub-clans, didn't just welcome them back, they demanded they step up to lead them in peace as well as they had in war.

Theirs was a popular call for independence, one based on refusal to accept further armed violence, economic exploitation, repression or discrimination, which they fully expected from the shaky alliance of militant groups then merging and fracturing in the south. The experiment was over. Northern Somalis wanted to control their own lives, and their own government. SNM leaders, divided on the wisdom of separation, had little choice but to endorse what had already been decided by popular will, as large assemblies demonstrated and made their demands. Mohammed Haji Ibrahim Egal, then Chairman of the Central Committee of the SNM, later Somaliland's second president, was the first to announce the declaration of independence. SNM representative Asman Ahmed made the announcement on the BBC in London, saying that, due to grassroots pressure, Somaliland had declared independence.[7] Did international law and norms influence this declaration and Somaliland's leaders' subsequent choices? To answer this question one must consider in greater depth the evolution of the Somali National Movement.

The SNM was a guerrilla force from the mid-1980s until independence was declared in Somaliland in 1991. Unlike the Eritrean People's Liberation Front (EPLF) and similar guerrilla movements in Africa, the SNM did not seek to maintain political power after seizing authority. Today many former SNM leaders and fighters play active roles in both civil society and government in Somaliland. They boast a status not unlike that of World War II veterans in the United States or Europe. During my first period of field research in Somaliland, I sought informants who could help me understand local perceptions of the SNM, as a resistance movement, prior to and during Somalia's 1988-1991 Civil War, as few contemporary African

[7] Interview in Hargeisa in May 2007.

movements have succeeded in achieving *de facto* independence. Yet I found that fewer than half of my informants engaged in non-governmental initiatives were able to answer questions about the SNM with any level of detail, being too young to have had direct knowledge, and, rather surprisingly, not having been taught this history in school. While it might be expected that many younger informants would be generally unconcerned about the SNM, older informants, unless directly involved in the movement themselves, also seem to have retained little detailed knowledge about their liberators. Consequently, the most substantial responses I received by far came from former SNM leaders and fighters themselves, as well as several educated young activists who had given the SNM serious thought. These young men and women noted, in particular, how SNA abuses drove support to the SNM and how, more than 20 years later, they continued to feed support to government officials striving for international recognition of Somaliland's *de facto* independence.

It is important to reiterate that the SNM was not a typical resistance movement in that it did not actively pursue independence. While successful SNM military operations led to the declaration of independence in Somaliland in 1991, the movement's primary objectives were resistance to and later overthrow of Siad Barre's government. As one activist noted, "I met with the SNM Central Committee members in North America. Their politics were divided, but the army was not divided. There was one goal: to kick out Siad Barre."[8]A senior justice official also stated, "The mission was to defeat Siad Barre, to create democracy in Somalia."[9] For the most part, among those who had any depth of knowledge about them, the SNM has boasted respect

[8] Interview in Hargeisa in May 2007.
[9] Interview in Hargeisa in August 2006.

and support both then and now. As one young female activist leader shared, "The [SNM] leadership was strong, and I know it is still respected. They fought along with the people."[10]

Nevertheless there likely would have been no SNM, and clearly insufficient support to achieve military victory, never mind *de facto* independence, if the people of Somaliland had not suffered massive violations at the hands of the SNA. This is also important in relation to international norms which require at least one of several reasons for substantial justification of self-determination as secession, one of which being mass violence against a people. A southern Somali refugee intellectual put it this way:

> The SNM started as a loose coalition. People were not supporting them in the beginning. Popular support only started after some skirmishes. Civilians were punished by Siad Barre's forces, and that created loyalty to the SNM. Government harassment drove people to the SNM.[11]

In addition, it is important to give credit to those who built the strength and capacity of the SNM as a fighting force dedicated to overthrowing Siad Barre-- first to the people, then to the diaspora, then to the Government of Ethiopia for a wide range of support. A young woman intellectual argued,

> [The SNM] was established by the diaspora. It was a people's movement only at a later stage, when they moved to Ethiopia. Support for the SNM arose because of government harassment… [But] the vision was not very clear—to fight against the regime, yes, but they didn't know what kind of state they wanted.[12]

Popular pressure, which emanated from the mass abuses suffered by an entire people, caused a movement's leadership to diverge from its own original intentions. Another young Somalilander offered a rather nuanced description of the relationship between movement popularity and pressures SNM leadership faced. He said,

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[10] Interview in Hargeisa in May 2007.
[11] Interview in Hargeisa in May 2007.
[12] Interview in Hargeisa in May 2007.

> They were 'forced to secession.' [The SNM Chair's] own clan was against it, other clans forced it. The Issa, the Gadabursi, the Haarti, they had to accept it… They accepted it for peace. Everyone accepted reality. There was no alternative to Somaliland. The SNM was a popular movement, essentially Isaaq. The SNM was a very egalitarian movement. They hated hierarchies, hated class. There were advantages and disadvantages to that. There was no order, it was chaotic. There was also division over ideologies, political and military aims, and structure… When Siad Barre went down, the SNM was at its weakest. There was no agenda, only to beat Siad Barre.[13]

It is those who had participated in the movement (most of whom are now leaders in government, civil society or political parties) who have remained most passionate about preserving Somaliland's history of the SNM. Their interests require that they draw an unbroken line from SNA abuses too SNM victory, to achievement of *de facto* independence, to post-war government working toward international recognition. It was therefore often challenging to differentiate historical fact from well-intentioned propaganda. This is itself evidence of the unrelenting interest of contemporary Somaliland government, both executive and parliament, in demonstrating democratic tradition and progress, and peace and stability, in pursuit of its overarching goal, to meet the requirements of perceived international norms of self-determination and statehood, toward recognition.

To describe the SNM as fully democratic is inaccurate, but its leaders aspired to democratic practice. One of the men tasked with serving as 'living archives' in Somaliland (in the absence of libraries or computer archives), who orally preserve historical data in Somaliland, shared,

> From 1981-1990, there were six [SNM] congresses and five changes in leadership. From 1981-83 there was a Congress every year, from 1984-87 every two years, from 1987-90 every three years. There were central committee meetings every 3-6 months. The chair was elected by the congress, and it took a two-thirds majority to fire them. They had the support of the urban and rural communities, the diaspora and the intellectuals… It is a

[13] Interview in Hargeisa in August 2006.

> movement that accommodated everyone: extreme socialists, moderates, and religious. The movement was a means to them—to liberate the country, by which I mean Somalia. There was no fighting among us, but consensus, because of the threat of Siad Barre.[14]

Talking with political party leaders in Hargeisa was the equivalent of talking with the SNM. Both opposition party leaders [Silanyo and Faisal Warabe] played significant personal roles in forming and leading the SNM. While both as informants would inevitably attempt to paint the SNM in its most favorable light, they also reveled in their seasoned ability to tell a good story, share obscure details of historical record, and describe personal involvement in important events. To appear credible, they had to demonstrate they could also be relatively objective, which required they admit to some mistakes. For example, Silanyo shined light on the relationship between the SNM and the government of Mengistu Haile Mariam in Ethiopia, and spoke about complicated relations among many Somali rebel movements, which ultimately contributed to the decision to separate from the south and declare independence. He said,

> When Aideed with the [United Somali Congress] USC came… the SNM was involved in supporting Aideed's army. In 1990 he was using an SNM car in Ethiopia… The objective was to widen the liberation struggle beyond the north. They had Mengistu's support. But leaders of Somalia and Ethiopia later met to discuss the cessation of support for each other's liberation movements. There was an agreement in Djibouti. We decided—but didn't tell Mengistu—that we would send small groups into Somaliland to protect villages. We sent forces to Hargeisa, and Burao was captured. Siad Barre and Mengistu were shocked. The SNM leadership was already in London, it was all part of the show—that we seemed to have no leader. We landed the death blow... Then it became a question of secession or separation. There was a strong sense of identity, though we never articulated self-determination as a definite policy. When Mogadishu fell, there had been an agreement among the different movements to liberate different areas—with the [Somali Patriotic Movement] SPM in the south, the SNM in the north, the USC in Mogadishu. The Manifesto Group believed in dialogue and reform of Siad Barre's regime, but Ali Mahdi [Mohamed] simply declared a new government a month after

[14] Interview in Hargeisa in May 2007.

> Siad Barre fled, without consultation. This was a denial of everything [we had fought for]. And the roots of what is happening now [in southern Somalia] began then.[15]

Faisal Warabe spoke frankly in describing different perspectives on independence and lack of preparation for governance of a fundamentally military SNM, stating,

> The SNM was the most popular movement in Africa—all Isaaq supported it. It was politically weak but militarily strong, with no clear agenda… The military and the population were for independence. I was not in favor [of independence]. [Abdirahman Ahmed Ali] Tuur [the first president of self-declared independent Somaliland] publicly said, 'I prefer a federal system.' We had failed to produce national leaders. There was no plan, and that's why we still suffer.[16]

d. Declaring Independence

Over the course of several research trips to Somaliland I had come to accept the importance of the perspectives of key decision-makers representing large swaths of the population. Demonstrated popular support for self-determination and recognition is separately critical. I therefore interviewed more than 100 informants from government, civil society and among displaced persons, minority representatives and citizens of Las Anod to gauge what they had to say about self-determination, independence, statehood and the quest for recognition, in particular in relation to the criteria required by international norms.

Informant responses regarding the authorship of Somaliland's *de facto* independence demonstrated little concern for its *modus operandi*. Somalilanders generally appeared to take this unique historical moment quite for granted. They commonly expressed the belief that 'the people' forced this decision on SNM leaders, to seize the moment of Siad Barre's ouster to return to Somaliland its prior independence. One informant vehemently stated, "Abdirahman [Ahmed Ali Tuur], as Chair of the SNM, became president. People had threatened the

[15] Interview in Hargeisa in August 2006.
[16] Interview in Hargeisa in August 2006.

politicians: 'If you don't accept secession, we're going to get rid of you now.' [Tuur] wanted union with the south then he learned [power-sharing] wasn't happening."[17] Most viewed the act of self-determination, Somaliland's declaration of independence, as a spontaneous popular decision, which simply made independence the fact on the ground. As another informant stated, "The Burao meeting was a string of people surrounding [their leaders] demanding independence."[18]

In contrast, Somalilanders from the eastern regions of Sool and Sanaag, southern Somalis, and Puntlanders would frequently deny the validity of Somaliland's self-declared independence outright. Still, if it is generally accepted that Somaliland's 1991 declaration was based on the will of a desperate people pressing its leaders to withdraw from a former voluntary union with South Somalia, there is no doubt that another factor also contributed to the quick decision made by Somaliland.

SNM leaders and other Somalilanders were shocked when the USC's Ali Mahdi Mohamed declared himself president of Somalia, and disavowed an expected power-sharing arrangement with the SNM after the fall of Siad Barre. Immediately following his declaration, Ali Mahdi was challenged by Mohammed Farah Aidid, his former ally. Armed conflict which filled the political vacuum in Mogadishu has since continued, in various iterations, for more than two decades, at tremendous human cost, further tearing the social fabric of a people which had already suffered greatly under previous authoritarian rule. Somalilanders watched these developments in horror and demanded self-determination. "[Abdirahman Ahmed] Ali

[17] Interview in Hargeisa in May 2007.
[18] Interview in Hargeisa in May 2007.

[Tuur], Silanyo, Egal and others, they were not for secession. But there were demonstrations, slogans, speakers in Burao."[19]

Rather than accept political betrayal and mayhem, Somaliland's leaders accepted the challenge to build their own state, starting with a series of reconciliation conferences; these led to establishment of a constitution, local, parliamentary and presidential elections, and the creation of national institutions.

While it became clear early in my field research that Somalilanders did and still do widely believe that the decision to declare independence was made by popular demand, the main actors involved in its mechanics have remained somewhat elusive. Several parliamentarians I interviewed had been present at the conferences which solidified Somaliland's independence, so I sought clarification from them. I began to wonder if Somaliland's leaders intentionally fostered an ideal image of the moment of independence as a purely popular decision, thereby blurring the circumstances, which likely included long hours of challenging discussion-making in the traditional Somali manner. The interests of Somaliland's leaders in doing this could be to obfuscate the act itself, in effect to mythologize it to such a degree that it has become virtually impossible in the capital to formally challenge the legitimacy of *de facto* independence.

Several parliamentarians I interviewed had been present at the conferences which solidified Somaliland's independence, so I sought clarification from them. I have since concluded that Somaliland's unilateral declaration of independence was indeed in large part an expression of the will of the people, both directly and as represented by their local leaders. It

[19] Interview in Hargeisa in August 2006.

was carried out in the interest of protecting their physical and societal well-being from future abuses, as much as it was a reaction to years of brutal repression. As the Speaker of the House told me, "Credit should be given to the public. The leadership was considering dialogue but the people were more practical."[20]

My minority (non-Somali) informants cared little about who declared Somaliland independent, and much more about their exclusion from what they considered to have been an Isaaq decision to do so. This appears to have been the origin of minority leaders' opposition to international recognition for Somaliland today. One prominent minority rights leader complained, "the Isaaq people decided by force, while [most] minorities were [still] in Ethiopia."[21] And a Dami Sultan stated, "It was only an Isaaq internal affair."[22] In my primary minority discussion group, the 'chairman' said there was no minority representation in Burao at all at the time, only 'major tribes' and 'observers.'

e. Establishing a national identity

It is also important to examine Somalilander informants' perceptions of their own national identity, to paint a clearer picture of a society in which ideas about nationhood interact with leaders' ability to meet international norms regarding nation-states in their quest for international recognition.

The question of whether or not Somalis and Somalilanders have considered themselves a single nation is fundamental when assessing whether Somaliland has fulfilled the requirements of international norms and law pertaining to self-determination and *de facto*

[20] Interview in Hargeisa in August 2006.
[21] Interview in Hargeisa in August 2006.
[22] Interview in Hargeisa in August 2006.

independence. It also exposes the complex nature of ethnic, national, religious and clan-based identities, as expressed across the territory. Yet questions regarding such differentiation are generally received quite casually in Somaliland, their answers often assumed to be self-evident. Almost all informants interviewed for this dissertation considered themselves to be both politically Somalilander and ethnically Somali. They called themselves Somali, proudly claiming this shared ethnic identity, and they called themselves Somalilander to clarify their political identity. Generally they believed their political union with South Central Somalia in 1960 was voluntary and, moreover, a mistake for which they paid dearly. While proudly Somali, most Somalilander informants were determined to distinguish their ethnic kinship from their political rights within a separate nation state of Somalis.

Like others, one diaspora Somalilander argued that historical fact, particularly in relation to discrimination, was most determinative of national political identity, despite the powerful pull of shared ethnicity. He said, "In the 1960s there was only one perception, one Somalia. Somaliland sat on independence for just four days. Then we dragged the flag to Mogadishu unconditionally. We were the engine that drove the union. But when the dust settled, we lost both the prime minister and the presidency to the south."[23] It was also typical for elderly Somalilander men to consider the interrelationship of Somali and Somaliland identities from their personal and cultural experiences, like one who said, "In 1941 the first Somali radio station was in Hargeisa. They would say, 'This is Hargeisa—Radio Somalia.' We were the cultural and literary center of Somalis. We had theatre, music, poetry. We went from that to

[23] Interview in Hargeisa in May 2007.

nothing.'"[24] Among older men who had fought in the SNM or helped to establish the new country after *de facto* independence, most identified first as 'Somalilander.' In fact, they assumed such self-identification to be a given: "I am a Somali from Somaliland." One said, "I have a problem because the world sees Somaliland as Somalia, but the majority in Somaliland sees Somalia as different. I am Somali because of my Somali clan and sub-clan. You can't live without them."[25]

Issues concerning national identity naturally arose in discussions with my informants from parliament as well. Some would strongly declare themselves 'Somali.' Others would strongly declare themselves 'Somalilander.' In almost every case, however, self-described 'Somalis' would quickly claim political affiliation inherent in the term 'Somalilander,' and self-described 'Somalilanders' would quickly note their 'historical' or 'ethnic' bond with the Somali people. The two women parliamentarians and the *Guurti*'s historian[26] were notable exceptions. One of the women said, "Both were considered one." The other simply said, "We were all Somalia." The historian spoke in comparative context, referring to the pre-civil war period, stating, "All were Somalis, but some considered themselves Somalilanders. They were Somalilander for lack of a Greater Somalia."

In my first interview with the Speaker of the House, he said, "Somalilander comes first, then tribal identity. We are not an advanced society."[27] Though in our second interview a year later he said, "First we are Muslims and Somalis, then Somalilanders, then clan and sub-clan, for

[24] Interview in Hargeisa in May 2007.
[25] Interview in Hargeisa in May 2007.
[26] Interviews conducted in August 2006, May 2007 and December 2007.
[27] Interview in Hargeisa in August 2006.

elections."[28] In our third interview, he was completely preoccupied with the electoral crisis, which was in large part predicated on clan and sub-clan identity.[29]

Somaliland's executive officials were less likely to find significance in any discussion of identity politics in Somaliland, with several noted exceptions. Former Foreign Minister Edna Adan, for example, was adamant about maintaining a distinction between 'Somalis' and 'Somalilanders,' and chastised me for using terms like 'southern Somalia' or 'the south.' She argued the difference between the terms 'Somali' and 'Somalilander' is one of nationality, as with 'English' and 'American.' She said, "Somaliland preceded Somalia. And we were never a colony." She added, "If colonial borders were made to follow ethnic clans, every border would move. Sool and Sanaag rest in Somaliland because of the colonial lines. But there has been a distinct Somaliland identity—throughout history—by clan, language, culture and tradition, geographic location, dress, food, livelihood, nomadic culture."[30]

Ironically, some of the most difficult to interview on identity were those who based their existence on distinguishing their identity—the non-Somali minority caste groups whose historical roots stem from vocational occupations. My minority informants frequently altered the definition of the term Somali, bending it to nationality, away from ethnicity. For example, a Dami group considers itself Somali, despite the fact that minorities in Somalia are ethnically non-Somali and outside the clan system.[31]

In addition to self-identifying as ethnically Somali and politically Somalilander, most of my informants strongly and vocally self-identified as Muslim. In fact the positive influence of

[28] Interview in Hargeisa in May 2007.
[29] Interview in Hargeisa in September 2009.
[30] Interview in Hargeisa in August 2006.
[31] Interview in Hargeisa in August 2006.

moderate Islam and devout religious practice cannot be underestimated in Somalia; not only does it counteract the power of clan, it encourages individuals to act in the genuine best interests of community.

Finally, within the Somali clan tree, there are several clan families based in Somaliland, the predominant being the Isaaq, and the smallest the Gadabursi (Dir), and the Dulbahante and Warsengeli (Darod). These clan families can be divided into dozens of clans, and the clans into smaller kinship units (often referred to as sub-clans). Despite the general peace and stability which emerged in Somaliland in large part out of several national conferences held in the early 1990s, political rivalries can still become fierce at the clan and sub-clan levels, particularly among various Isaaq clans at and around elections. Many informants also expressed their belief that clan relations were changing, that animosities based on clan lessening, and that the internationalization of their culture would further contribute to this trend.

One of the most interesting cultural phenomena I observed in 2006 and 2007 in Hargeisa was the organization of youth 'gangs' by country of resettlement rather than clan. Each year, mid-year, Somalis from all over the world return to Somaliland and other Somali regions to visit their families. Many of them bring their teenage children, some of whom have never stepped foot in their parents' homeland, others of whom have been away most of their lives. The loyalties of these adolescents from Australia, Canada, the United States, and a number of European and Middle Eastern countries, was to the country where they were raised, the country whose language they spoke most fluently. These gangs, and other social groupings forged by visiting young people, reflected a self-segregation based on assumed nationality, contrasting with the frequent self-segregation of their parents by clan.

In contrast, a younger woman informant offered a sharp critique, stating, "It is clan identity first. Sub-clans and sub-sub-clans are used for power, corruption and nepotism."[32] And an older woman NGO worker who presented herself as both a Somaliland patriot and a critic of the government shared her understanding of the nature of lingering clan power— local communities' ongoing economic dependence upon it. She said, "…the government is not giving social services, so the people depend on civil society and identity. If I was president, I would have balanced Somaliland by region, then by clan, because clan never stops."[33]

As previously discussed, perhaps the greatest arena for conflict between national identity and norms of self-determination runs along the border of Somaliland's eastern-most regions of Sool and Sanaag. Among those along that divide, the strongest views in opposition to self-determination and recognition were expressed by older women, who held tightly to traditional clan or sub-clan, Puntland and Somali identity, and whose opportunities for education, travel and exposure to other groups and perspectives had been severely limited both by gender discrimination and physical isolation in a remote and severely underdeveloped area.

In fact, it appears increasingly possible to consider Somaliland's national self-determination and statehood to be less about clan identity, than about clan identity enmeshed in local economic and social interests, including localized power politics. This opinion was most widely shared by Somaliland's then-opposition party leaders. These modern East African politicians expressed less a sense of themselves as religious, clan or sub-clan representatives, and more as national leaders. If they did feel a strong personal attachment to clan or region,

[32] Interview in Hargeisa in May 2007.
[33] Interview in Hargeisa in May 2007.

they pragmatically refrained from highlighting that, particularly among potential international supporters. For example, now-President Silanyo chose to use our discussion about identity to demonstrate his deep involvement in the formation of Somaliland from its inception, and by raising an intriguing historical moment—the naming of the new state by assembled clan leadership.

> At the Burao conference, there was a naming discussion. I objected to the proposal to use 'Puntland.' This was an Egyptian designation. The 'Land of Punt' was referring to the general area. I asked, 'Are we creating a new entity, or reclaiming an old identity?' Somaliland existed. The basis of the claim was its old independence, and we are Somalis. The old colonial name comprised a British designation, but it united Somaliland. It was semantics—we are all Somali. Somaliland is not based on ethnicity. All clans were present at Burao. That was the magic of the reconciliation process. All tribes[34] and clans in Somaliland were there. All endorsed the 'act of reclamation.'[35]

Faisal Warabe, leader of one of Somaliland's three recognized political parties, UCID, described Somaliland as a primarily Isaaq-controlled territory and government which, like other African nations (particularly Rwanda over the past decade), attempted to submerge clan or ethnic identity by banning its reference in custom and law. He said, "We are having an identity crisis. Liberated Somaliland is the home of the Isaaq. The word 'Isaaq' was banned, taboo. We are not Somalis but Somalilanders."

One high ranking justice official emphasized similarities in identity in Somaliland, stating, "The Somali people are homogenous, all Sunni Muslim. There has been intermarriage among clans so there is no difference."[36] An Isaaq, he went on to explain that differences emerge

[34] The term 'tribe' is routinely used particularly by minorities in Somalia and Somaliland to describe clan.
[35] Interview in Hargeisa in August 2006.
[36] Interview in Hargeisa in August 2006.

because clans have separate interests, and, "there is a lot of hypocrisy among the elite, [who are] charlatans, both Somali and Somalilander."[37]

One of Somaliland's most prominent elder human rights advocates also stressed commonalities in identities, while warning of lingering differences, exacerbated in the absence of international support, and what he terms 'Somalilandism.' He said, "We are Somalis first, in religion, values and customs. And we have a clan based system. Somalilander defines those living within the borders of this region."[38]

2. Traditional and evolving norms of governance

a. Somaliland's clans

As already mentioned, Somalis are ethnically homogenous, but diverse by kinship groups. Somaliland's main clan family is the Isaaq, with multiple clans and sub-clans branching from this lineage. It is also home to the Gadabursi (Dir) west of the capital, and the Dulbahante and Warsengeli in the eastern regions (Darod). These latter clans are much smaller in population and live in more defined geographic areas. Unlike South Central Somalia, dominated by competing Darod and Hawiye clan families, the Isaaq have a clear majority population and power dominance in Somaliland. They are split, however, into a number of prominent sub-clans, also distinguishable by geography, which present potential sources of conflict. For example, now-President Silanyo belongs to the Habar Jeclo and Faisal Warabe to the Eidigalla, while former President Egal belonged to the Habar Awal, all Isaaq, and former President Riyale belongs to the Gadabursi.

[37] Interview in Hargeisa in August 2006.
[38] Interview in Hargeisa in August 2006.

Clan relations are also potential sources of positive change. They maintain traditional structures offering social services, physical protection and local justice. Clan dynamics can cut both ways—serving to divide and thereby precipitate conflict, but also to preserve stable local economies and systems of governance. It was through traditional clan relations and decision-making processes that Somaliland held several long conferences, and ended two short civil conflicts, soon after independence was declared in 1991. It is also through these relations and processes that legal disputes are often resolved, communities cared for, and power shared throughout Somaliland.

After long deliberations on institutions of government among Somaliland's traditional/ clan leaders from 1991, a hybrid democratic system was established in Somaliland, including the presidency, a bicameral parliament (with a popularly elected lower house and a selected upper house, the *Guurti*) and a justice system that functions at local/customary, *sharia* (Islamic) and federal levels. Elections have been peacefully held several times, including two very close presidential victories. In contrast with South Central Somalia, Somaliland has established national security, a growing economy (in large part based on livestock and remittances), an emerging democracy and a growing social service sector. As described above and detailed below, Somaliland's leaders have carried out these developments in part to prove they have met most if not all criteria by international norms and law to be recognized as having carried out a valid act of self-determination, and achieved de facto independence and statehood, in order to be granted international recognition, at least by those partners it deems most necessary for its future development.

b. Building democracy Somali style

Somali society has traditionally been built around locally based and widely participatory means of governance, increasingly inclusive of women,[39] while the centralized and institutionalized government of modern western democracy has remained largely alien to its nomadic herders, and rural fishermen and farmers. As Italian colonial rule, authoritarian rule, regional armed conflict, and civil wars have rent the fabric of society in South Central Somalia, Somaliland's evolving but traditionally-based society has fared significantly better. The international community has intentionally and unintentionally played a role in this difference—investing resources in multiple Somali conferences and several transitional governments in the South, while leaving unrecognized Somaliland largely on its own. Ironically, the outcome of this disparity in attention and support has come out in Somaliland's favor, as it has established its own constitution, legal system, security and democratically based government and administrations.

At the same time, violence has ebbed and flowed across South Central Somalia, leaving a much larger population at the mercy of a little-functioning central government, Al-Shabaab and other militias, a mushrooming number of localized governments, and near-total impunity for perpetrators of violence in a culture long devoid of rule of law. Still, traditional Somali decision-making and governance practices are also diverse. It is possible, if one looks closely enough, to observe processes at a local level in areas of South Central Somalia that are similar to those working at a regional and federal level in Somaliland. Key factors in the success of such practices are inclusivity and extended negotiations, as opposed to hand-picked favorites and

[39] Bradbury, p. 98.

rushed internationally supported action. In Somaliland's more than 20 year experiment, these have led to multi-level political, judicial and economic systems intentionally incorporating western-style democratic institutions and more centralized government.[40]

c. Diaspora support for the SNM and the development of Somaliland

As mentioned above, one aspect of the Somali National Movement that my informants recalled very clearly was its support from the Somali diaspora, before and during the Somali Civil War. They were also aware and grateful for the support the Somali diaspora has continued to provide to families, businesses and the Government of Somaliland since independence. Minus international assistance unavailable without international recognition, remittances remain the economic backbone of Somaliland today. A number of my informants described their experience with and perspectives on the strength and importance of diaspora support to Somaliland's developing democratic statehood and its quest for recognition. One stated, "Without the diaspora the Somaliland government couldn't have survived."[41] Somaliland's political leaders also attributed past SNM support and current government support to contributions from individuals and families living and working abroad.

It appears indisputable that Somalis in the diaspora not only ensured the SNM had the financial support it needed to defeat Siad Barre and establish *de facto* independence, they subsequently continued to ensure the existence of a viable *de facto* state of Somaliland, while the Somaliland government now pursues a two-track approach to international development assistance and international recognition. It can therefore be said that Somaliland's diaspora communities in Europe, North America and the Middle East have also contributed significantly

[40] Bradbury, p. 220.
[41] Interview in Hargeisa in May 2007.

to Somaliland's development and influenced its government leaders in the means by which to meet the criteria of international norms and law as required by the governments of the countries in which they live.

d. Minimal international awareness of efforts to adhere to norms and law

While the Somaliland government is by no means solely responsible for its unrecognized status, and it has actively worked to meet the requirements of international norms and law as part of its state-building process, but it could carry out more systematic diplomatic engagement and follow-through with important regional and international actors who yet remain unaware of some of its greatest accomplishments. While multiple visits to multiple African and western capitals have been made by successive foreign ministers and other government officials, their achievements have been limited to limited economic engagement and specific types of aid—from Ethiopia, the UK and the U.S., to name a few significant and emerging partners. I posit that this deficit of successful self-promotion has largely been due to circumscribed thinking on the part of some leaders who see their claim as fully justified under international norms and law, and therefore see no reason to look more deeply at the underlying political obstacles to acceptance of their achievements, and the practical measures required to overcome them.[42]

In mid-2007 I had the rare opportunity to attend a session of the *Guurti*. In this session, former Foreign Minister Abdullahi Duale addressed the elders, reporting on measures the government was taking to reach out to the international community for support for recognition. The clear intention of Duale's briefing was to address the concerns of critics in

[42] Somaliland, Ministry of Foreign Affairs. Briefing Paper: The case for Somaliland's International Recognition as an Independent State. Hargeisa, 2003. Somaliland. Policy Document. "Somaliland: Demand for International Recognition." Ministry of Information, Republic of Somaliland, Hargeisa, 2001.

parliament by describing concrete steps the government had been taking. Though he presented a systematic plan in pursuit of recognition, Duale was unable to convince this audience that Somaliland was getting any closer to achieving it.

At the time of this session, former President Riyale was attempting to alter the roles and responsibilities of his ministers. Duale announced that they would be adding offices for a coordinator for Somaliland recognition, under the Ministry of Foreign Affairs, and a coordinator for the diaspora. (I am unaware of any such new positions being instituted.) He also promised to improve the quality of ministry staff.

Like many Somaliland officials, Duale reminisced about the favorable AU assessment mission report. Unlike other Somaliland officials, the former foreign minister often took the long view. Emphasizing that international recognition requires patience, he said, "We don't think democracy is instant coffee…. We need to work collectively on recognition. Every trip I make has been beneficial, positions are shifting."[43] Duale later commented to me, "Self-determination is starting from here. It took years for [the Burao Conference]. Eight years were lost because secession was not sell-able. The ministry was poorly equipped under the last three foreign ministers. There was no permanent representative in the U.S., only in Europe and Africa. The aim now is to activate the Ministry of Foreign Affairs for the diaspora to connect to the cause of Somaliland."[44]

e. Norms governing domestic and regional security

One of the biggest obstacles Somaliland has faced in relation to international norms and law pertains to domestic and regional security, particularly considering escalating international

[43] Interview in Hargeisa in August 2006.
[44] Presentation during *Guurti* session. Hargeisa, August 2006.

interest in this in recent years. Despite the fact that Somaliland has publicly and privately cooperated with a number of western-led counter-terror operations in the Horn of Africa, and despite its success in ensuring a reasonable level of security within its own borders, Somaliland still faces a balancing act in the realm of security. First, it must maintain a high standard of human rights protections to meet the requirements of international norms, though it exists in one of the most dangerous neighborhoods in the world and therefore must maintain rigorous domestic security precautions. Second, it must maintain effective domestic security without substantial international support due to its unrecognized status.

I discussed with Foreign Minister Duale Somaliland's engagement in counter-terror operations and how its growing focus on security has impacted the basic rights of its people. During our first interview he said security was his highest priority, and he reiterated this on numerous occasions. He asked, "What happened to the hard core fundamentalists? They all disappeared. This is it—the cost. We have no tolerance of any terrorists, to protect [ourselves] from destabilization."[45] The cost he was referring to was an increase in security—or to some, repression—to keep Somaliland safe from terrorist threats. Indeed, a number of other informants expressed their belief that the former government went too far in measures it justified on security grounds.

f. Achieving domestic stability

In addition to border security and security from armed attacks or conflict in Somaliland, its leaders have focused significant attention on domestic social and political stability as well. Party politics consumed the interest of many Somalilanders during election delays from 2008 to

[45] Interview in Hargeisa in August 2006.

mid-2010. The ongoing power of clan family, clan and sub-clan affiliations—to impact resource distribution and political victories—remains of concern. As is the disparity of political and economic development among regions dominated by different clan families, with more progress made in and around the capital city of Isaaq-dominated Hargeisa, in contrast with the Gadabursi region of Awdal, the Dulbahante region of Sool, and the Warsengeli region of Sanaag. Of additional concern are disputes over land ownership involving previously communal property, or property relinquished during displacement in the Somali Civil War, now claimed by competing kinship groups.

When I asked informants to consider Somaliland's domestic challenges, what they perceived to be the greatest was frequently and predictably the issue they considered of greatest personal importance to themselves and their families. Somewhat more surprising was the number of responses which addressed the issues of land rights and geographic differences. The lingering, still-pervasive influence of clan family, clan and sub-clan power also received considerable attention, as did concerns over political corruption. Minority rights were, of course, paramount for minority informants, despite clear indications of recent improvements in minority rights and opportunities in Somaliland.

While public attention was overwhelmingly focused on elections, party politics, and overlapping clan interests for several years prior to June 2010, other more prolonged social challenges also affect the government's ability to prove it has lived up to international norms of statehood necessary to attain recognition of its *de facto* independence. One elder informant, a non-governmental leader who routinely answered questions in ways he perceived would favor international recognition, said, "It is mostly political differences, not much clan issues. It is the

government with the opposition parties. It is matters of governance, economics, leadership that are most important, but there are not many differences."[46] Others, especially expatriates who had chosen to return to Somaliland to establish businesses, thereby contributing to the development of Somaliland's economy, dismissed the importance of clan and party disputes to focus on the importance of development assistance in shoring up Somaliland's stability. One returning businessman stated, "The most important challenge is economic, especially unemployment. Like Bob Marley said, 'A hungry man is an angry man.' Recognition would bring assistance and bilateral opportunities. Consider what Ethiopia can share with Somaliland: ports, trains, markets, a banking system."[47]

In practical terms, for many, land disputes embodied some of the most deep-seated disputes, though these require research beyond the scope of this project. The *Guurti* Human Rights Chair, for example, was acutely sensitive to land disputes, what he called the greatest challenge to human rights in Somaliland today.

> Minorities are repressed. But land disputes are most disastrous—in urban and rural areas. The Saudi cattle ban created land tensions. Economic pressure has exacerbated conflicts. And deforestation, we destroy trees for charcoal. Environmental pressures create increased clan disputes. There is the migration to urban areas for employment.[48]

Other informants harkened back in their concerns about Somaliland's domestic stability to the lingering and relatively more insidious influence of clan. Clan issues were often mentioned in relation to both contentious party politics and sporadic ongoing military conflict between Somaliland and Puntland forces in the eastern regions of Sool and Sanaag. As one informant said, "Where does the most danger of conflict lie? There are three political party

[46] Interview in Hargeisa in August 2006.
[47] Interview in Hargeisa in May 2007.
[48] Interview in Hargeisa in May 2007.

leaders from different sub-clans. Supporters are still from the clan of the party leader. People say, 'my leader is from my clan.' Each [party] is not looking objectively at problems, but as rivals. They are not fighting over principles, but for ideologies."[49] Another was even blunter, "It is clan, the soft underbelly of Somaliland."[50]

Economic development—or the lack thereof—is also linked to volatility in the peripheral regions of Somaliland. A prominent human rights defender expressed his concern about 'acute' social, economic and political challenges. He described the economy as 'animals on the roof,' in contrast to the modern economy he hopes will develop. He and others I interviewed criticized disparities between urban and rural populations, and disparities across regions of Somaliland, noting that in some areas of Sool and Sanaag there are no schools or roads at all. He questioned the viability of Somaliland as a state pressing for recognition in a too-compressed time frame. Despite Somaliland's *de facto* sovereignty, its colonial borders and what he considered the illegitimacy of the 'act of union' with the south, he worried that no precedent exists for a state to be formed as Somaliland has been. For him, the major challenge to Somaliland's statehood originated with SNM support for and from certain clans, clans which remain more powerful than those along Somaliland's borders; this is of course reference to Isaaq domination of the SNM, Isaaq control of the capital, in relation to the Dulbahante in the east.[51]

Another social issue of some importance to Somaliland's domestic stability is minority rights and protections. In one of my first interviews, a provincial Tumal minority rights leader

[49] Interview in Hargeisa in August 2006.
[50] Interview in Hargeisa in May 2007.
[51] Interview in Hargeisa in August 2006.

addressed the empty room in which we spoke with great pride, as if to an invisible audience, as his words, in Somali, were taped for the first time.

> I am called 'Father of the Tumal,' an outcast minority movement. There is a 'triple standard' of law [in Somaliland]—secular, sharia, and traditional. We are seeking urban solutions from a nomadic culture, with no urban planning or rule of law. We can speak freely, but we are harassed, and there is propaganda. For minority groups there are cases of forced divorce, abortion, and isolation. It is similar to India in that it is by occupation, by caste. We are untouchables. We live in the worst conditions.[52]

The four participants in the primary minority group I interviewed spoke of challenges to minorities as the most urgent for Somaliland, including prohibition on minority NGOs registering as minority groups.[53] They raised conscription, subjugation and bans on public congregation as other manifestations of discrimination against minorities in a broad sense, while consciously choosing not to discuss the circumstances, experiences and needs of specific minority groups or individuals by name. As mentioned previously, my minority informants tended to refer to themselves using different Somali terms for 'minority,' rather than by specific group name, a practice in large part the result of international donor encouragement to combine their appeals.

My questions regarding social challenges to Somaliland's stability as possible obstacles to recognition were not well received by political party leaders, who were much more interested in explaining Somaliland's history, presenting their arguments as to how Somaliland has met its obligations in relation to recognition, and grappling with troublesome personalized political dynamics, those between the executive branch and opposition parties in particular. Parliamentarians, on the other hand, were more interested in speaking about the impact of

[52] Interview in Hargeisa in August 2006.
[53] Interview in Hargeisa in May 2007.

social challenges on contemporary Somaliland society. Such discussion seemed easier for them than addressing questions about cultural identity directly. While some refused to acknowledge substantial differences among social groups, others, like the Speaker of the House, shifted and expanded his thinking on issues over the course of several years. When I first interviewed him in August 2006 he said:

> There are no major divisions today. We are less than 4 million people. Most identify as Somalilanders, then by region or tribe. There are no major fissures. The East, practically speaking it is not administered by Somaliland, but under Puntland. Historically they belong [with Somaliland], but not ethnically. If there were economic improvements, maybe they would prefer Somaliland.[54]

Less than a year later he expanded his thoughts on social cleavages to include women's rights, minority rights, clan politics and land rights:

> *Maybe all of these [challenges] are important. There is lobbying for effective action. There are two women in the House, none in the Guurti. NGOs are run by women—strong individuals, lobbying strongly. Gender is a factor we cannot ignore. Minorities now have NGOs, and lobbying, but no MP. The clan issue is not a standing issue, but it reemerges at election time. There are problems between clans when establishing a new government. The institution of clan is respected and strong. It is also very important in solving problems. But land rights are the most difficult issue in Somaliland today.*

When I met with him again in September 2009 the Speaker was consumed by delays in elections and a pressing stand-off in the parliament. The concerns he expressed were urgent, more partisan and more personal in relation to the former President, who had earlier that week claimed the keys to the House of Representatives after an MP drew a weapon during a parliamentary session.

One senior justice official noted that Somaliland was still waiting for an electoral law [at the time of his interview], future *Guurti* elections, and parliamentary quotas for women and

[54] Interview in Hargeisa in August 2006.

minorities. This same informant, however, stated that Somaliland is a "safe haven for free speech" and "if Somaliland is not recognized, all this could be lost."[55] He also expressed concern about the potential negative impact of unstable Somalia on Somaliland, asserting, "Somaliland is only safe if it is recognized." Other justice and electoral officials also spoke about insecurity due to conflict in southern Somalia, and Somaliland's uncertain authority along its border with Puntland.

Many of the social concerns raised by my informants were in fact the same as those faced in established and recognized states. With the exception of the potential for clan conflict, and armed conflict along Somaliland's eastern border with Puntland, none of these concerns is likely to have the power to destabilize the *de facto* state. This same point was made repeatedly by my informants.

3. *De facto* Independence as a Functioning State

With the exception of two brief civil conflicts—Somaliland's leaders argue that it has been stable, peaceful, relatively democratic by most standards, and striving to fulfill the economic needs of its population for more than two decades. Popular will in Somaliland has been demonstrated in support of independence, even though individual opinions vary on how and when recognition should occur. While territorial control is still in dispute along parts of Somaliland's borders with Puntland, this situation can be considered comparable to that of the Democratic Republic of Congo (DRC), still struggling for full control of parts of the eastern DRC with Rwandan-backed armed groups. Somaliland's leaders argue that such border instability is insufficient to undermine the 'territorial integrity' of modern states.

[55] Interview in Hargeisa in August 2006.

a. Criteria for independence, statehood and recognition

There are several fundamental criteria that Somaliland's leaders have considered necessary to meet based on their understanding of international norms and law on self-determination, *de facto* independence and statehood toward the goal of international recognition. As already discussed, existing literature on norms of self-determination describes secession as allowable only if criteria are met in consideration of a claim to independence, an option of last resort. These criteria include: established and recognized borders, severe repression by forces of the remainder state, popular support for independence, and economic viability of the newly formed state. Somalilanders I interviewed often cited these criteria and the actions Somaliland's leaders had taken to meet them.

It has been the overriding goal of Somaliland's presidents, their parties and their ministers to achieve the elusive goal of international recognition for independence—nearly twenty five years on. Power and authority in Somaliland rests to a large extent on demonstrable progress toward achievement of this goal, yet to date little such progress has been made.

Former Foreign Minister Abdillahi Duale was particularly generous with his time, in our interview in May 2007 and in a series of meetings on multiple occasions thereafter. Like several other well-educated political officials and former political officials I interviewed in and outside of Somaliland, Duale often took a question and ran with it, sprinkling in practiced metaphor and hyperbole. I quote from one of his answers on the central issue of international recognition.

> Almost all Somalilanders support recognition of independence. The 1960 unity was an expression of hope of all 5 Somalias together. We were marginalized, under-developed; all of the resources went to Mogadishu. Somalia has [since] been the basket case of the international community. Unity brought disaster to the region—two wars with Ethiopia,

> low intensity conflict with Kenya. Somalia has been the thorn in the side of the region. Somaliland did not gain anything from that union, it was defunct from the beginning, and it was not ratified by parliament. Our leadership was emotional, it gave away everything. It was the euphoria of decolonization. So the South got the presidency, the prime minister, the foreign minister, command control of the armed forces, the police, the interior minister. It was a giveaway. The government was a corrupt system from the beginning. But we were a protectorate—with traditional leaders, indirect rule. This is why Somaliland is more stable today. Traditional leadership remained intact. The liberators, the SNM, had a concept to liberate, not conquer… And we have been building democratic structures. At the grand [1991 Burao] conference there was forgiveness and forgetness, even by militias. Somaliland can play a major regional and international role, it can assist failed states. It is a model. We have a democratic system that comes from the people, with a visibly transparent leadership, a mission, the will of the people.[56]

Many of my informants argued direct causality between Siad Barre's brutal repression and the political will of the people of Somaliland. One of a number of emerging women leaders of local development organizations responded, "When we joined the south, we were just treated as second class, despite promises. We suffered for 30 years."[57] A younger woman leader added, "It is the people's will, you have to accept that. And it was the problems under Siad Barre that determined that will."[58] And an elder director of an internationally-recognized local NGO made similar comments, "Of course, it's the will of the majority, because of injustices committed and grievances with the south. We got our independence first, but our rights were abused. We demand independence as our right."[59] One of the most important findings from my interview data about self-determination and recognition was that, while not unanimously supported by all, these aspirations were widely supported across all but two categories of informants.

[56] Interview in Hargeisa in May 2007.
[57] Interview in Hargeisa in May 2007.
[58] Interview in Hargeisa in May 2007.
[59] Interview in Hargeisa in August 2006.

In order to delineate these I have considered Allen Buchanan's significant and evolving body of work at the center of current literature on norms of 'secession.'[60] After studying other theorists on this thorny subject, I return to Buchanan again; his remedial right only theory is perhaps the most appropriate existing framework by which to evaluate Somaliland's or other separatists' success in meeting norms and law related to self-determination, independence and statehood which leaders use to argue their worthiness for recognition.[61]

Buchanan has said that secession [what Somaliland's leaders call separation] is generally understood by those attempting it to be a 'claim-right,' "including both the moral permissibility of seceding and a correlative moral obligation by others not to interfere."[62] Buchanan defines independence as 'statehood,' which is itself defined as a "particularly robust form of territorial control"[63] that carries with it certain rights and responsibilities. He states, "Secession is not simply the formation of a new political association among individuals who repudiate the existing state's authority over them. It is a taking of territory that is claimed by an existing state, accompanied by the assertion that those doing the taking have a right to attempt to exercise over that territory the kind of control that only legitimate states have."[64] It is therefore the burden of those seceding to prove the greater good that comes from doing so. There is first the matter of interpreting and attempting to implement *jus cogens* (preemptory norms from which no derogation is permitted). Then there is the so-called 'vanishing subject matter problem,' if one considers Somalia a weak, failing or failed state. In addition, if one accepts the sanctity of

[60] Buchanan, Allen. *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*. Oxford University Press, 2004.
[61] Ibid, p. 15.
[62] Ibid, p. 23.
[63] Ibid, p. 24.
[64] Ibid, pp. 24-25.

existing borders, even if they belong to a non-functioning state, we encounter a significant Catch-22; one of the main obstacles to recognition of new states is the principle of *uti possidetis juris*, according to which boundaries remain fixed unless changed by mutual consent.

Peter Little has argued that the primary reason Somaliland has not been recognized is because its declaration of independence was made without consultation with Somalia's regional and national leaders.[65] He has also noted sound justification for Somaliland's unilateral declaration: fear of renewed relations with a highly volatile Mogadishu, unwillingness to risk repeating its experience of state persecution, a desire to distance the north from ongoing fighting in the south, and a belief in the power of security and stability to attract much-needed international aid.[66]

John Drysdale has postulated that the UN may be waiting for a stable and cohesive central government in Somalia, capable of fulfilling its role in an internationally-sponsored referendum on self-determination for Somaliland.[67]

And Matt Bryden has written,

> Assuming Somaliland does not simply implode, either before or after international recognition, cooler heads in the Somali and international community perceive an opportunity for a form of voluntary association. This is typically described as a type of confederal or federal association, in which Somaliland is one of two or more partners. In theory, this is probably the most promising scenario for an 'all-Somali' settlement… In practice, however a negotiated reunification of the Somali territories is rapidly receding as a possibility, and there is reason to believe that it may have already passed the point of no return… In the South, no such window of opportunity will exist until a functional and representative authority comes into being.[68]

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[65] Little, p.3.
[66] Ibid, p. 18.
[67] Drysdale, pp. 146-47.
[68] Bryden, Matt. "State-Within-a-Failed-State: Somaliland and the Challenge of International Recognition." *States within States: Incipient Political Entities in the Post-Cold War Era*. Kingston, Paul and Ian S. Spears, eds. New York NY: Palgrave MacMillan, 2004, p. 185-6.

Clearly the lack of a viable state of Somalia from which Somaliland can formally separate remains a major obstacle to resolution of its international status.

What in fact differentiates the legitimacy of states and governments? Buchanan suggests that, like states, governments should *not* be recognized as legitimate if they usurp power from a legitimate predecessor, or fail to meet minimal requirements of justice in their internal or external relations. Conditions in Somalia from which Somaliland withdrew in 1991 fit this description. Buchanan writes, "There is no right to secede from a legitimate state with a legitimate government, unless secession is by mutual agreement or constitutional provision."[69] The catch then is defining what is 'legitimate.' He offers two conditions under which a people may attempt to secede when questions of legitimacy arise. The first pertains to existing state disintegration or destruction; the issue becomes one of state 'succession.' The second, applicable in the case of Somaliland, occurs when a seceding group issues a declaration of independence claiming the status of legitimate state, while the state from which it secedes denies the secessionist entity is a legitimate state and justifies its attempts to block secession by appealing to its own right, as a legitimate state recognized under international law, to protect its territorial integrity.[70]

Many of my informants described Somaliland's voluntary unification with Somalia in 1960 as prompted by the widely held dream of a fully united 'Greater Somalia.' When the dream failed, that failure became a primary justification for voluntary re-separation. Informants simultaneously utilized normative and legal arguments to describe what they considered their 'right to independence.'

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[69] Buchanan, 2004, p. 70.
[70] Ibid, p. 263.

A Somali UN Development Program (UNDP) officer who supports recognition called unification "a whirlwind love affair, with no pre-nuptial, that turned abusive."[71] Like many informants, she argued that Somaliland had sacrificed its independence for the dream of the Greater Somalia, without prior planning or agreement on a division of responsibilities with the south, and certainly no exit plan. In addition, one of the founders and leaders of post-civil war Somaliland, now a prominent figure in a leading NGO, said: "[Independence] is my right, the right of the people. Uniting with Somalia was a means not a goal, it was all about the dream of a Greater Somalia—'five stars for five states.' But the dream was not realized, and Siad Barre fell. Somaliland has the right to self-determination." Another elder male leader asked, "Why [stay with Somalia]? Because we experimented with the unity of Somalia—a 30 year experiment. The living reality today is that nobody in Somaliland accepts Somalia."[72]

Still, despite the thwarted dream of a Greater Somalia, many Somalilanders have refused to close the door on future reunification entirely. As British Somalia scholar John Drysdale notes,[73] many call on the international community to recognize what already exists, a *de facto* independent Somaliland, while leaving room for future discussion on reunification, down the road, when South Central Somalia has established its own stability, security, governance and credibility.

[71] Interview in Hargeisa in August 2006.
[72] Interview in Hargeisa in August 2006.
[73] John Drysdale, p. 185.

For Buchanan, independent statehood includes the right to territorial integrity and non-interference, the power to make agreements, the right to make (just) war, and the right to legal rules within its territory.[74]

Party leaders in Somaliland are almost exclusively male, mainly from central and western areas of the country, most having emerged from the SNM. Because of these shared characteristics, it is not surprising that they unconditionally supported independence and publicly worked to achieve international recognition for Somaliland. UDUB, the party of the former administration, was founded by Somaliland's second president Mohamed Ibrahim Egal. UCID, led by Faisal Warabe, has been the party most often noted by international observers and institutions for its clear, socialist and democratic platform, but that platform has yet to be tested, and its leadership has not been able to gain wide popular support. Kulmiye, fairly synonymous with its leader, Somaliland's current President Ahmed Mohamed Silanyo, is the main opponent to UDUB. Paradoxically, Silanyo's stature and popularity have made Kulmiye simultaneously a potential force for political change and an object of public concern about entrenched political power. The similarities in goals and language used by leaders of each of the three recognized parties were far greater than their differences.

In our first interview, Faisal Warabe reiterated his party's commitment to recognition, focusing on adherence to the colonial border and irreconcilable differences with Somalia.

> Recognition is one of the principles of our party. The reason is that Somaliland has been an independent state, it has respected borders. It is not about 'the Greater Somalia.' We cannot change the borders of Africa. We have a different culture—different from the tribalism and negation in Somalia. We had a former British administration, based on democracy. I say, 'Never again to be a united Somalia.'[75]

[74] Buchanan, 2004, p, 263.
[75] Interview in Hargeisa in August 2006.

I also here refer to the Montevideo Convention of 1922, which lays out what is still perhaps the most commonly accepted criteria of statehood, including: a permanent population, defined territory, functioning government able to control its territory, and capacity to enter into relations with other states.[76] Additional modern criteria prohibit: breaches in basic rules of international law in the process of coming into existence, 'the principle of effectivity,' 'the non-usurpation requirement,' and, ever more frequently, the "inclusion of democratic governance… representational institutions… a modicum of freedom of expression and association."[77]

Maxamuud Saalax Nuur, Silanyo's deputy and a former foreign minister, known as Fagadhe, a proud Dulbahante from Las Anod, offered a number of insights on recognition. Fagadhe had a lot to say about Somaliland's 'right' to be recognized under international law, having incorporated international legal criteria into his reasoning, having lived its history, and having served in Somaliland's diplomatic corps for decades. Fagadhe presented one of the clearest and most concise arguments among my informants, and he linked his arguments with a pragmatic understanding of powerful international interests.

> De facto independence has already been achieved, and there's been headway on de jure recognition. We have to play the game according to the international community, fulfill international law, adhere to the Montevideo Convention on the Rights and Duties of States. Somaliland's borders are based on the 1884 conference in Belgium. In 1897 the British ceded Somaliland territory to Ethiopia's [Emperor] Menelik. We have a state with institutions of government set up by the population. We have elections, federal and local, a functioning government, a constitution. But states have vested interests. Winston Churchill said, 'A nation has no permanent enemies and no permanent friends, only permanent interests…' Take the examples of Mali, Senegal/Gambia, Egypt/Syria,

[76] Montevideo Convention on the Rights and Duties of States. 20 December 1933. http://www.cfr.org/sovereignty/montevideo-convention-rights-duties-states/p15897
[77] Buchanan, 2004, p. 265.

> Guinea Bissau, Malaysia/Singapore, Czechoslovakia, Yugoslavia, the USSR. We were federal then we separated.[78]

The desirability of international recognition is more straightforward, as it bestows the right to enter into bilateral, regional and international economic and political agreements, treaties and alliances, to receive support to preserve one's own territorial integrity, and to participate in processes by which international law is made and adjudicated.[79] As Buchanan notes, "At present the act of recognition is viewed as a discretionary 'political decision' on the part of individual states, not a matter of legal obligation."[80] This is important as it forces those seeking recognition of new statehood to effectively demonstrate their adherence to international norms and law governing self-determination and statehood.

Parliamentarians I interviewed offered relatively little to distinguish them from party leaders or executive officials regarding self-determination, independence and international recognition. Among them they covered arguments for recognition including: establishment of independence in 1960, voluntary union (and the concurrent 'right' to dis-unite), repression by the security forces of Siad Barre, both elite and popular support for independence in Somaliland, the perceived international legal 'right to self-determination,' establishment of democratic institutions, and historical analysis of Somaliland's relationship with Somalia.

The Speaker of the House of Representatives Abdirahman Abdullahi Ismael Cirro (known as Cirro), simply said, "Somaliland was independent in 1960, it was joined in a voluntary union. After the civil war, the Somali state collapsed…."[81] The two women MPs in the House of

[78] Interview in Hargeisa in May 2007.
[79] Buchanan, 2004, p. 265.
[80] Buchanan, 2004, p. 272.
[81] Interview in Hargeisa in August 2006.

Representatives also expressed unconditional support for recognition. One stated, "I couldn't be an MP if I didn't support recognition. After seeing injustices with the union, we decided to secede." [82] The other stated, "I fully support recognition. First there was the 1960 union, and injustice from that time. Then there was armed opposition and war. Everything fell apart. But the Somaliland people came together, to find a solution to our own problem. The elders agreed to establish our country. We should have recognition by now."[83] The *Guurti's* Politics and International Relations Committee Chair offered a typical rendering of the five Somali territories, and expressed his frustration that Somaliland remains unrecognized.

> I definitely support recognition. Self-determination is a human right for the nation. Somaliland was a British colony. We voluntarily joined with Italian Somalia, in the hope of all five territories coming together. A Greater Somalia was the dream that never materialized. We submitted to terrible treatment by Somalia's rulers. It was our decision to resume independence.[84]

The Human Rights Committee Chair of the *Guurti* Abdulkhadr Indho (known as Indho) expressed impatience with an international community he accused of imposing unreasonable standards for recognition, and argued Somaliland's independence was not based on secession.

> I support recognition. Because of the five divisions we rushed with the south. But what happened in 1991 was not secession, it was returning independence. I am not against reunification, but you can't reunify when the fire is still burning. The people will not accept that. You are asking us to reunite with the same people we're fighting with. There should be freedom of return.[85]

Another specific concern—arising out of the disintegration of eastern European states—is addressed, for example, in the Badinter Commission on Croatia; that is the protection of minorities. The fact is the international community has more leverage over groups seeking

[82] Interview in Hargeisa in May 2007.
[83] Interview in Hargeisa in May 2007.
[84] 'To resume independence' is one of many phrases consciously used to describe Somaliland's 1991 separation from Somalia, and a way to avoid the word 'secession.'
[85] Interview in Hargeisa in May 2007.

recognition than over existing states. Buchanan therefore states that, "the decision to recognize or not is an important window of opportunity for improving the behavior of would-be states."[86]

One minority rights leader I interviewed offered a clear 'no' to recognition, stating, "Somalis have the same culture and religion, and the international community is not willing to recognize. Self-determination was sought by the regime—not by Somalis themselves. Siad Barre devastated the whole country, though Somaliland saw the worst. Fighting was indiscriminate. Civilians were rounded up and shot. They strafed the towns. It was non-stop bombing. It was these atrocities that caused [the call for] self-determination.[87] A Dami sultan I interviewed was also clearly opposed: "I give no support for recognition. I am indigenous. My land has been taken away. We have no role. The government is not protecting its own citizens."[88] Among participants in one minority group I interviewed, the self-described 'king' said, "I do support recognition, but we still don't have rights. The Riyale government doesn't support us. A new one could give us our rights." He also said he believed in 'the system.' The 'chairman' of this group said he supported recognition, despite his assertion that minorities are "not getting [their] rights." The minority parliamentarian simply stated, "I'm an MP, I have to say yes [to recognition]."[89]

Minority and minority rights advocates form one of just two categories of informants who at least as frequently oppose as support international recognition for Somaliland. Prominent minority rights advocates often spoke in ways intended to bridge the void between mainstream Somaliland's support for independence and dominant minority opinion which sees

[86] Buchanan, 2004, p. 274.
[87] Interview in Hargeisa in August 2006.
[88] Interview in Hargeisa in August 2006.
[89] Group interview conducted in Hargeisa in May 2007.

that void as unfathomably deep, recognition as destructive to their lives and livelihoods. One elder described, "What's hindering recognition is the way it is being framed, haphazard and without forethought. I support independence…."[90]

Some educated and professional Somalilanders I interviewed supported recognition with reservations and caveats. Some believe that the will of the people must be properly assessed through a new vote under proper international supervision. Others believe it is Somaliland's lack of recognition that offers some leverage for international actors to press the government for further democratization and human rights protections. With recognition and bilateral assistance, such leverage would wane. A young intellectual working for a prominent NGO was most concerned about the timing of recognition. In answer to the question of support for recognition, he said,

> Not right now. We have no capacity. The balance of power would be tipped by aid and influence… Somaliland hasn't done its homework. We have been run by Isaaq since 1982, Isaaq as a collective identity. If they force dates and calendars for recognition we will marginalize others, there will be further fragmentation. Instead we need interim benchmarks, on the way to recognition.[91]

A woman intellectual offered a similarly nuanced perspective. Like many informants, she expressed her 'wholehearted' support for recognition, while conditioning that support and even appreciating its delay.

> I support recognition because it gives you a voice in the world, but it would have been destructive early on. The irony is that it's been easier to build, do it our own way, without recognition and aid. There is no magic wand. A weak government can be a blessing but we also need recognition to defend our own borders. We have resources—productive land, rich soil, gemstones, livestock. We can be self-sustaining, but there are social problems that need to be controlled. We need empowerment not dependency.

[90] Interview in Hargeisa in August 2006.
[91] Interview in Hargeisa in August 2006.

> The diaspora invests, mostly through small contributions. The world is grudgingly accepting Somaliland—which has the will, democratization, institutions, stability.[92]

Buchanan also notes, "there is no international legal right to secede except in two rather specific circumstances: (1) 'classic' decolonization and (2) reclaiming of state territory that is subject to unjust military occupation."[93] This, however, has little practical effect when international law remains ill-defined, and the promise inherent in the language of self-determination enshrined in the UN Charter so enticing. In fact, the sole current right allows that secession is: (1) permissible (not forbidden) to attempt to establish a separate legitimate state and (2) others are obligated not to interfere.[94] Fundamentally, then, a group has a 'right' to repudiate state authority and attempt to gain recognition for independence, but it is not entitled to recognition, "since recognition is a matter of discretion for existing states."[95] Therefore, "one must show that the group's claim to the territory in question is valid and therefore that it trumps or supersedes or negates the state's claim to that territory."[96]

In my interview with now-President Silanyo, he focused attention on the non-viability of a Greater Somalia, and the success of the SNM in winning Somaliland's independence.

> Somaliland was a separate country during the British protectorate. It has always had a separate identity. In the 1960s, there was a wind of change, a spirit of self-determination sweeping the world. We had aspirations both to unify and to become independent. The project of unification, it was not an end in itself, but a wider project. The union became unviable. And there was debate over legal process. There was validity at the beginning, but also huge neglect of the north, the poor partner in the union. Even the 1960 constitution was rejected in the north. We started the liberation movement in

[92] Interview in Hargeisa in May 2007.
[93] Buchanan, 2004, p. 333.
[94] Ibid.
[95] Ibid, p. 334.
[96] Ibid, p. 337.

> London in 1981, and I became leader in August 1984 and remained leader until 1990. Siad Barre fell. We were supported by the whole population….[97]

Mohamed Gabose chose to steer our first conversation to factors obstructing recognition, the achievement of which he believed to be the obvious next step for Somaliland. Of the several leading political opposition figures I interviewed, Gabose was most pragmatic in his analysis of interests for and against recognition in the international community. He said,

> I was one of 50 people in the first (SNM) conference to declare independence. All were compelled to act. We still support self-determination, but something is not going well, internationally and locally. We are still locked here because the leadership isn't able, the administration is weak. There's a weak economy, while we are in a strategic position, an oil route… Integration [with Somalia] could be possible, but many chose the route of violence. The bird flies, the ground is Hargeisa. Accepting Somaliland is a way to peace in the region. It could facilitate the solution in Somalia. We have the experience of conflict resolution, nation-building, consensus.[98]

Buchanan has argued that his remedial right theory of secession meets the following essential criteria for judgment of secession: a cogent account of the territorial claim, progressive conservatism, moral accessibility, incentive compatibility (minimizing perverse incentives), and moral convergence.[99] A claim by separatist leaders of having clearly met the conditions under a remedial right only theory for unilateral (not negotiated or constitutional) secession would need to be based on at least one of the following: genocide or other mass violations of human rights, unjust annexation, or a state's persistent violations of intrastate autonomy agreements. Nevertheless, the burden of proof has to date remained with the separatist group, which should only expect to be considered eligible for a remedial right only judgement if the affected parties: (1) acknowledge secession as a serious matter requiring

[97] Interview in Hargeisa in August 2006.
[98] Interview in Hargeisa in May 2007.
[99] Buchanan, 2004, p. 348.

weighty justification; (2) present a compelling account of their claim to territory, (3) get incentives right; (4) demonstrate moral progressivity, progressive conservatism and moral accessibility; (5) avoid risk of large-scale violence and instability; and (6) demonstrate moral convergence.[100]

Business leaders have a particular stake in international recognition. One self-employed businessman from the South said he supports recognition, but only with a legitimate referendum. Another, a returning expatriate who had served with U.S. armed forces in Operation Restore Hope, said,

> I grew up in the south, so it hurts to say yes I support recognition. But this is the practical route, for two reasons. The first is historical: there is no advantage from union with the south. In the early years of union there was brain drainage from the north to the south. We need to create two countries that can cooperate and compete. We need to build two sister countries, to give it a try. This is what the majority here believes. Second, what's going on now in the south—how long can one wait? A child has grown up and gone to high school in Somaliland but nothing has changed in the south. There is no advantage for going back to the south, but division will solve a lot of problems."[101]

Comparing this theory with (ascriptive and plebiscitary) primary right theories, already described, some leaders may wish to supplement a claim based on the conditions of the remedial right only theory with consideration of plebiscitary results, as Somaliland's leaders have done.

Somaliland's justice and election officials were less rhetorical and more direct in their opinions on international recognition for Somaliland than many of its politicians. One noted, "Yes or no [on recognition]. Many things are not clear. In 1960 all the people were for complete unity. It's completely the opposite now. There was a one dimensional drive toward unity and

[100] Buchanan, 2004, p. 364.
[101] Interview in Hargeisa in August 2006.

now we have the opposite. There should be a national discussion, about what we get and what we lose. In 2001 there was a referendum, but I don't know about the outcome of 97%. There was intimidation, peer pressure. Even if we succeed we should have an open debate."[102]

Another related norm is that the justification of a *sauve qui peut* (self-defense) separation in relation to a failed or abusive state. When there has been a breakdown of constitutional order and widespread insecurity, as was the case in Somalia in 1991, an act of self-defense may be justified.

A middle-aged Somalilander informant, living and working in the U.S., said he "supports what the people want. The dream of a Greater Somalia created the problems, it wasn't well thought out. The larger goal was manipulated by leaders for their own personal agendas, and it was the north that suffered. It is possible that separation wouldn't be permanent, but there would have to be a radical change to reunify."[103]And a UNDP official very critical of the then-current government nevertheless expressed strong support for recognition based on Somaliland's history—21 years of dictatorship, bearing the brunt of a long civil war. He expressed a deep need for self-preservation, security and stability. Many others also cited the need to maintain Somaliland's colonial boundaries, and to protect it from further aggression from the south.

Edna Aden was Foreign Minister and the face of Somaliland around the world from 2003 to 2006; she is a woman who is not afraid to challenge her audience or speak her mind. She has said, "Every nation seeks self-determination at a certain stage of development. We started in the late 1950s. Somaliland was a protectorate not a colony. We ran our own internal affairs for

[102] Interview in Hargeisa in August 2006.
[103] Interview in Hargeisa in May 2007.

years prior to independence. The union was not good because of problems it brought with it. There was a lack of political maturity. Then death, destruction, injustice, economic failure, loss of confidence in the north."[104]

One of the only female students at Hargeisa University offered this explanation for her unconditional support for recognition, also in relation to the idea of 'the Greater Somalia':

> In 1960 Somaliland had independence. The emotional part is the idea of a Greater Somalia. Our Somali leaders thought they could get more pasture land if all five Somalias united. And we would become a power that could face Ethiopia. By 1991 Somalilanders felt they could no longer trust or live with Somalia. It was a practical decision, one of self-preservation. It was a phony route taken to unification. When I was [away], I didn't believe in self-determination for Somaliland. The big hope was a confederation, a dream. Now that I'm back I do.[105]

b. Differentiating statehood from recognition *ala* Schoiswohl

Michael Schoiswohl explains a model of devolving secession that distinguishes between 'declaratory,' 'evidentiary' and 'semi-constitutional' recognition. He also distinguishes between cases in which separation occurs with the consent of the parent state and *de facto* dissolution which occurs when the remainder state loses its ability to consent." Schoiswohl argues that for "entities like 'Somaliland,' the threshold of effectiveness required in order to conclude that a new state has emerged should be lowered."[106] Central to Schoiswohl's argument, however, is the distinction between criteria for a new *de facto* state and the criteria by which the international community will recognize that state.

[104] Interview in Hargeisa in August 2006.
[105] Interview in Hargeisa in August 2006.
[106] Schoiswohl, Michael. *Status (and Human Rights) Obligations of Non-Recognized De Facto Regimes in International Law: The Case of Somaliland*. Boston: Martinus Nijhoff Publishers, 2004, p. 182.

In distinguishing between concepts, Schoiswohl notes that "there is no generally accepted and satisfactory modern legal definition of statehood."[107] As mentioned above, the classical criteria, which predate but were eventually incorporated into the Montevideo Convention, are several: territory, permanent population, sovereign government and the ability to enter into relations with other states. According to Schoiswohl, even these criteria are not precise, particularly in relation to the delimitation of and effective control within delimited territorial boundaries.[108] Therefore government becomes the most prominent criterion. Related are sub-criteria including a functional national rule of law and the maintenance of some degree of law and order. Schoiswohl also acknowledges criteria which evidence stability of a newly emerging state, including analyst P. K. Menon's suggestions of: peaceful and orderly transfer of power, absence of external threats, freedom from external control, internal stability, popular support as evidenced by a free vote, and adoption of a constitution.[109]

Schoiswohl, like Buchanan, distinguishes between separation with the consent of the remainder state, and separation without it. In the case of Somaliland, there was no credible state from which to obtain that consent. Schoiswohl writes, "In the case of a 'collapsed sovereign,' one of course comes very close to a scenario resembling dissolution (dismemberment) rather than secession."[110] The burden of proof still rests with the new state, requiring a virtual *fait accompli*, and sometimes even that is not enough. According to James Crawford, this situation requires "the maintenance of a stable and effective government over a reasonably well defined territory, to the exclusion of the [parent] State, in such circumstances

[107] Schoiswohl, p. 11.
[108] Ibid, pp. 13 and 15.
[109] Schoiswohl, p. 19.
[110] Ibid, p. 14.

that independence is either in fact undisputed, or manifestly indisputable."[111] Schoiswohl also outlines three primary reasons why existing states would not recognize a new state: they believe the entity does not fulfill the criteria of statehood; they do not wish to engage with the new entity for political reasons; and they believe the existence of the new entity breaches international law.[112]

Schoiswohl specifically considers the case of Somaliland in relation to his theory of dissolving secessions. First, he emphasizes the 6 April 1960 declaration of Somaliland's independence by unanimous vote of its legislature, "while declaring its intention to unite with an independent Italian Somaliland."[113] And Amina Warsame and Maria Brons have written, "During these five days before unification [when Somaliland was newly independent], there existed an independent political entity, territorially defined by colonial borders and socially influenced by an English-speaking administration and educational system and British-style political structures."[114]

Schoiswohl continues:

> On July 1st, 1960, independent British Somaliland and Italian administered UN trusteeship of southern Somaliland merged to form the Somali Republic. However, as political resistance rose against unification, interim President Aden Abdullah Osman had to 'impose' unification by decree without any final consultation with the united, northern and southern Parliament due to open disagreement between the northern and southern Somali politicians on the Act of Union itself.[115]

He goes on to quote Hussein Adam as saying: "The southern assembly never passed the proposed Act. However, it passed its own *Atto di Unione*, significantly different from the

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[111] Crawford, James. *Creation of States*. Oxford University Press, 2007, p. 266.
[112] Schoiswohl, p. 82.
[113] Ibid, p. 113.
[114] Warsame, Amina and Maria Brons. "Somaliland: A State in Pursuit of Peace and Stability" in Uppsala Forum (19), p. 19.
[115] Ibid.

northern text." And he describes the next legal act affecting the relationship between southern Somalia and Somaliland.

> The desire to break free from Somalia was embedded in a history of immense hardship for the northern Somalis after the struggle against Siad Barre began in 1981 …. The SNM convened in Burao in May 1991 for the 'Great Conference of the Northern Peoples,' which on the 16th led to the 'revocation' of the 1960 Act of Union, the declaration of an independent 'Republic of Somaliland' and the entrustment of the SNM with formation of a government as well as the drafting of a constitution.[116]

Equally as important to Somaliland in terms of international norms and law in relation to just criteria for statehood is the designation of Somalia as a 'failed,' 'collapsed' or "presumed' State.

Among oft-cited arguments against Somaliland's 'secession' is the absence of a viable state from which to secede; Somalia, under the authority of a series of weak governments, has yet to achieve such viability. Schoiswohl argues that, "the prolonged absence of a government, let alone effective government, has cast serious doubts on the statehood of Somalia as effective governance is one main criterion for a State to exist under international law."[117] He goes so far as to consider that Somalia has "*de facto* ceased to be a State under international law."[118] He also cites a particularly clear statement by the Ministry of Foreign Affairs of the Government of Somaliland from 2000, which reads,

> …The Republic of Somaliland wishes to make its position clear: (1) Somaliland will only discuss future relations with a broad based government of 'the former Italian territory of' Somalia which is democratically elected and accepted by all the population of 'the former Italian territory of' Somalia and which is in complete control of its territories. (2) Somaliland will not meet with a government or parliament that includes individuals claiming to represent Somaliland.[119]

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[116] Warsame and Brons, pp. 116-117.
[117] Ibid, pp. 131-132.
[118] Ibid, p. 132.
[119] Republic of Somaliland. Press release, 27 August 2000. www.somalilandgov.com

With regard to Somaliland's fulfillment of criteria of statehood, Schoiswohl lists: economic stability and development, political development, consensus building and the institutionalization of elections and other democratic measures, regional and international peace and stability, entitlement and factual acknowledgement of a *fait accompli*, "in light of a politically established situation on the ground and which international law by way of its principle of effectiveness is eventually bound to take cognizance of."[120] He cites three specific factors frequently put forward by Somaliland officials and other leaders: (1) The 1960 Act of Union was invalid. (2) The right to self-determination applies particularly in relation to subjugation under Siad Barre. (3) The right to self-determination also applies in relation to massive human rights violations committed against Somaliland under Siad Barre.[121]

Abdillahi Ibrahim Habane, the *Guurti Secretary*, like Fagadhe, is an historian. I sat for hours listening to his first-hand accounts and analyses, all skillfully crafted as arguments in favor of recognition for independence. I quote from one of our interviews below, in relation to his understanding of independence in relation to traditionally decentralized, consensus-driven governing structures, indirect British rule, and relations between local groups.

> I support recognition. We are nomads, pastoralists, living in great freedom with no central authority and no organized communities. Our culture derives from subsistence economy. The traveler Macan Maryamu wrote that there is no reserve economy among Somalis, and that's why it is difficult to have government. When the Europeans came, Somalis did not know the meaning of government. We are a clan-based society functioning on cooperation, blood compensation and a defense system. The colonial British were initially only in the mountainous areas—all other areas belonged to [Ethiopia's Emperor] Menelik. While Mahdists and others started religious movements in the early 20th century, the British governed indirectly, leaving traditional structures intact. After the defeat of the Italians in World War II, the British came back to Hargeisa

[120] Schoiswohl, p. 151.
[121] Ibid, p. 152.

> and signed a protectorate agreement. Meanwhile, the Italians were economically exploiting the South. The idea of the Greater Somalia persisted. But the British were giving pieces of Somaliland to Ethiopia. It started with Harar in 1897, then Jijiga in 1947, and Walikali in 1955. The Haut Reserve area was gone. At this point the nomads woke up from their sleep. Liberation took place on June 26, 1960. The idea was to rekindle the dying pan-Somali icon and unite all Somalis. A sovereign people gave up their sovereignty to a non-sovereign people… But love turned to hatred. [The north] had not been given a fair proportion of seats in parliament. Military officers staged a coup attempt from the north in 1961. In 1967 [Muhammad Haji Ibrahim] Egal became the first prime minister from the north. Abdirashid [Ali Shermarke] became the second president [who selected Egal]. He was assassinated in Las Anod by his own clan… In the 1960s, integration became difficult. The Italians in the south were assimilationist, but Somaliland had been under indirect rule. Then Siad Barre waged a successful coup… The north gained nothing from union except punishment and harshness. Finally, the state of Somalia had vanished—and we returned back here with empty hands and tended our ashes. There is a strong desire among our people to regain independence. One way or the other, we will be staying aside from Somalia.[122]

While Schoiswohl acknowledges the distinction between 'secession' and the perception of a (re)separation shared by many (perhaps most) of Somaliland's leaders, he dismisses such arguments as historical justification for a claim better based on self-determination. He writes, "Pursuing their dream, politicians proceeded to conduct the affairs of the two countries as if they were a union of newly independent states. In other words, the Somali Republic, though lacking unambiguous legal foundation, proceeded on the basis of a '*de facto* union.'"[123] This argument is reinforced by the fact that no further claim to independence was made for more than nine years after that time. In addition, Mohamed Haji Ibrahim Egal, Somaliland's first president, served for two years as Somalia's prime minister without any public discussion of

[122] Interview in Hargeisa in May 2007.

[123] Adam, Hussein. "Formation and Recognition of New States: Somaliland in Contrast to Eritrea." *Review of African Political Economy*, Volume 2, 1994, p. 24.

Somaliland independence. Schoiswohl therefore argues against any right for Somaliland's leaders to invoke *rebus sic stantibus*,[124] writing:

> Somaliland's alleged right to restoration thus could, if at all, only be asserted against the suppressive regime itself, but not against the south as such. Once Barre's regime had finally been ousted in 1991, Somaliland lost its 'oppressor' and with him the only possible addressee of any doubtful right to restoration….[125]

In fact, Schoiswohl disagrees with Somaliland leaders' claim to self-determination on the basis of political repression or suppression of political rights altogether. This is not, however, a critical argument for him, as he states, "international law does not require self-determination as a justification in order to acknowledge the existence of a new state."[126] Rather than justification under the principle of self-determination, it is fulfillment of criteria for statehood which Schoiswohl uses to argue for international recognition.

Of criteria relating to population, territory and effective government, he finds Somaliland's fulfillment sound. Pertaining to its contested border with Puntland, he concludes international law does not require a precise delimitation of boundaries. He goes on to cite what he calls Somaliland's 'pseudo-diplomatic relations' as indicative of its external relations with the international community, including Ethiopia's long-established diplomatic offices and web of economic relations, and a number of Scandinavian states that have established informal relations with Somaliland.

Finally Schoiswohl considers whether or not Somaliland can and should be considered a State, recognition, for the moment, aside. He writes, "In 'negative' terms, non-recognition as

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[124] *Rebus sic stantibus,* 'things thus standing' in Latin, is the doctrine which allows for treaties to become inapplicable based on changes in situations.
[125] Schoiswohl, p. 157.
[126] Ibid, p. 165.

such will not preclude statehood unless its criteria under international law are not satisfied. Non-recognition, however, will be detrimental to the statehood of an entity in cases where the facts are not sufficiently clear leaving some doubts as to whether the requirements are fully met."[127] While Somaliland is not supported by any 'right to secession,' Somaliland's *de facto* existence and its success in meeting the fundamental criteria of statehood qualify it as a state under international law. He goes on to write, "Somaliland bears certain unusual characteristics, which render its claim for independence quite unique: the context of a collapsing parent State, and—closely related—its exceptional success in establishing sophisticated and seemingly irreversible quasi-State structures." He concludes,

> One could be tempted to argue… that as Somalia has ceased to exist and as Somaliland has eventually risen to the level of statehood, a customary rule of non-intervention would oblige the Member States of the OAU [sic] or any other State to refrain from any action (or in this case inaction) which could effectively undermine the territorial integrity of Somaliland; in other words, one could argue that continuous non-recognition could eventually lead to the forceful reunification with the south, thus to a violation of Somaliland's territorial integrity.[128]

c. Gauging popular will: The importance of referenda

As described above, according to UN resolutions and international covenants on human rights, "All peoples have the right of self-determination. By virtue of [that] right they freely determine their political status and freely pursue their economic, social and cultural development."[129] But norms remain vague about the means available to determine popular will. The standard mechanism by which the international community has come to gauge support for an act of self-determination in cases of secession has been the plebiscite, or

[127] Schoiswohl, p. 181.
[128] Ibid, p. 187.
[129] Report on the Conference of Human Rights, Vienna, June 1993, A/CONF.157/24, Article 2.

referendum, an internationally supervised vote to determine public opinion. Obvious examples of this include UN-supervised plebiscites in Eritrea in 1991, East Timor (now Timor Leste) in 1999 and South Sudan in 2011.

As mentioned earlier, primary rights theories of self-determination include plebiscitary theories. As Allen Buchanan states, such theories "assert that international law should recognize a (unilateral) right to secede where a majority of persons residing in a portion of a state's territory wish to form their own state there."[130] As he describes, the appeal of such a theory is its reliance on choice, majority rule and democratic process.[131] While he views this theory as insufficient, some consider it necessary, in combination with other criteria, such as persistent violations suffered by people in the territory under consideration, in determining the legitimacy of specific claims.[132]

Somaliland's referendum of 31 May 2001 was a rare event. Its primary purpose was to serve as a vote on Somaliland's constitution, with the government reporting 1.18 million voters out of which 97.9% approved. As Mark Bradbury notes, "Although the constitution was clearly endorsed by the majority of the public, the official figure for the turn-out is very dubious, especially in light of the subsequent general elections and because the plebiscite was boycotted in parts of eastern Sanaag, Sool and Awdal regions. Yet, even if the manipulation of the voting figures marred the exercise, the referendum remained significant."[133] In fact many Somalilanders believe it was mainly because the plebiscite attached a referendum on

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[130] Buchanan, 2006, p. 353. http://somalilandpress.com/somaliland%E2%80%99s-three-political-parties-sign-the-six-point-agreement-8897

[131] Ibid, p. 373.

[132] Buchanan, Allen. "Uncoupling Secession from Nationalism and Intrastate Autonomy from Secession," in *Negotiating Self-Determination*. Hurst Hannum and Eileen Babbitt, eds. Lexington Books, 2006, p. 85.

[133] Bradbury, p. 133.

independence to a vote on Somaliland's constitution that the turn-out was so high. Bradbury goes on to argue that "Somaliland's [subsequent] elections have served to reinforce the contrast between its elected government and the [Government of Somalia]…. None of this would be easily given up by people in Somaliland and formally it would require a referendum to reverse Somaliland's independence."[134]

Other scholars and political analysts have emphasized the relevance of Somaliland's 2001 referendum to its claim to independence, notably Matt Bryden, David Shinn, J. Peter Pham, Iqbal Jhazbhay,[135] and authors with the International Crisis Group. Jhazbhay, the man who coined the phrase 'Africa's best kept secret' in relation to Somaliland, goes so far as to argue that the 2001 referendum was adequately internationally supervised, though others contest this interpretation. In relation to the criterion of popular will commonly considered necessary for international recognition of national separation as self-determination, it is important to prove that the 2001 referendum can be considered sufficient as a referendum, whether it measured up to international standards, and whether another—formally internationally monitored—referendum may be considered necessary to prove popular support for Somaliland's *de facto* independence.

Based on contemporary international norms governing the right to national self-determination, decisions pertaining to recognition can benefit greatly from a credible means by which to assess the will of a people. In large part for this reason, a vote confirming popular

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[134] Bradbury, p. 252.

[135] Bryden, Matt. "State-Within-a-Failed-State: Somaliland and the Challenge of International Recognition." *States within States: Incipient Political Entities in the Post-Cold War Era*. Kingston, Paul and Ian S. Spears, eds. New York NY: Palgrave MacMillan, 2004, p. 185-6. And Shinn, David. "Somaliland and U.S. Policy." *Journal of Anglo-Somali Studies*. No. 38, Autumn 2005. And Pham, J. Peter. "The U.S. and Somaliland: A Road Map." *World Defense Review*, 28 February 2008. And Jhazbhay, Iqbal. "Somaliland: Africa's best kept secret, A challenge to the international community?" *African Security Review* 12:4 (2004), pp.78-82.

support for independence was included in the 2001 referendum on Somaliland's new constitution. This plebiscite, however, did not fully adhere to accepted international standards of oversight and monitoring, and excluded significant segments of the population in the regions of Sool, Sanaag and Awdal. Since each of Somaliland's administrations have asserted that 'almost everyone' in the self-declared state supports independence, and many analysts agree this is a fact on the ground (see above), a valid act of self-determination has been viewed by many in Somaliland as proof of its adherence to international norms and law.

Many of my informants in Somaliland responded to the suggestion of a possible future referendum, with clear international oversight, with passion—one way or the other. Some said it made sense as a means to reach international recognition. Others thought a second referendum unnecessary; they argued the 2001 referendum provided sufficient evidence of popular support for independence. As one informant stated, "We don't even need a referendum now; people wouldn't have voted three times [in presidential and parliamentary elections] if they didn't want independence. "[136] Why, therefore, should they hold another vote, wasting precious time and resources, and sending a message of fundamental distrust of those who already voted? As another informant said, "It would depend on how the question is posed, whether it's binding, and if the result would bring about recognition."[137]

Among those initially opposed to a second referendum, some talked themselves into it over the course of an interview. Others, particularly civil society leaders, had already come to the conclusion that another referendum is necessary to secure international support and

[136] Interview in Hargeisa in August 2006.
[137] Interview in Hargeisa in May 2007.

recognition: "A referendum? Yes, anything to get independence affirmed."[138] Also, it was often informants who supported a second referendum who most strongly questioned the political will of the Somaliland government to carry it out. One said, "I have been asking for this for a long time. There must be a benchmark percentage. I think some 80% or more would say yes."[139]

One activist who initially opposed the idea later said he had come to find it acceptable, under certain circumstances.

> A second referendum, why? It would cost time and money. It could be welcome only if we had the resources. We are moving forward, we don't want to go back…. [In the 2001 referendum] there was a problem with census and ID cards, and we do have obstacles to overcome, including an anti-Somaliland minority. But the majority is pro-recognition. Where would we get funding for a second referendum? The international community owes the Somaliland people…. Nothing changed since the 97%.[140]

A number of young activists had already gone so far as to consider the conditions under which a second referendum could be held. One said,

> The 2001 referendum, from the perspective of a law background, is not sufficient. It was constitutional, not a referendum on self-determination. The government mobilized the people on the issue [of self-determination] for the political result. There should be another, including the Warsengeli and Dulbahante [in Sanaag and Sool]. Otherwise [Somaliland] is based on just one sub-group [the Isaaq].[141]

The possibility of a second referendum, a vote on independence, is of course a fundamental question to those who seek elected office. Sitting government officials expressed mixed feelings about it, but opposition party leaders did not. Both Faisal Warabe and Mohamed Gabose expressed full support, as well as their certainty about the outcome of the vote (majority support for independence). Then opposition leader now-President Mohamed Silanyo

[138] Interview in Hargeisa in May 2007.
[139] Interview in Hargeisa in May 2007.
[140] Interview in Hargeisa in May 2007.
[141] Interview in Hargeisa in May 2007.

appeared more circumspect, emphasizing public impatience, and the popular belief that the 2001 constitutional referendum was sufficiently internationally supervised. Along with a majority of my Somalilander informants, Silanyo argued that the 2001 referendum is all the confirmation anyone should need of public support for independence. Still, he and most others remained open to the idea of a second referendum, if that should turn out to be what it takes to satisfy the UN and powerful governments, for them to finally grant recognition.

It is important to note that each party leader predicated his support for a possible second referendum on the deeply held belief that its outcome would be a foregone conclusion. It could therefore be reluctantly allowed in order to provide definitive proof of what they already viewed as obvious fact. Silanyo said,

> The official position is that a referendum has already been held. There was an international presence in 2001, and it was recorded. [Another referendum] would create a huge upheaval and controversy in the country. It would open a huge discussion about identity that no one wants to open. Why open this up all over again? But we might—if on the basis of that there would be recognition. We have to think about that very seriously. It would feel like stepping backward.[142]

As lawmakers, parliamentarians generally saw potential in the idea of a second (internationally supervised) referendum. At the same time they expressed anger and frustration that a second referendum could be considered necessary given what Somaliland has already accomplished. The Speaker of the House of Representatives said, "[The second President of Somaliland, Muhammad Haji Ibrahim] Egal wrote letters to the UN, the AU, the U.S. and other UN Security Council countries. He asked [for a referendum] the first time and was refused. If this is requested by the AU, UN and U.S., we are willing." One woman parliamentarian said, "It

[142] Interview in Hargeisa in August 2006.

passed by 97% the first time. We're ready for the second."[143] The other said, "We've already passed that stage."[144]

The *Guurti*'s International Relations Committee Chair shared the common belief that the outcome of a second referendum would be a foregone conclusion. As long as this was the case, he would be amenable to satisfying whatever remaining requirements the international community might impose on Somaliland. He stated, "This is the thousand dollar question. We could have another referendum, if necessary. Provided that recognition follows immediately, we would consider it. It could be a bridge of the law. But there would be many conditions."[145]

Somaliland's executive officials had the most to say about the meaning of the 2001 referendum. Most believed it provided definitive evidence of popular support for independence. They too allowed for the possibility of another referendum, but only if it would finally satisfy international standards. They were generous on this issue because they too believed another referendum would merely verify popular support. Former Foreign Minister Duale described the 2001 constitutional process and vote as illustrating Somaliland's development as a democratic and independent state amidst internal strife.

> It's not a piece of cake to pass a Constitution. The Council of Ministers passed the Constitution; then it went to Parliament. There were three groups opposing. First, most parliamentarians felt they might have no way to protect their interests and seats—the question of selection versus election. Second, others thought it might negate their ability to win the presidency. Third, some thought, 'Why do we need a Constitution? We have the Qur'an, sharia law.'[146]

[143] Interview in Hargeisa in August 2006.
[144] Interview in Hargeisa in August 2006.
[145] Interview in Hargeisa in August 2006.
[146] Interview in Hargeisa in August 2006.

When it came down to a final vote, the Constitution was predicted to lose. According to local lore, officials found one supporter asleep, woke him, and it all came down to a single vote.[147]

> That made the difference; that's how close it was. We took it to a national referendum to mobilize people. There was a big turnout. Because we're a nomadic society, there were boxes everywhere. We exhausted the whole budget to do it.[148]

Former Foreign Minister Edna Adan offered comparative historical analysis in a global context. First she cited New Zealand's referendum, with 60% of 5 million voting for 'independence.' This is a reference to the Constitution Act of 1986, which cut parliamentary ties between New Zealand and Great Britain. Then she cited Montenegro, with 51.5% of 700,000 voting for independence from the former Yugoslavia in 2006.[149] Comparing these percentages with Somaliland's reported 97%, Edna Aden objected to the idea of a second referendum. She specifically dismissed the need for UN involvement, stating,

> The international community was present in 2001—the EU, South Africa, Scandinavians. It would be a futile exercise, just to satisfy somebody's doubts, since the same response would be expected. The UN should have been here prior to 1991, but it was not.[150] They did nothing about Somaliland at that time.

This opinion was tied to Edna Aden's commitment to Somaliland's 'self-development,[151] and her critique of international neglect of Somaliland overall.

> It's like a UN 'no go zone,' so the experts don't stay. This is unfair, corrupt, unjust. These are the ones reporting back to the UN Security Council and Secretary General, telling the world that we're a 'fragment of Somalia,' unsafe, not ready for self-determination. We are bigger than 19 African countries, with a bigger population than 18.[152]

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[147] While not by a margin of one, the vote was exceedingly close.
[148] Interview in Hargeisa in May 2007.
[149] The numbers she cites vary somewhat from official sources.
[150] A UN mission briefly visited the self-declared independent territory in 1991.
[151] Adan Ismail, Edna. "Peace, Education, and Economic Development in Somaliland." Northeast African Studies. East Lansing. Vol. 10, Issue 3, 2003, pp. 275-279.
[152] Interview in Hargeisa in August 2006.

A senior justice official also took offense to my inquiry about a second referendum, saying, “In the 2001 referendum 97% of the people supported independence. Another referendum is unnecessary. Unification didn’t require a referendum, so why now? We have a right to reinstate statehood.”[153] Another senior official, while holding the same sentiments about recognition, took a more pragmatic position.

> I would accept [a second referendum] wholeheartedly. When we started this democratization process we assumed the international community would naturally change their mind. So we did the peace by ourselves, under a tree. But the international community is defying our case….[154]

A younger official added, “South Africa and others were here in 2001 [so there was an international presence]. Since the majority would still vote for independence, people would accept a second referendum.”[155] And an election official said, “People are confusing recognition and Somaliland, so [a second referendum] would be welcomed. People thought elections were impossible, but they happened—local, presidential, the lower house.” He paraphrased Martin Luther King Jr. to describe his experience of the 2001 vote which ‘set all the people free.’[156]

It is also important to consider the 2001 referendum and the possibility for a follow up plebiscite in relation to Somaliland’s recent electoral crisis. While its government successfully carried out local, parliamentary and presidential elections since 2001, from 2008 to 2010, it struggled to hold a presidential election. Concerns about the capability and independence of the National Election Commission (NEC), and a complex and flawed voter registration list compounded a fractious debate involving a range of actors, including the President, the

[153] Interview in Hargeisa in August 2006.
[154] Interview in Hargeisa in August 2006.
[155] Interview in Hargeisa in August 2006.
[156] Interview in Hargeisa in August 2006.

Speakers of the House of Representatives and *Guurti*, and the two recognized opposition party leaders. The election was delayed three times, until it was finally held in June 2010. With the help of mediators from Ethiopia and the UK, the above-mentioned Somaliland leaders finally agreed to dissolve and reconstitute the NEC and correct the voter list, as part of a ten point document signed in Hargeisa in October 2009.[157]

The idea of a second referendum was also intriguing to my minority informants, as it offered some hope for future inclusion in political decision-making, and some hope that a vote for independence would *not* prevail. One minority leader described his experience as an official posted to oversee the 2001 referendum, during which he observed 'some mistakes' and 'questions.' He said he believed it would be better to have the international community supervise a second. He believed that people voted because they thought they would be recognized, and he questioned the veracity of the final tally of 97% for independence.[158] In my primary minority focus group, participants decided, after some discussion, that minorities would generally support another referendum, but they would probably vote against independence. Another minority leader said, "I would support a referendum, and I would vote 'no'."[159]

The 2001 referendum was widely though informally viewed as a good indication of popular support for independence. Is it necessary (even if not sufficient) for Somaliland to hold a new referendum to achieve international recognition? Or, perhaps, it might only be necessary to hold a new referendum in the regions not fully able to vote in 2001—particularly Sool and

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[157] *Somaliland Press*. "Somaliland Political Parties Sign Agreement to End Political Deadlock." 1 October 2009. http://somalilandpress.com/somaliland%E2%80%99s-three-political-parties-sign-the-six-point-agreement-8897

[158] Interview in Hargeisa in May 2007.

[159] Interview in Hargeisa in August 2006.

eastern Sanaag? Somaliland's remote border regions, still contested by the governments of Somaliland and Puntland, as well as the armed group known as Sool, Sanaag and Cayn,' and other local militias, may figure into calculations by international actors in relation to regional security. Eastern Somaliland security could be important to resolving intra-Somali conflict in the north, as it remains pivotal to Somaliland's territorial integrity and monopoly on power.

d. Does territorial integrity matter?

I had the rare opportunity to experience the consequences of ongoing political disputes and periodic armed conflict in Somaliland's eastern region of Sool first hand in December 2007, when I spent two days in Las Anod, its capital, interviewing residents there. I was drawn to visit this volatile area by discussions with others I had interviewed in Hargeisa in 2006 and early 2007, and with those I had interviewed from the Somali diaspora in the U.S., many of whom reminded me that there were still 'northern Somalis' who did not support recognition of independence for 'northwestern Somalia.' Over the course of my field research it gradually became clear that the contested regions of Sool and Sanaag, particularly in the areas around Las Anod and Las Qoray, could be significant to Somaliland's status, and potential obstacles to international recognition. The Puntland Regional State of Somalia had announced its autonomy in 1998 with the understanding that it would eventually become re-integrated into a federated Somalia, along with its contested border areas, when peace and governance was re-established in Mogadishu and throughout the south. While Sool and Sanaag lie within Somaliland territory as established under the colonial British protectorate, authorities representing the semi-autonomous region of Puntland in northeast Somalia have also maintained claim to large swathes of these regions and, for extended periods of time, exercised control over them.

For five years—from 2002 until 2007—Puntland officials had administered local government in Las Anod. Their authority lasted until mid-November 2007, when Somaliland forces drove them out, in fighting that displaced tens of thousands of local residents. This was accomplished in a surprisingly quick military operation, during which both sides limited most of their actions to areas outside city limits, to minimize civilian casualties and damage to local infrastructure. This is an unusual and particularly intriguing phenomenon which reportedly arose out of deliberate decisions on the part of both governments' military leadership to respect the traditional importance of the land, as for most Somalis land is essential to their identity as well as to their economic livelihood. [160] Remittances on which families and government have been so reliant in the absence of international aid are also tied to the land. Relatively wealthy Somalilanders, including those in the diaspora residing in several other countries, have built on land in the areas of northwest Somaliland on which their families and ancestors traditionally worked. These Somalilanders have not only bought land on the hills surrounding the capital of Hargeisa, but also in their eastern homelands.

For the Dulbahante, that homeland is centered in Sool. The minimal infrastructural development that has been accomplished there is largely due to diaspora remittances and related investments in local businesses, mosques and public buildings. For Somaliland or Puntland forces to have destroyed the property built by their benefactors would have hurt their own economic and political interests, as well as Somaliland's quest for recognition. Key figures in the Somaliland and Puntland diasporas in several countries were not only aware of but

[160] Interviews conducted in December 2007.

responsible for funding the armed conflict between the two sides, and also responsible for the parameters set by their military leaders.

The quality of Somaliland's military, known as the Somaliland Armed Forces, is important in relation to both its overall capability to maintain territorial integrity, and its international status. The UN arms embargo on Somalia,[161] in place since 1992 (which by nature of its status pertains to Somaliland as well), has prohibited the import of most types of weapons and military hardware. Still, Somaliland has made it a priority to acquire, build and repair military equipment to maintain its internal security, effectively patrol its coast for pirates, and out-force its opponents from Puntland, thanks in large part to diaspora support, and due in large part to its commitment to adhere to international norms and law.

In late 2009, Puntland officials, including then President Farole, made strong statements reaffirming Puntland's commitment to 'take back its border regions.' Although a number of smaller skirmishes in Las Anod and Las Qoray have occurred since that time, the Government of Puntland no longer demonstrates the capacity to effectively challenge Somaliland's practical authority in Sool and Sanaag; its military has been stretched thin supporting weak Somali government forces in the south.

Without an effective monopoly on power throughout its territory, which some would argue represents a fundamental lack of territorial integrity, the Government of Somaliland could have a more difficult time winning its bid for international recognition, no matter how much popular support and regional sympathy it secures. While it has physically taken back control of its eastern border lands, it will likely take the political will and intellectual investment

[161] http://www.un.org/sc/committees/751/. Accessed on 24 July 2014.

of Hargeisa's educated elite, including leaders from civil society, and a genuine government commitment of significant financial resources for development, to achieve a lasting monopoly on power in its east.

Contested Regions of Somaliland (Map 4) [162]

A sultan from eastern Somaliland whom I interviewed in Hargeisa was the first to support a woman parliamentarian from his region. He was also one of the first I interviewed to offer a creative means to determine control of Sool and Sanaag. I would later hear this idea repeated by other intellectuals—a referendum specifically designed for these regions. He said,

> The international community must come. I am pretty sure my area would go to Somaliland. Then there could be a second referendum for Somaliland as a whole. Nomadic tribesmen can't be confined to borders, you can't control them. Let them go in and out, but only have one authority in the region.[163]

A regionally-based referendum, combined with increased federal resources devoted to development in Sool and Sanaag, could help resolve disputes and conflicts along Somaliland's eastern borders. A woman leader who regularly works in these isolated regions agreed, saying,

[162] www.allvoices.com, Map of contested regions of Somaliland, retrieved on 4 August 2014 from http://img.allvoices.com/thumbs/event/609/480/58160507-somalia-map.jpg.
[163] Interview conducted in Hargeisa in May 2007 at the request of the above-mentioned parliamentarian.

"The area is not developing, it's losing out. The Dulbahante and Warsengeli are fighting among themselves over scarce resources."[164]

That said, a young justice official offered a popular perspective, saying, "Development is changing, improving the lives of the poor. In the east, the people of Sool and Sanaag need Somaliland more than Somaliland needs them—for economic reasons. In Las Anod there are no secondary schools, and the hospitals are very under-developed. People come to Hargeisa to pursue jobs and careers."[165] While perspectives of Somalilanders in Hargeisa seldom demonstrated a full understanding of the depth of poverty and under-development endured by their fellow citizens in the east, several non-governmental leaders in Hargeisa did offer pragmatic analysis. One said,

> In Sool and Sanaag the majority is closer to Puntland than Somaliland. Those who support Somaliland are mostly intellectuals. There are two arguments. First, the government is accused of neglecting these areas, which is why Puntland came in. Second, you have to be practical, clans are affiliated with Puntland. In 2000 meetings were held and people said, 'We are not going to be part of Somaliland. We are clan affiliated with Puntland.' This is part of the lack of recognition.[166]

One senior justice official said it was time to "think in terms of development" and that Somaliland "cannot do anything by force." He criticized lack of peace and security in the regions, and noted "there are those who are [still] waiting to vote [there]."[167]

In Washington in 2009, in a meeting with former President Riyale Kahin, former Foreign Minister Abdillahi Duale and former Somaliland Representative to Washington Saad Nur, I asked about the need to establish Somaliland's authority in Sool and Sanaag. Riyale responded

[164] Interview in Hargeisa in August 2006.
[165] Interview in Hargeisa in August 2006.
[166] Interviews in Hargeisa in May 2007.
[167] Interview in Hargeisa in August 2006.

by affirming his government's commitment to provide an additional percentage of Somaliland's annual tax revenue for development in Sool, and to support an intra-Dulbahante clan dialogue. He was clearly considering this matter in relation to the purpose for his visit, discussions about possible future recognition.

The unresolved border dispute, which periodically manifests in armed conflict, may be a lynchpin to conflict resolution in northern Somalia, which may prove important to the international community, and to Somaliland's fulfillment of international norms, and thereby to Somaliland's international recognition. While insecurity in these regions has been a serious concern for Somaliland government officials for years, the insufficient effort placed to date on their development by Somaliland administrations suggests its leaders have yet to grasp their full importance.

As mentioned, during one of my research trips, I was able to interview scores of citizens of Las Anod. They were women and men, old and young, there to tell their stories and to be heard. Apparently no westerner had come through Las Anod for many months; I knew the several who had done so most recently, and they had not been there to conduct interviews with the people. There are relatively few analyses of the eastern border regions of Somaliland available to date. This harsh and relatively inaccessible area has received some limited assistance from UN agencies and international organizations, particularly to meet the needs of displaced persons, but little more. Those who have considered the area include: Matt Bryden, Mark Bradbury, and several Somali and Somalilander officials and analysts. Somaliland's current *Guurti* Human Rights Committee Chair and Deputy Speaker of the House are both from Las Anod.

Upon my arrival, it was only a few hours before a line of women, businessmen, students and others had formed outside our small lodging, much to the chagrin of our guards. Many of these individuals waited for many hours in the hot sun just to tell their stories. My translator and I were provided with a small private room in the hotel, generally used for prayer, in which to conduct our interviews. Using just six questions, and sometimes only three, for the next two days I elicited data which has deeply informed my research on Somaliland.

I offered my informants enough time to describe their experiences and those of their families during the1988-1991 Somali Civil War, and any abuses they may have suffered or witnessed at the hands of the SNA or SNM, and the same in relation to more recent fighting in the area. Since armed conflict had become continual in Las Anod, the data they provided was qualitatively different from that provided by my informants in Hargeisa. Those informants were often passionate, but more philosophically so, as political circumstances experienced by government and non-governmental leaders and activists often reflected a temporal distance from armed conflict and extreme social and economic need. In contrast, my informants in Las Anod were very emotional, exhibiting the effects of their direct and immediate experiences of violence and economic hardship. This difference was most noticeable when comparing the primary focus of my informants from Hargeisa on international politics with the primary focus of my informants from Las Anod on economic assistance. As detailed further in Appendix 1, my informants in Las Anod supported recognition for Somaliland, the Puntland government and remained undecided between the two, in roughly equal measure.

As mentioned above, while Somaliland's leaders had chosen to pursue *de facto* independence in 1991, and to confirm independence via referendum in 2001, Puntland's

leaders had chosen a different path. In 1998 the northeast regions of Somalia also separated from violence and anarchy in the south, but, unlike Somaliland's leaders, they did so by claiming 'autonomy,' emphasizing their intention to 'rejoin' a federal Somalia, once peace and stability returned. Thus the Puntland Regional State of Somalia became a semi-autonomous area, and the relations of its clans and sub-clans to political affairs in Somalia and Somaliland became complex. Not only are Puntland political allegiances split—between full reunification with Somalia, loyalty to the government of Puntland, and loyalty to sub-clan communities that cross into northeastern Somalia, their economic interests are split as well. Given the porous Puntland/Somaliland border, the nomadic nature of Somali pastoralists, and the prior lack of capacity on the part of Somaliland to fully control its border regions, Puntland authorities were *de facto* governing parts of Sool and Sanaag from 2002 until 2007. That is not to say that Puntland had many more resources to invest there, as noted by my informants and described below. The territory and the people of Las Anod have been claimed by two separate governments, neither providing them with sufficient humanitarian or development assistance, and neither able to establish fully functioning institutions of governance, or continuous control.

While Somaliland is majority Isaaq, Puntland is Darod. The Darod clan family divides into Harti and Majerteen kin groups, and within these lie Dulbahante and Warsengeli clans, primarily residing in Sool and Sanaag respectively. Dulbahante sub-clans were fairly united among themselves until recent years when they started to fracture; those who benefited economically or politically from Somaliland became 'pro-Somaliland,' and those who benefited from Puntland became 'pro-Puntland.' The status of relations between Dulbahante sub-clans on either side of the Somaliland/Puntland political divide, and the status of their social relations

to the east and to the west, contributed to factionalization and shifting alliances. By 2007, however, three main factors began to alter the balance of power. First, it became increasingly obvious—even to pro-Puntland Dulbahante around Las Anod, that the Puntland government was unable or unwilling to invest in education, health care and infrastructure to substantially improve conditions for the people of Sool. Second, Puntland military resources were increasingly sapped by Somali forces requiring their assistance in the fight against Al-Shabaab and other militias in southern Somalia. Third, the Somaliland government was taking advantage of Puntland's weakening hold, and certain Dulbahante leaders were offered incentives to throw their allegiance to Hargeisa.

In October 2007 Somaliland troops marched to the border of Las Anod with the support of enough local Dulbahante leaders to allow them to reclaim political and military control. Within days Somaliland had retaken the area and driven meager Puntland forces back over the former colonial border.[168] This victory was viewed as 'reclamation' by Somaliland officials, and another argument for its adherence to international norms and law, and thereby international recognition. As the then-Mayor of Las Anod described it,

> From 1901 to 1922, there was a fight between the people against the British. It was the time of the 'mad Mullah.' The Dulbahante were one of the most powerful in all of Somalia, but the British and the Italian governments came together to draw borders for Somalia, and they succeeded in defeating the mullah. After that we [Somaliland] regained our independence. Then we Dulbahante said let us be with Somaliland until we know what happens with Somalia. Let us be with Somaliland and support them.[169]

Dulbahante decision-making in 1991 had been influenced both by Somaliland's reunification with Somalia in 1960, and the devastation caused by Siad Barre's forces during the

[168] Fredriksson, Lynn. Human Rights Challenges: Somaliland Facing Elections. Amnesty International, March 2009, pp. 13-14.
[169] Interview in Las Anod in December 2007.

Somali Civil War. A pro-Somaliland student I interviewed in Las Anod said, "In 1960 when we got our independence, it was the senior Dulbahante chief… who told Egal, 'please don't let us unite with Mogadishu.' Egal agreed and we united [with Somaliland]."[170]

In local recorded history, the eastern region of Somaliland is best known for the exploits of Seyid Mohamed Abdalla Hassan (commonly known as the 'Warrior Mullah' or 'Mad Mullah').[171] As John Drysdale notes, Seyid Hassan, whose father was Ogadeni and whose mother was Dulbahante, waged war against the British for 21 years, with the goal of 'uniting the Somalis.' He writes, "The Seyid's followers [known as dervishes] were convinced that he was an inspired prophet; they fought for the glory of Allah—not for the glory of Somali nationalism."[172]

Today the land of the Dulbahante is still a land of highly religious, and deeply nationalist, passions. As mentioned earlier, and as noted by Markus Hoehne of the Max Planck Institute for Social Anthropology, the Dulbahante developed complicated relationships, straddling Somaliland and South Central Somalia before and during the Somali civil war.

> In the 1970s and 1980s, most Dhulbahante, being Darood, supported the regime of Siyad Barre, who belonged to the Marexaan clan of the Darood clan family. A further factor strengthening this alliance was the appointment of Axmed Suleban 'Daffle,' a Dhulbahante, as the head of the National Security Service (NSS), making him one of the most powerful men in the state. Until 1991 the clan fought on the side of the government against the guerrillas. When the SNM took over most of the northwest of Somalia, the representatives of the Dhulbahante agreed on peace with the Isaaq. But the majority of the clan did not accept the programme of secession from Somalia agreed on in Burco. In the years that followed the social and political progress of Somaliland was achieved while excluding the Sool region and largely without the participation of the Dhulbahante.[173]

[170] Interview in Las Anod in December 2007.
[171] Beachey, 1990.
[172] Drysdale, p. 6.
[173] Hoehne, Markus V. "Political identity, emerging state structures and conflict in northern Somalia." *Journal of Modern African Studies*. Cambridge University Press, 2006, p. 405.

Somali Scholar Mohamed Haji Mukhtar and researcher Paul Goldsmith[174] have emphasized the relationship between the regime of Siad Barre and some Dulbahante, one of the three main clans out of which Barre formed his inner circle.[175] Yet Somalia scholar I.M. Lewis notes sub-clans throughout the eastern border region gathered as early as 1993 for the Sanaag Grand Peace Conference, which included "traditionally mutually hostile local Habar Yunis, Habar Ja'lo, Dulbahante and Warsengeli clans."[176]

> This critically important assembly, which brought together the representatives of Isaq clans with their Darod counterparts, whose territories extended into Darod-based Puntland, concluded in October 1993 with its own regional peace charter. Of particular relevance to the local pastoralists and traders, the charter provided for the restoration of traditional reciprocal access to grazing lands, the free movement of trade and the return of alienated land.[177]

Mark Bradbury has perhaps done the most thorough recent study of the political environment of different Dulbahante clans and sub-clans in the eastern regions, stressing their complex and changing relationships with Somaliland. He states, "The limited authority that the Hargeysa administration exercises in these regions [of Sool and Sanaag] undermines the sovereignty and territorial integrity of Somaliland."[178]

e. The paradox of non-recognition with no strings attached

There is a fundamental paradox to Somaliland's non-recognition which has not been lost on many of my informants. While there has been little bilateral support for or investment in Somaliland since 1991, due to non-recognition, this lack of support has itself precipitated a level of self and diaspora reliance that has shielded Somaliland from obligations to international

[174] Goldsmith, Paul. "The Somali Impact on Kenya, 1990-1993." *Mending Rips in the Sky*, p. 464.
[175] Mukhtar, Mohamed Haji. "Between Self-Determination and Chaos." In *Mending Rips in the Sky*, p. 54.
[176] Lewis, I.M. *A Modern History of the Somali*. Oxford: James Currey, 1965/2002, p. 284.
[177] Ibid.
[178] Bradbury, p. 199.

institutions, pernicious debt, and political and armed conflict often precipitated by a mass influx of aid, such as what has taken place in southern Somalia. This has in turn allowed Somaliland to better meet a number of the criteria required by norms and law governing statehood, and thus allowed its leaders to more strongly argue its case for international recognition.

I ceased to ask specific questions about Somaliland's resource needs after 2006, by which point responses from informants had become uniform and obvious to me. I include reference here to this general lack of international support for Somaliland's economic and political needs, to acknowledge the limitations this has placed on Somaliland's development, and to illuminate the consequent paradoxical freedom it has simultaneously allowed, as its leaders have sought to demonstrate their adherence to international norms and law.

The cognitive dissonance with which opinions on this issue were frequently expressed was at times quite profound. It can be generalized as something akin to: 'We were not given the resources we needed to establish our country, but we did it anyway, and possibly better, without you and your conditions. Why do you not give us the resources now?'

One woman leader in civil society said, "There's no aid without recognition, no recognition without aid. So we depend on remittances from the diaspora…."[179] Another cited Iraq by way of analogy, saying, "The international community doesn't realize that you can't force people to do what other people want them to do. Instead you should ask, 'what do the people actually want and how can you assist them to achieve it?' Why can't the western world

[179] Interview in Hargeisa in August 2006.

be as sophisticated in human values as in science?"[180] This same woman used the analogy of a child learning to walk, saying Somaliland needs "assistance not interference."[181]

Other leaders shared similar concerns. For example, one middle-aged woman said, "We are missing the skills as well as the funds. Local, regional, and international support has been missing. International organizations and network support is missing. Where have you been?"[182] One elder male non-governmental leader said simply that Somaliland needs resources, "material and human, and expertise, not financial [aid] and public relations propaganda."[183] And one young male activist shared:

> We don't have skilled manpower, just natural resources. We are a poor people living on a rich land. We need help to reach our goals, a good partnership with shared interests. Companies won't come to an unrecognized country. But more important we need poverty alleviation. This could be our downfall. There is anger and resentment toward our leaders from people anxious for change, all because of poverty, lack of jobs, income. This concern is more immediate... Somaliland is mixed up with Somalia; the focus of the international community is always on the south. Why not build on countries that have gained peace and security? People are getting weary.[184]

The *Guurti* Politics and International Relations Committee Chair said, "We have knowledge and experience. We started from scratch. We do not have political or financial support. Taxes are not enough either, we're barely surviving, but we're proud."[185] And a young male activist expressed the need to use assistance in ways that ensure accountability:

> Recognition means money, but also a lack of transparency and accountability. Limited assistance has always been available, but we need mechanisms and capacity to work with the international community. We haven't come up with a plan yet. You want to deal with the world? Good ministries are needed, a legal framework, a blueprint. [We

[180] Interview in Hargeisa in August 2006.
[181] Interview in Hargeisa in August 2006.
[182] Interview in Hargeisa in May 2007.
[183] Interview in Hargeisa in May 2007.
[184] Interview in Hargeisa in August 2006.
[185] Interview in Hargeisa in August 2006.

> need] evaluation to assess relations with the international community. It [has] never happened.[186]

Time and again I heard descriptions of the fundamental paradox of non-recognition and independent development in Somaliland, but increasingly over the years from a new angle—that recognition may not in fact be necessary. If statehood is a *fait accompli*, Somaliland has reached a stage of stability and governance at which it is important to find the means to acquire significantly greater economic assistance and investment, with or without international recognition. While far from the view of the majority of my informants, or those whose opinions have been recorded by other sources cited in this dissertation, quite a number of non-governmental leaders and activists, as well as businessmen now consider the pursuit of alternatives to international recognition of independence a necessary course of action, if not for the long-term, then for the immediate future. This evolution in thinking has for some arisen out of more than two decades of patience exhausted, and out of increasing need for more significant sustained financial assistance for political, economic and security development. One informant said,

> Norms have hindered the request for recognition. But being left alone has its advantages. Siad Barre received unchecked massive foreign aid. Somalia became a foreign aid addict. There was no need or motivation to build resources. Then look at Hargeisa, with no bilateral or multilateral aid. The advantage was making us self-reliant. The disadvantage is there's only so much we can do for ourselves. Another option would be assisting Somaliland indirectly, through open trade, investment, resource extraction….[187]

Parliamentarians consistently raised the lack of international emergency, development and institutional support as factors contributing to Somaliland's slow growth, as well as its

[186] Interview in Hargeisa in August 2006.
[187] Interview in Hargeisa in August 2006.

persistent vulnerability to regional security threats. They drew a direct link between the results of the withholding of financial assistance and the absence of international recognition. Without recognition, physical security, legally binding contracts and financial institutions do not function to international standards, and emergency and development, security, institutional and capacity-building assistance and commercial investment are withheld.

The *Guurti* Human Rights Committee Chair attempted to reconcile this with a retrospective ambivalence about lack of past assistance, and an urgent call for future assistance from the international community.

> In the beginning we were by ourselves, the port was our resource. There was no international community, and I'm thankful for that, or we would have turned out like Mogadishu. Funding was collected from the people, including remittances. People must first agree on certain things—before the international community comes in. They must identify and find solutions for their own problems.[188]

The Catch-22—that support is needed to make gains that could lead to recognition, but recognition is needed to gain support—was repeated in scores of interviews I conducted. The majority of my informants emphasized Somaliland's deep dependence on remittances to fill the gap left by international isolation.

[188] Interview in Hargeisa in August 2006.

Chapter VIII Summary, Conclusions and Suggestions for Future Research

As this dissertation began, so it ends, with Somaliland, having declared its independence in 1991 after three decades of political marginalization, more than a decade of political repression and three years of brutal civil war. In 2015, the *de facto* state of Somaliland remains unrecognized, while Somaliland's leaders continue to press for international recognition. Somaliland has made surprising advances in democratization, consolidation of statehood, economic development, human rights and security, as described above.

This dissertation has analyzed Somalilander perspectives on Somaliland's statehood. As demonstrated, Somaliland's leaders, and its people, have conducted themselves in ways intended to meet perceived international standards of independence and statehood. The government's pursuit of recognition helps to explain decisions it has taken and developments it has fostered over the past 24 years. International norms of self-determination have thereby served to shape the decisions of Somaliland's leaders, allowing them to consolidate, democratize, resolve conflicts, develop economically and protect most if not all human rights for its people. Somaliland may not be internationally recognized, but its leaders have achieved great success. Somaliland may still be considered an unlikely environment for the actualization of democracy, but these leaders have in large part adhered to international norms and laws by pursuing stability, democratization and development.

Paradoxically, Somaliland has stabilized, developed and democratized under very inauspicious circumstances in pursuit of independence. Its leaders have succeeded in building a cohesive nation out of multiple clan and other social groups, and made significant gains toward the consolidation of state institutions, public security, human rights, economic development,

and democratic governance, using distinctly Somali means toward these ends. Since a successful referendum on independence was held in 2001, Somaliland has made further strides toward stability, democracy and economic development, despite its unrecognized status and in contrast with South Central Somalia. Both its government and non-governmental leaders have followed models of western governments, as well as models of African states that have won their independence. To accomplish this they have deeply integrated fundamental and evolving principles of regional and international norms and law into their state-building project. These actions, and Somalilanders' perspectives on these actions, are integral to a grounded understanding of their remarkable political circumstances.

Somalilanders have successfully argued that they have fulfilled those norms pertaining to self-determination as secession/separation, as well as several sets of standards which have been employed internationally in recent decades to evaluate statehood, democracy and international recognition. As demonstrated above, Somaliland's leaders, from all branches of government and from civil society, have taken these norms and related standards to heart, both for the good of their own people, and in pursuit of international recognition.

While there are no norms pertaining to international recognition *per se*, Somaliland's leaders learned the norms pertaining to self-determination, independence and statehood—from respect for colonial boundaries to sanctioned separation based on mass violations of human rights, to the requirement of demonstrated popular political support, to a permanent population, defined territory, functioning government able to control its territory, and the capacity to enter into relations with other states, to more general references to democracy and economic development.

Many of Somaliland's leaders and intellectuals have memorized law and norms and routinely use this knowledge in making their case. Many Somalilanders possess a strong understanding of territorial integrity, the Westphalian predisposition toward established nation states, and AU member states' fears in relation to established colonial borders. They have come to believe their best chance for recognition is demonstrating Somaliland has met its international obligations in relation to self-determination, independence and statehood. Overall my informants believed that they must find better ways to convince powerful governments and international institutions to recognize Somaliland, and to do so requires meeting basic requirements of self-determination, independence and statehood under existing international norms and law, even if they do not believe they should have to do so.

Somalilanders have also compared themselves with their neighbors on the African continent, particularly Eritrea and South Sudan, and they have considered the less favorable circumstances of other Somali regions, particularly Puntland and the Somali region of Ethiopia (the Ogaden), whose leaders have not realized *de facto* independence and statehood. They have also looked to the principles under which Somalia and Puntland function, and the principles that have, in part, guided their own interactions with the African Union and the United Nations, including those expressed in the reports of two AU assessments conducted in Somaliland, and the principle of *Uti Possidetis Juris*.

The collective narrative presented above represents a testimony of the representatives a people and their government, on how Somalilanders see Somaliland in relation to the international community, and its norms and law. Colonial trajectories, national self-identification, political repression and armed conflict have all influenced Somaliland's unusual

path. Clan influence, traditional decision-making processes, diaspora support, security challenges, and other societal fissures have also influenced Somalilanders' adherence to international norms of self-determination and statehood. Certain populations of Somalilanders—minority groups, those from the disputed eastern regions of Sool and Sanaag, and some human rights activists—have challenged Somaliland's right to unconditional international recognition of independence, a finding which has simultaneously complicated the government's claim. And international norms of self-determination have impacted the decisions of Somaliland's leaders, and Somaliland's evolving democracy and governance in relation to reconciliation, diaspora support and domestic political concerns. Its leaders' actions have been particularly oriented to maintain popular support and territorial integrity.

This dissertation has also offered some initial analysis of how several key governments and international institutions, including the African Union and the United Nations, have influenced the decisions of Somaliland's leaders in their quest for international recognition. In it I have sought to broaden the frame for future recommended research on Somaliland to include regional and international factors determinative of that possible recognition. For it is important to consider the extent to which international norms and law effectively impact states and multilateral institutions' choices in determining recognition of *de facto* states. While meeting these norms and laws is necessary, in the case of Somaliland it has to date been insufficient to achieving international recognition. While norms clearly matter in Somaliland's adherence described above, global security concerns in the Horn are additional serious obstacles Somaliland's leaders must overcome.

Somaliland's leaders have taken significant steps toward meeting what they perceive to be the fundamental norms of self-determination and statehood, by actively pursuing democratization and consolidation of governance. Over the last nearly quarter century, basing their arguments for self-determination on international criteria, they have reconciled conflicting clan-based parties, built state institutions, fostered economic growth and industry, ensured public security, increasingly protected human rights, and contributed to regional security in East Africa.

Such actions, including Somaliland's 1991 referendum, have not only contributed to the establishment of democratic institutions, they point to some ongoing tensions, between security concerns and human rights, between economic development and universal political participation.

While international norms have yet to be used by key international actors to resolve Somaliland's international status, its government leaders have gone to great lengths to meet the criteria for self-determination, independence and statehood toward the goal of general international recognition. How might its actions be considered by key international actors toward what end in the future? Somaliland's leaders might now give further consideration to the importance of international security concerns in the Horn of Africa, and focus their attention on decision-making dynamics in the African Union, particularly in relation to Ethiopia, Egypt and control of the Nile, as they continue to pursue their claim to international recognition.

Appendix 1

Somaliland: For or Against?

I compiled my findings from Las Anod, and consolidated data from two dozen informants according to their responses to my most fundamental question: Are you for or against Somaliland control in Sool? Within each of three categories (of support, opposition or indecision), I also noted with interest the willingness of informants to participate in a possible future referendum to decide the fate of their region, and what it would require to win their own and others' local support for Somaliland. And I offered the opportunity for informants to describe their own experiences of violence which had recently engulfed their homeland, bringing change from Puntland to Somaliland administration again. I selected my informants through a combination of established contacts—both governmental and non-governmental, and associates of these initial informants. Others came to me as word of my presence in Las Anod spread.

As mentioned above, the Dulbahante clan is divided into a number of sub-clans, relatively evenly split as supporters of either Somaliland or Puntland. These include: the Hamud Ugaas, Mohamed Garad (Bahararsame) and Chama Siad—primarily pro-Somaliland; the Abdi Garad, Ugaadhyahan, Naleeye Ahmed, Nugaal and Khaalef—pro-Puntland; and the Ogayahan, Jamac Siyaad and Farah Garad—neutral or divided in their support for either government.

In addition to division of loyalty stemming from pragmatic political and economic interests, close cross-border ties and inter-marriage, other social and cultural relations contribute to shifting affiliations. Isolation in the border areas, and a profound lack of essential resources, particularly for education, has inclined the least privileged members of local society

(notably older women) to espouse and support open hostility. It is important to note, however, that the most common views among those I interviewed in Las Anod demonstrate a lack of certainty as to who should be supported, and a common perspective that whoever is ultimately supported would have to have provided the community with desperately needed economic resources.

Those in favor of Somaliland[1]

Surprising after research I conducted in Somaliland's capital, those who expressed their unconditional support for Somaliland control of Las Anod numbered only four out of twenty four informants. Though my sample size in Las Anod was by necessity limited (for security reasons), I believe that snowball sampling through word of mouth over a two-day period—including students, non-governmental actors, business people, government workers and displaced persons—offered a reasonable cross-section of local community perspectives, for the purposes of initial study on Somaliland's quest for recognition of *de facto* independence through the pursuit of democratic and economic development, as well as security.

One of the first to support recognition for Somaliland was the Mayor of Las Anod. He had been in office for five months at the time of our interview. A rather young man for his position, who had previously contracted with several international organizations in Hargeisa, he sat fingering prayer beads throughout our interview. He said it was first necessary to bring Dulbahante intellectuals, educators and politicians together.

> First the Dulbahante have to unite. Then they seek their share of the parliament and the government of Somaliland. We are planning to have a conference. We cannot find solutions until we have the community coming together. No decision on territory can be made except from within the community. I want what the

[1] All of the interviews in this section were conducted in Las Anod in December 2007.

> government wants. I want it to have recognition, but there are a lot of people of Dulbahante sub-clans who don't want Somaliland to have recognition.

Another who supported Somaliland was a business owner from the Hamud Ugaas sub-clan, adamant that he have his own private interview with me, who said he supported self-determination for Somaliland 'completely.' This businessman said he saw a great many changes since Somaliland resumed power in Las Anod, including the rehabilitation of the local hospital and the rebuilding of municipal government. He said, "Instead of coming and ruling us, they let us clans be part of the municipality. We haven't been forced to do anything. We are participating in our own town. Puntland was not doing anything, no development in this town." This informant confirmed that older women in Las Anod expressed by far the most passionate and uncompromising anti-Somaliland positions. He said, "When it comes to women, they think more about clans than what the government can bring us." After the interview, however, I began to suspect that this informant was trying to use me as a conduit to convey his support for Somaliland back to the government, to which he assumed I was affiliated, because he was afraid—perhaps for the safety of family members in detention, perhaps for his business. He was too adamant in describing his speedy change of perspective.

Another supporter of Somaliland was a male student from the fourth form of the local high school, one of a group of male students who arrived at our hotel without invitation. He said he was Dulbahante but would not give his sub-clan, because he was "making a choice not to be clan affiliated." He said, "It is clans that are causing us problems here." This informant said he would support a local referendum: "I think a vote is a very good idea. Individual people have personal gains from the Puntland government, but when it comes to the community we're living in, we have to think, who will we benefit from? The only place we're going to benefit from

is Somaliland. It will take a while for the people of this region to understand that, but when they do I think they would vote for Somaliland." His views were pragmatic: "If we get recognition and we in Las Anod support recognition, it will be more development for us. The outside world will help us more. They will treat us as a country."

Those who oppose Somaliland[2]

Also surprising was the large percentage (10 of 24) informants who were clearly and often strongly opposed to Somaliland rule in Las Anod. Many of these informants were from Dulbahante clans most closely affiliated with Puntland, and most were women.

The first informant who presented herself as adamantly opposed to Somaliland was the grandmother of a local businessman from the Abdi Garad sub-clan, which vocally supported Abdullahi Yusuf [then President of Somalia]. Nevertheless, this old woman said she would also support a local referendum. She said, "I'm ready for the vote. We need it. Why don't you call them to vote? As long as Somaliland doesn't take Las Anod as their land, we don't care if they claim it or don't claim it." She was one of a number of older women informants in Las Anod who saw her situation through the lens of clan, stating,

> Somaliland came into the town to take it by force. We the people of Las Anod, we are Puntland not Somaliland. We are Darod not Isaaq. We want the Darod government to take over this town. Puntland is going to come back and beat Somaliland. They are just waiting for the right moment to come into the town and destroy it. These other Dulbahante are individuals out for personal gains. We are Darod; we want Darod to be in government. The Puntland government was promising to give us all of that [development]. If they don't give this, we don't care, we are still Puntland. Even if the Isaaq offer everything, we won't take it. This is where the Darod have been forever. Power has to be Darod.

[2] All of the following interviews were conducted in Las Anod in December 2007.

Interesting was that this informant noticeably toned down her rhetoric when discussion became more historical. Speaking about the Somali civil war, she expressed compassion for the Somaliland government and people she was moments earlier berating.

> Siad Barre did a lot of things to the Somali people. All of these problems today he left behind. Every Somali person was affected by him. I wasn't supporting the SNM, but I felt sorry for the people in the north, what was happening to them. My grandmother was Isaaq; I have other relatives married to Isaaq.

Another informant to oppose Somaliland was a rather young woman very intent on ensuring that my guide was translating everything she said precisely. She called herself 'African' and 'Somali' and expressed her concern that clan politics is 'bad.' She also said she would support a local referendum. She implied she might have supported Somaliland if they had not retaken Las Anod by force. Similarly, another opponent of Somaliland was an adult woman from the Mohamed Garad (Bahararsame), who constantly berated my guide for not translating everything she said exactly.

A young male informant from the Cali Gerri sub-clan and the fourth form in the local high school liked the idea of a local referendum. He equated support for Puntland with support for a reunited Somalia, but implied his opinion could change if Somaliland were to fulfill its promises to develop the region. He said, "When it comes to my personal opinion, I am against recognition [for Somaliland]. We are not a big country or people. If we split into two countries, that would make us more vulnerable. If we unite, we can stand as a nation against whatever comes to us. But if the Government of Somaliland does more development and puts more resources into this town, I think they would gain support. Only [this must be] without oppression, we must have freedom of choice. If they oppress us or neglect us, they will not get

this support." Another high school student from the Bahararsame (Mohamed Garad) said, "Like the international community, I have my reservations about recognition for Somaliland. For me, instead of Somaliland looking for recognition, they need to look for unity. They should try to mediate between the other Somalis.... More development, respect for people and the community, and giving authority to the local people to develop themselves, these would help create support for Somaliland." This young intellectual talked about local leaders, and their importance in bringing sustainable conflict resolution to the area, stating,

> The Agals and Garads[3] are not in place now, they all fled to Puntland. We listen to them, and they speak on our behalf. What they contribute to us we accept as it is. Since Somaliland has returned, this element is missing; we are missing their guidance now. If Somaliland backs out, they will come back. There will be a conference, and the people will have to talk with the Garads and the Agals from Somaliland. The intellectuals are advocating for mediation between the government and the local leaders. The people of the Sool region are still missing this element that has been there for centuries.

My older guide kept arranging large groups of people for us to interview. The last of these groups was comprised of locals who had fled recent conflict and just returned. We were under a lot of pressure, not least because we could not trust our security officers to protect us when so many people knew we were there. We were therefore only able to interview a couple of these women. One of them said, "This region is saying no to Somaliland. The children, the youth, the women are not agreeing to their terms. How could I support their independence? We want you [the international community] to advocate for our human rights, we want you to come in and do development in the region." I questioned the veracity of this informant's story more than any other I interviewed in Las Anod. Throughout our interview it became

[3] Local religious leaders.

increasingly clear she was saying what she thought I wanted to hear, perhaps as a perceived source of funding.

A Pragmatic Middle Way: Winning Minds with development as Hearts remain in Somalia[4]

While there were fewer Somaliland supporters and more opponents among my informants than I expected in Las Anod, there were even more who were sitting on the fence. The potential for these individuals to move to support Somaliland was clear, which would shift the balance of overall support in Somaliland's favor. It appeared that this would require only a reasonable amount of consistent investment and development of basic services in the region, with a focus on health care, education and jobs.

One of the ten informants I interviewed who was unwilling or unable to firmly support or oppose Somaliland was a woman from the Farah Garad sub-clan. She said there should be a referendum in the east: "First I have to be sure who is going to give me peace. I would support whichever gives me peace. Somalia has been in too many wars. If I get peace I don't care who is who." Like many other informants, she suggested that peace had to be forged locally, among the Dulbahante sub-clans, before any decision about rule by Somaliland or Puntland. She said, "I don't know how Somaliland can go get recognition. Within Sool, people are split in sub-clans. I think it's best that first we sit together. First the sub-clans must come together and talk."

Comments from this category of informants were generally more complex, more nuanced, more understanding and more flexible than those of the previous two, particularly in relation to the influence of clan. Another adult woman, from the Jamac Siyaad, was one of just a few informants in Las Anod who did not like the idea of a referendum, because of what she

[4] All of the following interviews were conducted in Las Anod in December 2007.

considered pervasive corruption among all authorities. She said, “I wouldn’t vote for anyone. These people have their personal interests. The people who are suffering are the citizens… I agree with Somaliland. I support them. We are brothers, we are Muslims. We live together, we have that long connection. But if they want recognition, they don’t have to take me by force or capture me.”

Another undecided informant from Las Anod was an adult man from the Bahararsame (Mohamed Garad) sub-clan. He was a university teacher of mathematics. Though he believed in measuring the will of the people, he also believed it was premature to consider a referendum in the east. Like many in Las Anod, he was most concerned about economic development.

> These people have the right to their opinion, but I believe recognition would exaggerate the war. It is too divided. It wouldn’t help [to have a referendum in the east at this time] because it would just be two groups divided. They made a vote in Somaliland and they voted here too. We are not ready to become independent. We are waiting for Somalia to be reunified. The people living here are more clan-oriented. They have to see changes and development first. Maybe if they see development, they may be prepared to support that. It’s a very sensitive point. The traditional elders aren’t even sure. Even some of the cabinet ministers in Somaliland are not sure. Maybe we should develop the area and sustain peace first. It also depends on what happens with the South.

Another undecided informant was a male student who identified as Majerteen from the Khaalef, who traditionally support Puntland. He too was concerned with economic development, and blamed the government of Puntland for neglecting Las Anod. Like other students, his first consideration was the quality and availability of education, which he believed to be better under Somaliland administration. He complained, “We had been using the Somaliland curriculum, then Puntland’s. It was so weak, the Siad Barre version. We hope that Somaliland will change the curriculum, make it more open, and that donors will help with this.”

He said, “I believe that if Somaliland puts resources in place and meets the basic needs of the community, and they develop the region, I think they could win the people of Las Anod.”

Among informants in Las Anod there was also a small group of representatives from a local minority organization that provided youth education, human rights monitoring and environmental education since January 2004. Three leaders, two men and one woman, sought an interview when they learned who I was and why I was there. It was interesting in that conservative environment that it was the ‘second chairwoman’ who spoke for the group, not the men. On their behalf she quickly noted that their group was ‘apolitical,’ on the other hand, they all wanted a ‘united Somalia.’ She said, “We are afraid [to report abuses] so we just make people aware [of their rights] but we can’t do anything else.”

Overall, I found my research in Las Anod to be highly illuminating, though incomplete, given the relatively small number whom I was safely able to interview. Local discussion of economic support from Somaliland and Puntland, and the possibility of a local referendum, along with the passion with which some opposed Somaliland, and the equanimity with which others considered pragmatic options, have informed my understanding of circumstances along Somaliland’s periphery that could help or hinder Somaliland’s quest for international recognition via adherence to international norms and law.

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Academy for Peace and Development (staff members of)
Adan, Edna. Former Foreign Minister of Somaliland.
Bashe, Mahammed Farah. Deputy, House of Representatives.
Businessmen (in Hargeisa and Las Anod)
Committee of Concerned Somalis (staff members of)
Dysdale, John
Duale, Abdillahi. Former Foreign Minister of Somaliland.
Dulbahante citizens (24, in Las Anod)
Gabose, Mahdi Abdi. East Africa Policy Institute, U.S.
Gabose, Dr. Mohamed. Former leader of *Qaran*, Former Minister of Interior.
Habane, Abdillahi Ibrahim Habane. *Guurti* Secretary/Historian.
Hassan, Abdillahi Sheikh. *Guurti* Politics and International Relations Committee Chair.
Hashim, Mohamed. Former *Qaran* Deputy.
Ibrahim, Jamaal Aideed. Former *Qaran* Deputy.
Independent activists (several)
Indho, Abdulkhadr (Indho). *Guurti* Human Rights Committee Chair.
Ismael, Abdirahman Abdullahi Mohamed (Cirro). Speaker, House of Representatives.
Minority representatives (Dami, Midgan, Tumal and Yibir)
Nagaad (staff members of)
Non-governmental leaders and activists, unnamed (multiple)
Northern Somalis for Unity (leadership of)
Nur, Saad. Former Representative of Somaliland in Washington DC under President Riyale.
Nuur, Maxamuud Saalax (Fagadhe), Foreign Minister under Former President Egal.
Pastoral and Environmental Network in the Horn of Africa—PENHA (staff members of)
Progressio (staff members of)
SHURO-Net (staff members of)
Silanyo, Ahmed Mohamed. Current President of Somaliland, leader of the Kulmiye party.
Somaliland Department of Justice (several members of)
Somaliland election officials (several)
Students (in Hargeisa and Las Anod)
UNDP officials (several)
Warabe, Faisal. Leader of the UCID party.
Warsame, Ikram Daud, Parliamentarian.