“The Case of Somaliland: Opportunities and Challenges”
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Historical Background

Historically, Somaliland existed as a separate country. She obtained her independence from Great Britain on June 26, 1960 and was recognized as an independent and sovereign state by many member states of the United Nations, including the five permanent members of the Security Council. On July 1st 1960, Somaliland voluntarily merged with Somalia, after Somalia’s independence from Italy in July 1960. Afterwards two separate states entered into a Union and founded the now defunct Republic of Somalia.

In the aftermath of the collapse of the Somali Republic at the beginning of 1991 and the subsequent spread of civil war across the country, Somaliland’s political and traditional community leaders decided, with popular support, to abrogate the Union with Somalia and declared to restore Somaliland’s political independence within its old and pre-existing boundaries.

The government based in Hargeisa, the capital, and the people of Somaliland started to reconstruct the country, laid the foundations for reconciliation, peace and stability and the setting-up of modern good governance institutions in the country. Since the declaration of her independence in 1991, she has existed as a de facto independent country during which time, the government and the people made extraordinary achievements in the areas of social, economic and political development.

Somaliland Fulfils Conditions for Statehood

Under the traditional definition of a state in international law, international law specifies four qualifications that a state must have, as follows:

- a permanent population
- a defined territory
- a stable government
- capacity to enter into relations with other states in the international community.

Somaliland fulfils all these conditions. She has a permanent population estimated at 3.5 million people, more than half a million of whom reside in Hargeisa, the capital. The government enjoys support of the people.

The country covers an area of almost 138,000 square kilometres with a coastline of almost 900 kilometres across the Aden Gulf, a strategically important location. Her borders are demarcated by the former British Somaliland Protectorate and are defined by the following international agreements:
- The Anglo-French Treaty of 1888
- The Anglo-Italian Protocol of 1894

Somaliland has also a functioning government which is firmly in control of the entire territory of the state. Its constitution was approved in a referendum organized in 2001 by the government in cooperation with the Initiative and Referendum Institute based in Washington, D.C.
The government has independent external relations with other states. It has agreements of cooperation with some of the EU and the AU countries as well as multilateral agreements with UN agencies and other organizations. Over the last few years many UN agencies and international NGOs have set up their offices in Hargeisa. The government has also business agreements and investment contracts with foreign corporations that operate in the country. Somaliland maintains representation in a number of foreign countries to liaise with other governments and organizations.

Development of State Institutions

The constitution provides for a multiparty democracy, a bicameral legislature and independent judiciary. Periodic elections are held every five years to select a president, parliamentarians for the House of Representatives and local governments for each region. Other government institutions including civil service, customs, telecommunications and postal services, banks, security system operate efficiently in the country. Somaliland has also its own currency and passports.

Since 1991, the country has had peaceful change of governments; in 1993, 1997, 2002 and 2003. Now preparations are being made to hold presidential and local government elections at the end of this year and the beginning of next year.

As mentioned earlier, a great deal of work has been done by the government and people in the areas of peace, stability, good governance and human rights. Democratic structures are firmly established in the country’s constitution. The constitution supports democratic principles of participation in the decision making process of the country, active competition among political parties and protection of civil and political liberties. The development of modern and democratic practices such as the rule of law, human rights and fundamental freedoms as well as Somaliland’s acceptance of existing international boundaries constitute additional conditions in her search for recognition. Scholars including Monica Bermudez underline that the above qualities are important in Somaliland’s claim for recognition, considering the growing “relevance of these principles in international law and of the particular situation of Somaliland.” *(Bermudez, Monica S., Thesis for European Masters Degree in Human Rights and Democratisation; Somaliland: Time for Recognition, July 2004, p.49, Irish Centre for Human Rights).

Economic Viability

In addition to above requirements for statehood, Somaliland is economically viable. The backbone of the economy is livestock on which more than 60% of the population depend for their livelihood. As the most important export commodity, livestock is the main foreign exchange earner. The country earns generally about US$ 200 million a year from exports to Saudi Arabia and to other Gulf countries. Livestock exports exceeded three million heads in 1997 (UNDP: 1998). Fish, quality frankincense, gemstones, minerals, natural gas and oil are other products for exploitation. The country does not depend on foreign aid like many other African countries. Its social and economic development has largely been achieved on self-reliance and local initiative and investments made by Somaliland Diaspora. (* Briefing Paper, Ministry of Foreign Affairs, Hargeisa, 2002)

In the last few years, hundreds of thousands of Somaliland refugees and displaced persons voluntarily returned to the country on account of her stability and improving economic conditions. Somaliland hosts also migrant workers from the region.

The Right of Self-Determination

Self-determination is an important principle in international affairs and is regarded as strongly established in international law. Self-determination allows peoples and nations to have a role in international affairs and calls for respect for their choices and aspirations, contrary to the out of date state-sovereignty approach in international dealings (Cassese, Antonio, International Law, Oxford University Press, second edition, 2005, p.60).
The legal basis for the right to self-determination is expressed in Article 1(2) of the Charter of the United Nations which states that one of the most important aims of the Organization is to ‘develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples ...’ (* L.M. Goodrich, E.Hambro, A.P.Simons, eds. Charter of the United Nations, Commentary and Documents, Columbia University Press, New York, 1969). This principle has been restated again and again in different international conventions including; the Universal Declaration of Human Rights, the African Charter of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966. Article 1 of both Covenants confirms that:

-All peoples have the right of self-determination. By virtue of that right they freely determine their political status and cultural development.

These principles of self-determination were successfully carried out recently in many countries including; Bangladesh, Eritrea, East Timor and in the former Soviet Union and Yugoslavia. These precedents of international law must be applied to Somaliland in her legitimate claim to independence from Somalia which is in a state of anarchy.

The country’s entitlement to exercise its right of self-determination is all the more enhanced by the democratic choice of its people as expressed in the 2001 referendum in which 97% of Somalilanders approved the new constitution which affirm the country’s independence and sovereignty(* Briefing Paper). Somalilanders’ right to self-determination were eloquently expressed also in peace conferences held in the towns of Burao from April to May 1991 and in Borama from January to May 1993 in which all Somaliland communities participated and approved the country’s independence.

Furthermore, Somaliland’s claim to self-determination and independence is strengthened by the application of the principle of Uti Posseditis which is a general principle in international law that requires the maintenance of colonially inherited boundaries. Somaliland accepts this principle and the sanctity of the boundaries in Africa. In African experience, this principle was applied in the abrogation and dissolution of a number of voluntary post-independence Unions including, among others,

-Mali Federation (Mali –Senegal, 1960)

Somaliland declaration of independence is based on the country’s earlier existence as a recognized state with demarcated borders and is in conformity with the Constitutive Act of the African Union (Article 4.b.), that affirms the Union’s ‘respect of borders existing on the achievement of independence.’ Hence “Somaliland’s independent status represents the dissolution of a voluntary Union between sovereign states, not an act of secession.” (*Briefing Paper).

Increasing International Support for Somaliland’s Independence

There is increasing international support for Somaliland’s recognition as an independent state. In 2005, the African Union sent a Fact-Finding Mission to Somaliland which held wide-ranging consultations with the government, the political parties and institutions of the society. In its report, the Mission made favourable recommendations and concluded that “Somaliland’s search for recognition is historically unique and self-justified in African political history.” (* Report of the AU Fact-Finding Mission to Somaliland, April-May, 2005). At the end of 2007, the Congress of the European Liberal Democrat Reform Party, the third largest party in the European Parliament, adopted a resolution in which it called on the EU member states as well as other states to accord recognition to Somaliland. In addition a number of international non-governmental organizations including the Brussels-based Crisis Group, scholars and other prominent persons support Somaliland’s case for diplomatic recognition.
Challenges Facing Somaliland as a De Facto independent country

- Security needs are basic needs of Somaliland. Defence against terrorism and destabilization are priorities. Somaliland, an oasis of peace, is situated in one of the most beleaguered regions in the world. Diplomatic recognition of Somaliland will strengthen her security, independence, peace and stability in the Horn of Africa.

- Economic and development needs are very important to alleviate poverty.

-Recognition would strengthen rights and obligations of Somaliland and bring about benefits of membership of the international community and access to bilateral and multilateral development assistance.

**Conclusion:**

For more than a decade now, Somaliland has re-established peace, acquired stability and has put in place democratic and good governance institutions. It is a model of democracy in Africa. As the country fulfils all the objective criteria under international law for the recognition of states, including her ability to fulfil international obligations, the hardworking people of Somaliland look forward that the international community will give recognition to their country to restore her earlier independent status. This will support the democratic choice of the people and will promote peace, development and stability in the Horn of Africa.