

## *AFRICAN GAME CHANGER?*

# The Consequences of Somaliland's International (Non) Recognition

A Study Report



## Contents

<b>The Background</b>	<b>5</b>
<b>The Recognition Chestnut</b>	<b>9</b>
<b>Views on Recognition</b>	<b>9</b>
<b>Lifting the Economic Veil</b>	<b>12</b>
<b>The Role of Aid in Somaliland's Development</b>	<b>14</b>
<b>Problems That Will Not Disappear</b>	<b>16</b>
<b>Somaliland and the International Community</b>	<b>18</b>
<b>Conclusion: A Game Changer?</b>	<b>20</b>
<b>Endnotes</b>	<b>25</b>

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### **Executive Summary**

This Discussion Paper considers the case for Somaliland's formal recognition following the recent 20th anniversary of its declaration of independence (18 May 1991) and in light of the secession of Southern Sudan. Based on a series of field studies in the region over several years, most recently in Somaliland in June 2011, this Paper focuses not only on the options for Somalia and others in this regard, but considers the vital question: How will recognition – or continued non-recognition – affect Somaliland's prospects for peace and stability as well as the interests of the international community? It also asks whether there is an alternative to full recognition, and what a strategy to achieve recognition might look like.

The Paper argues that recognition of Somaliland would be a most cost-effective means to ensure security in an otherwise troubled and problematic region. Moreover, at a time when 'ungoverned spaces' have emerged as a major source of global concern, it is deeply ironic that the international community should deny itself the opportunity to extend the reach of global governance in a way that would be beneficial both to itself, and to the people of Somaliland. For Africa, Somaliland's recognition should not threaten a 'Pandora's box' of secessionist claims in other states. Instead it offers a means to positively change the incentives for better governance, not only for Somaliland, but also in south-central Somalia.

The Paper's authors acknowledge, however, that recognition would not resolve all of Somaliland's problems, or the region's. Indeed, the Paper explains that recognition may, for example, exacerbate tensions with both Al-Shabaab, committed as the Islamist organisation is to the notion of a united Somalia, and with neighbouring Puntland. Recognition might also diminish the link of accountability between Somaliland's democratic government and its people, as the government may be tempted to be more responsive to international partners, with their potentially significant aid packages, than to the people. And nor should the recognition question obscure the deep-rooted social and economic problems in Somaliland that will need constant and continued attention. But whatever the benefits and costs to Somaliland, regional states and the international community, recognition would illustrate that African borders, far from being sources of insecurity, can be a source of stability and enhanced state capacity. In that respect, the recognition of Somaliland would certainly be an African game changer.

Hargeisa itself is a thriving, bustling oasis amidst this somnolence

*'If we were to wait for Somalia to settle down, we wouldn't even exist.'*

Ahmed M. Mahamoud Silanyo, President of Somaliland, 16 June 2011

RAPID PROGRESS IS POSSIBLE over the 60 kilometres of freshly-paved road from Jijiga in Ethiopia's Somali-populated Ogaden region, commonly known today as 'Region Five', eastwards towards the Somali border at Tog Waajale. The town prepares one for what lies ahead. The dirt streets are festooned with the Somali national-flower, the plastic bag, while goats feed on mounds of rubbish and snotty-nosed children and idle youths hassle for a handout. Once through the ropes slung across the track denoting the border, the next 20kms in Somaliland is tough going, a series of mud roads criss-crossing their way through a multitude of dongas over the flat, bleak terrain, scarcely a knee-high tree in sight, over which an estimated 100 cars make a manic daily *khat* run from Ethiopia to feed Somaliland's national addiction. This road, and Ethiopia's connection with the port of Berbera on the Gulf of Aden, could do with some planning and finance, though given Somaliland's limited means, this is likely to come only from development assistance. And such aid is unlikely without the international recognition Somaliland lacks.

Only when one intersects with the Boroma road does the going get easier over the 90kms from Ethiopia to Hargeisa, the Somaliland capital, though it is a journey interspersed with frequent security checkpoints, *khat*-stoned soldiers, their stained teeth a giveaway to their habit, peering out of makeshift shelters on the side of the road.

Hargeisa itself is a thriving, bustling oasis amidst this somnolence, but a dusty, dirty one at that. More importantly, however, its calm reflects 20 years of consensual politics, hammered out in the aftermath of a terrible war against the forces of Somali ruler General Mohamed Siad Barre. The former British protectorate has developed a stable system of politics, blending modern and traditional elements, including an elected President and House of Representatives as well as an Upper House of Elders (*guurti*), securing the support of clan-based power structures. The commitment to representative democracy can be seen in the staging of local elections in 2002, presidential elections in 2003 and again in June 2010, and parliamentary elections in 2005.

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This Discussion Paper considers the case for Somaliland's formal recognition following the 20th anniversary of its declaration of independence on 18 May 1991 and in the light of the secession of Southern Sudan. In particular it focuses not only on the options for Somalia and others in this regard, but considers the vital question: How will recognition – or continued non-recognition – affect Somaliland's prospects

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for peace and stability as well as the interests of the international community? It also asks whether there is an alternative to full recognition, and what a strategy to achieve recognition might look like.

### The Background

Somalia has become a metaphor for African state failure and hopelessness. Since the ousting by clan-based forces of the Siad Barre regime<sup>1</sup> in 1991, which had ruled since a *coup d'état* in 1969, various international attempts to re-establish government control have interspersed periods of warlord supremacy, widespread famine and Islamic radicalism. International attempts to re-establish a semblance of government order – including the Unified Task Force (UNITAF) under the US-led Operation Restore Hope and the United Nations peacekeeping forces UN Operation in Somalia I and II (UNOSOM) until the UN withdrawal under Operation United Shield in March 1995<sup>2</sup> – have proven extremely problematic at best, as has the establishment of the Transitional Federal Government (TFG) since 2004. In 2006, the Islamic Courts Union assumed control of much of the southern part of the country, imposing Sharia law. With the assistance of, first, Ethiopian troops and, later, Ugandan and Burundian forces (in AMISOM – African Union Mission in Somalia), and with the assistance of the United States, the TFG has waged battle with the ICU, which itself split into various elements including *Al-Shabaab* (*Harakat al-Shabaab al-Mujahideen* or Mujahideen Youth Movement). Today it is claimed that the TFG is now *present* in 13 of the 16 districts of the city and that 80 per cent of the population lives in those 13 districts. Even so, without international support, the current TFG would likely suffer the same collapse as its 14 predecessors, not least since there is so little to build on.

For the Somali state has been comprehensively destroyed. This is no temporary breakdown of public institutions. It is not a collapse of public order, such as that from which the former Belgian Congo had to be rescued by UN intervention shortly after independence. Somalia cannot even properly be characterised as a 'failed state': there is simply no state that could be said to have failed.

AMISOM comprises three elements: Military (8 500 troops in Mogadishu mainly from Burundi and Uganda), Police (34 officers from Ghana, Nigeria, Uganda and Sierra Leone), and Civilian (12 political officials are on the ground, and a further 70 are based in Nairobi). There is a plan to raise numbers to 12 000, though this is still significantly short of the 20 000 envisaged in the AMISOM Concept of Operations.

Without international support, the current TFG would likely suffer the same collapse as its 14 predecessors

The non-existence of the state goes well beyond the absence of anything that could be described as a government since Siad Barre fled from Mogadishu in his last operational tank in January 1991. The elements out of which a state has to be constructed are equally non-existent. The shells of the burnt-out ministry buildings of what used to constitute the Somali government contain no bureaucrats, nor is there any cadre of qualified people, waiting in the wings, who could be organised into any new machinery of government. There is no tax collection system. There is no army or police force. Such government-like functions as continue to be performed do so outside any hierarchical structure of order, and are organised through local-level clan structures, through the networks of Somali Islam, or by businessmen operating outside either the constraints or the protection that the state provides. The mobile telephone system, catering to an essential need of one of the world's most garrulous peoples, works far more efficiently without a state than in almost any other part of the world it works with one. Little wonder that it has been suggested that Somalis are better off stateless. One study shows that on nearly all of 18 key indicators that allow pre- and post-stateless welfare comparisons, Somalis are better off under anarchy than they were under government.<sup>3</sup>

The condition of statelessness poses challenges at many levels. For those concerned with managing the international system, it poses an affront to what that system ought to be: it is taken for granted that this system is composed of states, which form the essential building blocks of global public order, and an area of inhabited territory that lacks such a structure is not just anomalous, but permits the existence of 'pirates' or 'terrorists' who operate outside the bounds of acceptable behaviour. For Somali people, though the state's absence (given some of the things that it got up to when it did exist) is not an entirely unmixed curse, the lack of public order leads to massive numbers of deaths (not only directly through conflict, but indirectly through the absence of effective distribution networks, medical facilities and other services), imposes restrictions on movement, and prevents any form of 'development' which might eventually provide the foundation for a better life. Recent international news about Somalia has been dominated by a sudden spike in piracy from 2008 launched mainly from the semi-autonomous region of Puntland to the northeast. Of the 293 piratical incidents the International Maritime Bureau recorded for that year, 111 attacks occurred on the high seas surrounding Somalia's territorial waters, representing an annual increase of nearly 200 per cent in the all-important trade corridor linking the Suez Canal and the Indian Ocean.<sup>4</sup> Despite the efforts of *Combined Task Force 151* (CTF-151), a multinational coalition task force,<sup>5</sup> the *European Union Naval Force–Somalia* (EU NAVFOR), and other naval forces in fighting Somali piracy by establishing a Maritime Security Patrol Area

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within the Gulf of Aden, by the end of 2010 Somali pirates were holding at least 35 ships with more than 650 hostages. There is widespread support for piracy, both because it brings in an estimated \$50 million to Puntland annually and because, also, it is justified as the self-defence of Somali territorial waters.

The situation reflects historical views of the region and its people, and the reality of the manner in which Somalia has governed itself.

The 19th century traveller Richard Burton's famed comment on the Somalis, 'every man his own sultan', perfectly expressed the rejection of that obligation 'to obey' that underlies the institutions of governance. Where individuals did gain authority, this was derived from their wisdom, piety, or ability to articulate some project of broad appeal, and was personal to themselves. What passed for the colonial state in British-ruled Somaliland involved little more than the supervision, with the lightest of touches, of existing conflict management mechanisms; while in Italian Somalia, to the south, colonial statehood remained almost entirely alien to the indigenous population. Somalis had – and have – their own mechanisms, including the form of customary law known as *Xeer*, for managing the often fractious relationships between themselves, to which the colonial state was generally an irrelevance, at worst positively damaging.

It was against this backdrop that Somaliland achieved independence on 26 June 1960, the former Italian Somaliland following suit five days later when the two territories united to form the Somali Republic on 1 July 1960. (French Somalia – now Djibouti – only acquired independence from Paris in 1977.) Having borne the

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### **Somaliland: Clan Politics**

Clan is a critical element in Somali identity, even though clans are divided, and their members are often at odds with one another. Clan membership derives from patrilineal descent from the founding ancestors of the Somali people, and can accordingly be set out as a family tree, with the major clan families – Darod, Dir, Isaaq, Hawiye and others – each with their clans, sub-clans and sub-sub-clans.

The clan structure of Somaliland helps to underpin the territory's stability. A single clan family, the Isaaq, accounts for well over half of its population, occupies the central area of Somaliland, and is found nowhere else in the Somali-inhabited zone. At its core, Somaliland is thus an Isaaq state, with a number of individual clans, the most prominent of which are the Habr Awal, Habr Jalo and Habr Yoonis. One consequence is that Somalilanders have few natural allies in other Somali territories. The clan structure in south-central Somalia is far more complex, and contested between Hawiye, Darod and other clans.

To the west, two Dir clans are included in Somaliland: the Gadabursi, to which former President Riyale belongs, and a few Issa, most of whom are in Djibouti and Ethiopia. The principal problems, however, derive from the presence in eastern Somaliland of two clans from the Harti group of the largest clan family, the Darod: the Warsangeli to the north, inhabiting the eastern part of Sannag region, and the Dulbahante to the south in Sool. Though the Warsangeli are generally content to be associated with Somaliland, some Dulbahante have a prime loyalty to Puntland, which defines itself in clan terms as a Harti state – a definition that inevitably clashes with the definition of Somaliland and Somalilanders in terms of the frontiers of the former British protectorate. Territory in the Dulbahante-inhabited area sometimes comes under Somaliland control, sometimes under Puntland, or indeed under neither or both at once.

Clans are constantly redefining their relations with one another, and are liable to split internally along sub-clan or sub-sub-clan lines. Riyale, from a minority clan, won elections with the support of some of the Isaaq. The issue of Somaliland's Harti clans will correspondingly have to be managed through time-honoured processes of inter-clan compromise and negotiation.

brunt of Siad Barre's violence against insurgents and dissidents which left the city of Hargeisa virtually destroyed, the Somali National Movement and clan elders agreed that Somaliland (re)declare its independence in May 1991.



There is no effective parent state from which to apply for secession

### The Recognition Chestnut

Somaliland remains hitherto unrecognised by any government, a source of great frustration among Somalilanders. The head of the English-language *Republican* newspaper says: 'It keeps people out. It keeps the state fragile. It keeps investors out. It shuts the door on international monetary organisations. It limits the progress of the country, trade, and travel. It keeps us an isolated island. Our recognition,' he added, 'is our right.'

Or as another official put it, 'The Somali state had given us so little for 30 years, it was necessary to do it differently. That the Somaliland state has given us so much in the last twenty shows us this was the correct decision.' As the deputy head of the Academy for Peace and Development Abdirahman Yusuf Duale reflected, 'In 1991, there was no water, no electricity, nothing ... Its change has come about today through an organic process, where the public own the government.' And there are wider aspects. As the Minister of Foreign Affairs, Dr Mohamed Omar, argues, 'We offer an alternative to Somalia – a credible, stable, peaceful, transparent and democratic system.'

There is little purpose, however, to rehash the legal and moral justification for Somaliland's independence and international recognition,<sup>6</sup> save to say that it fulfils the Montevideo criteria for statehood (a permanent population, a defined territory, government, and the capacity to defend and represent itself) along with the obvious support for self-determination within the territory itself. Some 97 per cent of its population supported independence in a referendum a decade after its initial declaration. Its problem, however, is Somalia's unwillingness to agree to a divorce *a la* Sudan, the United Arab Republic, or Czechoslovakia. Five million southern/central Somalis are holding the aspirations of 3.5 million Somalilanders hostage. Indeed, there is no effective parent state from which to apply for secession.<sup>7</sup>

More important, thus, is the need to assess what the impact of recognition – or of continued non-recognition – might be, both for Somaliland and the wider international community.

### Views on Recognition

The view of the international community is to support Somaliland's stability and development but to avoid making a choice, leaving the terms and process of the divorce, should it happen, to Mogadishu and Hargeisa. Africa similarly has avoided the issue, fearing the consequences, despite high-level reassurances in this regard (see the box, The African Union Position, on page 11).<sup>8</sup>

Hargeisa is heaving  
at the seams

There are four main reasons put forward why it may be better not to recognise Somaliland's claims on statehood:

- The security concerns: In terms of the impact on Al-Shabaab (which is committed to Somali unity, and, indeed, to a greater Somalia incorporating the Ogaden and the north-western area of Kenya); the impact for Ethiopia on the Somali population in the Ogaden; and that this would worsen the border security problems between Puntland and Somaliland over the Sool, Sanaag and Ceyn regions.<sup>9</sup> Essentially some parts of these regions within Somaliland are under the sway of Puntland's clans.
- That the state lacks the capacity to guard its borders and, as highlighted in the point (1) above, these borders are to some extent contested.
- That this undermines the TFG's and AU's efforts to install government and order in Somalia *per se*.
- That regional hegemon Ethiopia is hesitant diplomatically on the idea, a position which is criticised in Hargeisa. 'Ethiopia benefits more than any African state from Somaliland's stability and democracy,' says Dr Omar. 'We were expecting them to take a much more positive step towards recognition ... and democracy.'<sup>10</sup>



On the other side of the argument, there are several reasons commonly cited why Somaliland (and the international community) would benefit from recognition – aside from the moral case that this is the 'right' thing to do on the basis of self-determination, and that Somaliland displays assets of statehood in far greater measure than many African states which are recognised:

There is no realistic way of persuading them to rejoin Somalia short of launching a war

- It would satisfy Somaliland national pride and reward its efforts at state rehabilitation and democratisation, and in so doing encourage Somalia to get its own act together, changing the incentive structures for Mogadishu, which receives lavish international attention and \$750 million annually precisely because it remains dysfunctional.
- It would, contrary to the questions raised above, bolster security against terrorism and state-collapse.

### The African Union Position

The AU fact-finding mission to Somaliland from 30 April–4 May 2005 found that Somaliland fulfilled many of the aspects of state recognition. It also argued that because the union between Somaliland and Somalia was never ratified, and malfunctioned, 'makes Somaliland's search for recognition historically unique and self-justified in African political history. Objectively viewed,' the report states, '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.' It also went on to note that the 'The lack of recognition ties the hands of the authorities and people of Somaliland as they cannot effectively and sustainably transact with the outside to pursue the reconstruction and development goals.' Moreover, '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.'

Somaliland did not receive AU feedback from this mission, however, leading to the 'prevailing feeling that AU Member States misjudge, do not listen and do not put their case at the top of their Agenda;' and that 'the international community has turned a blind eye and its back on Somaliland.' The following AU fact-finding mission, from 12–14 September 2008, found a similar widespread conviction among Somalilanders of their country's 'irreversible' independence and outright rejection of the notion of union with Somalia.

The AU process stalled, however, at the 2008 AU (Foreign Minister's) summit in Accra, when it was relegated to 'any other business' on the agenda.

In 2010, the Peace and Security Council has directed the AU Commission Chairperson to 'broaden consultations with Somaliland and Puntland as part of the overall efforts to promote stability and further peace and reconciliation in Somalia'. Indeed, as is noted, below, an effective strategy to get it onto the formal agenda of the AU is likely through the Peace and Security Council.

‘Peace is a critical first step in recovery and development’

- The resultant aid flows would enable greater regional and national development.
- It would facilitate investment through providing investor guarantees, clarity on title, and exposure to international financing.
- With a majority of Somaliland's population born after its declaration of independence and having no memory/identity as citizens of a unitary Somali state, and given the conditions in the rest of Somalia, there is no realistic way of persuading them to rejoin Somalia short of launching a war – which produces even greater instability.
- That the international community needs to be able to engage with a fully recognised government in order to help bring peace and stability to a deeply troubled part of the world. (These benefits are further examined below.)
- Without this, conditions in Somaliland might worsen, widening the already considerable problems of Somalia.

The answer to the last point is important, and demands an understanding of the current socio-economic and political trajectory of Somaliland.

### Lifting the Economic Veil

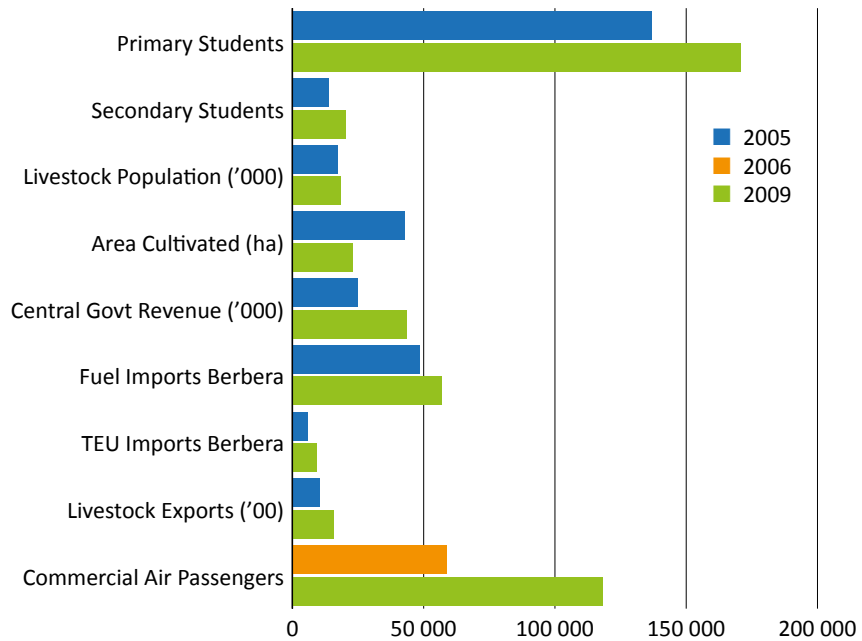
The Somaliland economy is based on livestock farming and exports (more than half), remittance/money transfers (about \$800 million annually, just under half the total value of the remittance volume to Somalia as a whole), and telecommunications.

To this mix can be added port/customs charges at Berbera, and the (approximately 12 per cent) tax on the \$180m annual *khat* industry. Total Somaliland government income is estimated at \$50 million, though the government has plans to increase this above \$100 million through more strictly and strenuously applied taxes. GDP is estimated at (very roughly) \$350 per capita for its 3.5 million people – in fact higher than Tanzania (\$280), Eritrea (\$190) and Ethiopia (\$100).

Understanding the impact of the recognition/non-recognition choice demands an appreciation of the socio-economic context of Somaliland. Anecdotally things appear to be improving. Hargeisa is heaving at the seams, the city, built for 150 000 people, now housing closer to one million. There is more construction. The harbour at Berbera appears busy to the visitor, certainly much busier than earlier in the decade. As much as can be determined, the more scientific indicators bear this sense of improvement out:

The record of aid on countering radicalisation is dubious

Things are Slowly Getting Better: Ten Somaliland Empirical Indicators<sup>11</sup>



These figures do not of course tell the full story. For example, the numbers of students hides the skewed nature of enrolment between girls and boys: one girl for every three boys in primary and secondary education. Nor does it provide an indication as to whether people are getting richer, though patterns of consumption suggest that at least some are. Nor does it offer insights into whether expectations are being met or of employment trends, or of quality rather than quantity in such growth rates. And nor does it tell us whether rates are improving fast enough to deal with the backlog in development, the devastation caused by the civil war, and in meeting the expectations of a globally-fed, youthful population. The Speaker of the House, Abdirahman M. Abdillahi, notes that between 60–70 per cent of an increasingly globalised, youthful population is unemployed, with more than half of the youth without opportunities to ‘go further in their studies or in finding a job.’ He says that this ‘could be a time-bomb.’

But it does tell us that things, in many areas, are improving. Recognition would not be a silver bullet for Somaliland’s development challenges, but would rather reinforce an already positive trend. Some of this is down to the donors, especially in education and health care, though as will be seen below, this form of international engagement has been problematic and hampered by the question of recognition.

The armed forces  
should also  
be a focus for  
demobilisation  
and reform



### The Role of Aid in Somaliland's Development

'Peace is a critical first step in recovery and development' reminds Ignatius Takawira, the head of the United Nations Development Program (UNDP) in Hargeisa.<sup>12</sup> But getting beyond it is more difficult, and demands local ownership of development. And this has proven much more easily said than done in Somaliland, since non-recognition has not only limited the range of funding sources (including notably the African Development Bank and World Bank) but has compromised the need for the government to be in the driver's seat. As a result, the UN, for example, represented by no fewer than 18 agencies physically in Somaliland, has become a channel for donor funds, as have NGOs, carrying out projects on a contractual basis with government through 'Direct Execution' or DEX, rather than having government take control through budget support and conduct 'National Execution' (NEX).

In so doing, to an extent this contradicts the principles laid out in the Paris Declaration on Aid Effectiveness and the so-called 'Principles for Good International Engagement in Fragile States and Situations' (or Fragile States Principles).<sup>13</sup> These Principles, which were endorsed at the 2007 Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC), recognise that such states face extreme development challenges such as weak governance and administrative capacity, chronic humanitarian crises and persistent social tensions, and violence or the legacy of civil war. They also recognise that any sustainable and durable exit from such poverty and insecurity will need to be driven by their own leadership and people. Even though Hargeisa does have a sense of direction about its policies (like its politics), this is subject to the absence of *de jure* recognition.

Recognition would also ensure that the ambition of a 'five-star' Somali nation would be even less likely



Little wonder that government is frustrated with the donors. 'It is only visible in people coming and going', says the Minister of Planning, Saad Shire. His colleague, the Minister of Finance Mohamed Hashi Elmi, says of aid that, 'Nothing is visible on the ground. It is only for generating employment for foreigners. It is mostly wasted in seminars and spent on vacations.' The Ministry of Planning estimates that only 15–20 per cent of aid allocated actually hits the ground in Somaliland, the rest being consumed on overheads. Little wonder it has forced the registration of NGOs, their number countrywide over 100 (see the box, *NGOs and IOs*, on page 16).

This crude critique, however, overshadows the good that some donors are doing. For example, the UNDP's Quest Programme has funded dozens of personnel to carry out governance work, including strengthening key ministries such as planning.

There is little doubt that with recognition more sources of funding could be tapped, not least private sector money through sovereign-backed loans and a range of bilateral sources. It is important to note, however, that the record of aid on countering radicalisation (viz. Egypt for example) is dubious. For there are development challenges in Somaliland transcending the recognition issue.

It is necessary to  
bring women more  
fully into social  
and political life

### NGOs and IOs

There are currently over 100 local and international NGOs operating in Somaliland, of which two-thirds have valid registration certification. Some are one-person organisations, others are the international mega-organisations: Action Aid, Care International, Danish Refugee Council, Danish De-Mining, Halo Trust, Handicap International, Oxfam, Save the Children, SOS, World Vision, Inter-Peace, Direct Aid International, Mercy Corps, the International Republican Institute, and the Norwegian Refugee Council. They administer over \$100 million for a variety of international and bilateral donors.

The main IOs include: European Union, UNDP as one of 18 resident UN agencies and four non-resident, USAID, and the United Kingdom's DfID. The total aid expenditure of the UNDP is \$15 million over four pillars: Peacebuilding, Good Governance and Human Security, Recovery and Sustainable Livelihoods, and Gender and Women Empowerment. The WFP provides 20 000 tonnes in food aid annually, consuming \$20 million of the aid tranche. Annually the UN organisations disburse \$82 million.

The Government of Somaliland is now reaching out to Arab states as sources of funding. The government of Kuwait has reportedly recently agreed a \$10 million grant to rehabilitate the runway at Hargeisa airport; in addition to fears about terrorism, the poor state of the runway is why Ethiopian Airlines no longer flies to Hargeisa, making international connections problematic and unreliable.

The government aims to improve the impact of aid through a co-ordination facility in the Ministry of Planning and an NGO bill, requiring registration, signed into law by the President in November 2010.

### Problems That Will Not Disappear

Recognition could strengthen the state, improve security, increase the chances of development and assuage nationalistic ambition. But there are several problems that will not disappear with formal recognition, and, indeed, might in some cases be exacerbated by it. The first of these is the national addiction to *khat*, the amphetamine-like leaf said to cause excitement and euphoria being chewed by an estimated 20 per cent of the population. Not only does this divert as much as \$450 000 daily into a consumptive habit (though traders' figures put this as high as \$3m daily), but the habit itself results in laziness, contributing to an already low rate of productivity. 'It is a chronic social, health and economic problem,' says the Minister of Planning, 'one of the most important that we need to address.' It has also created an exceptionally powerful *khat*-trading elite. Of course it should be asked: Which came first: unemployment or *khat*? The problem may well fix



Somaliland stands at the centre of financial flows that may readily be exploited for money laundering, narcotics, piracy and terrorism

itself as employment opportunities grow. Staff at the foreign hangouts such as the Ambassador and Mansoor hotels don't chew; they would lose their jobs if they did.



A second is the need for urgent civil service reform. Excluding the armed forces (some 13 500) and police (somewhere between 3 000 and 4 000), there are 9 000 civil servants. Given the absence of a pension system,

many stay at work until they are carried out. Low salaries compound such problems, though at the top levels these have recently been doubled with assistance from donors. (A Director-General will earn, for example, \$400 per month, a Minister around \$1 000.) There is little space, however, to absorb new talent out of the universities and diaspora, encouraging emigration and frustration.

The armed forces should also be a focus for demobilisation and reform. While some branches are likely to increase in size (such as the coastguard given the threat of piracy), there is a need for review of the age/rank structure, training and capacity. An estimated 60 per cent of the already limited government budget is spent on the security sector.

Reforming the civil service, however, demands also reforming the tax system. Tax revenues brought in \$47 million in 2010; the government aims to increase this to \$106 million through expanding personal and corporate tax (currently just 8 per cent of revenues), increasing and improving collection of port charges.

It is also necessary to bring women more fully into social and political life. Unless this happens, the country will not take off. There are many indicators of the extent of this prejudice and disqualification: Just three women among 164 members of the two houses of parliament (where there are 82 in each), the aforementioned 1:3 female–male education ratio, and the widespread practice of female genital mutilation (est. 95 per cent of young women).<sup>14</sup> Changing such

Recognition may be the most cost-effective means to ensure security in an otherwise troubled and problematic region



practices requires altering years of custom and tradition however. In the economy, nonetheless, women have taken over, out of sheer necessity, many tasks formerly performed by men.

Fundamentally, there is a need to open up space for the private sector, to match money with opportunity. There have already been significant changes. In the Siad Barre era, most businesses were government run; today most commercial activities are private, largely financed by the Somali diaspora. The current Somaliland government, elected in June 2010, appears to be seized by this need, with fresh faces, and half a dozen ministers with business experiences from the diaspora including at least four PhDs.

### **Somaliland and the International Community**

The debate over Somaliland's recognition is commonly cast in terms of the likely costs and benefits to Somalilanders themselves, and to the immediate region. But this is also an issue in which the international community itself has a substantial stake. Standing at the point at which seismic global social, political and economic fault lines grind together, Somaliland stands to play an important role in whether these can be effectively managed or slip further out of control. The issue of recognition should thus be approached, among other considerations, in terms of its likely impact on this process.

Non-recognition means that Somaliland to a large extent stands outside the mechanisms established by the international system for regulating the flows of people, money and goods across national frontiers. Though the Somaliland government is anxious to play the role of a responsible state in this respect, and the international community is equally anxious for it to do so, it is unable to assume

Somaliland provides a centre of relative calm at the core of one of the world's most threatened regions

full membership of the relevant international treaties and organisations, while other global actors can make only very partial use of the facilities that it may provide. Time and again, awkward *ad hoc* expedients have to be devised in order to manage issues that could be straightforwardly regulated between states. Examples include:

- **Piracy:** The Somaliland coast borders the vital commercial waterway of the Gulf of Aden, currently threatened by pirates based largely in neighbouring Puntland; while some international aid has helped to strengthen the Somaliland coastguard, further collaboration, including the use of Somaliland ports by other navies, is prevented by non-recognition.
- **People Trafficking:** Again because of its strategic location, Somaliland provides a natural departure point for trafficking people into the Arabian Peninsula and further afield.
- **Financial Crime:** Because of its massive diaspora and very high dependence on remittances, Somaliland stands at the centre of financial flows that may readily be exploited for money laundering, narcotics, piracy and terrorism; despite the cooperation of the local authorities and private remittance businesses, this could more effectively be regulated by a recognised state.
- **Other Crime:** Somaliland is denied membership of Interpol, and normal mechanisms for tracing the movement of criminals and controlling cross-national crime do not apply.
- **Terrorism:** Somaliland provides a centre of relative calm at the core of one of the world's most threatened regions; while we have no information on informal contacts that may exist, recognition would make it markedly easier to maintain collaboration to monitor and control terrorist activities.
- **International Security:** Non-recognition prevents other states and international organisations from providing necessary assistance to the Somaliland army, including training and appropriate weaponry, though some assistance has filtered through to the fledgling coastguard on the basis that this is a 'policing' operation. Recognition would also make it possible to exclude Somaliland from international sanctions rightly imposed on Somalia as a whole.
- **Arms Trafficking:** This is a region of extensive unregulated arms flows, especially of small arms, which could more effectively be controlled under a normal state framework.
- **Environmental Protection:** Both fisheries and terrestrial environmental degradation need management systems which again could best be provided

'A lack of jobs goes  
hand in hand with  
a lack of hope'

by collaboration between a recognised state and other states and international institutions.

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

### **Conclusion: A Game Changer?**

The airport at Berbera is a Cold War relic. The giant runway, 4.14kms long and 60m wide, was built by the Soviets as a base for long-range reconnaissance aircraft, as was the now deserted barracks and underground storage tanks. The military facilities also served as a depot for anti-shiping missiles for the Indian Ocean Soviet fleet. Then along came the Americans, who built a new control tower and refurbished the landing lights and other technical equipment, with the aim of using it as an emergency runway for the Space Shuttle. They also left behind a now-empty swimming pool, presumably some comfort from the seaside town's scorching 40+ Celsius heat.

The airport was, according to the director-general Said Mahdi Ileya, captured intact in 1991. However it was soon looted of the 'landing lights and their wires, equipment, everything' he says. Further towards the deep-water harbour is the outline of a Russian-constructed hospital, similarly picked clean of every metal item.



It is difficult to blame people for such acts when they had – and have – mouths to feed and little means to do so.

Recognition could exacerbate actions against Somaliland especially by Al-Shabaab and Puntland-linked clans



Similarly, denuding the country of wood for charcoal is understandable, says the Minister of Planning Dr Saad A Shire, since ‘for a hungry man the environment is not a consideration. While we have made significant advances in politics, in the social and economic sectors development has not been that remarkable,’ the Minister reminds, ‘due to a lack of recognition. And who will know what will happen if high expectations are not met and young people are not convinced about a greener future ...?’

Somaliland’s politicians are very worried about the potential for radicalisation, especially among these youth. Abdirahman Ahmed Hussein is the vice-president for academic affairs at the University of Hargeisa. He says that there is an increasing trend of ‘Islamisation’ among students, partly ‘because people have become more observant, which is a consequence of the war and the extent today of political, economic and social insecurity. Religion becomes a refuge in this environment.’ The government feels that the current activities of the donors compound the sense of disappointment, reflect some observers, ‘which is less developmental than relief.’



Religion becomes  
a refuge in this  
environment



There are many needs in Somaliland which require development assistance. The road to Berbera, for one, is a ragged-edged quilt of patches and potholes. The link to Tog Waajale is another, as are the urgent needs for expanded electrification, potable water and housing. As Dr Shire warns, ‘if you don’t have development, emergencies will be perpetual.’

Of course recognition will not provide the answer to all – of even most – of these problems. It could help to encourage more expenditure by donors, but that has not always proven to be a good thing in Africa, delinking governments from their electorate and from the needs of the private sector. It is the latter, importantly, who are going to supply the jobs necessary for the burgeoning youth. Aid flows are already, following visits by European ministers, slated to increase substantially above the current levels of around \$100+ million. But even more could be gained by the efficiencies in aid delivery offered by recognition, especially through support of national programmes with the aim specifically of state-building. Recognition might also help in clarifying mineral and oil prospecting rights and reduce risks for those interested in investing, but this is not the only hurdle. Bureaucratic efficiencies, sound policy, transparency, and rule of law (including clarity about the confusion of Sharia, customary and statutory laws), are all also necessary. Recognition also offers the prospect of improved security assistance and guarantees, though it could possibly, too, exacerbate actions against Somaliland especially by Al-Shabaab and Puntland-linked clans.

Given Somaliland’s current international representation, recognition is not an ‘either/or’ or ‘yes/no’ decision, but rather one of ‘more or less’ since Somaliland already has offices in Addis Ababa, Djibouti, London, Sana, Nairobi, Washington DC, Brussels, South Africa, Sweden and Oslo, and its passport is recognised by South Africa, Kenya, Djibouti, and Ethiopia. Failing such progress and steps, there is little reason for Somaliland to not continue to agitate for formal recognition.

Somaliland's  
recognition should  
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'Pandora's box' of  
secessionist claims

### **A Somaliland Diplomatic Strategy**

The Government of Somaliland will require a proactive four-pronged strategy to gain diplomatic recognition.

First, the tabling of the relationship as an issue with the AU via its Peace & Security Council. While the Constitutive Act of the AU does not allow for observer status, the emergence of Southern Sudan as a nascent state has allowed for greater scope in this regard.

Second, in the interim, to reinforce its credibility as an international partner, to apply for observer status in the following organisations:

- The Commonwealth.
- The UN (via the Special Committee on Decolonisation – or Committee 24).
- East African Community.
- Inter-Governmental Authority on Development.
- African Development Bank.
- Organisation of the Islamic Conference.

Third, Somaliland should continuously stress its role and position as a reliable international partner on transnational issues including piracy and terrorism. In this regard, Somaliland could engage with both the US military mission in Djibouti (Combined Joint-Task Force Horn of Africa) and other international partners in seeking both military assistance and training.

Fourth, and finally, the Government could more aggressively court Arab states, along with the Chinese.

But it will require both a well thought out process (such as through the AU's Peace and Security Council – see the box, *A Somaliland Diplomatic Strategy*, above) and powerful champions in Africa – such as regional players South Africa and Nigeria along with those (Ethiopia, Djibouti and Kenya) with a vested interest in squashing the ambition of a greater Somalia – supported by those of independent mind and leadership farther afield. A first step in a Somaliland lobbying strategy in this regard would be among the more generous donors (including Denmark, the Netherlands, US, Japan and the UK) and the 35 countries which recognised Somaliland, albeit briefly, as an independent state for the five-day period in 1960.<sup>15</sup>

In doing so, however, as noted above, the biggest stumbling block remains the refusal of the Somali central government to agree to its departure from the original Somali union, even though there is no functioning central government to deal with

The recognition question should not obscure the deep-rooted social and economic problems in Somaliland

### A Legal Opinion

A report by the legal section of the then South African Department of Foreign Affairs dated 29 April 2003 found on the question of 'Somaliland's claim for sovereign status' that: '[I]t is undeniable that Somaliland does indeed qualify for statehood, and it is incumbent on the international community to recognise it. According to Anthony Carroll and B Rajagopal, any efforts to deny or delay would not only put the international community at the risk of ignoring the most stable region in the Horn, it would impose untold hardship upon the people of Somaliland due to the denial of foreign assistance that recognition entails. The interest of world peace and stability require that, where possible, the division or fragmentation of existing states should be managed peacefully and by negotiation. But where this is not possible, as is the case with Somalia, international law accepts that the interests of justice may prevail over the principle of territorial integrity.'

in this regard, and certainly not one that reflects political sentiments across the vast territory. But by placing the issue on the agenda of the Peace and Security Council as a threat to security which, in turn, has an obligation to report this to the Heads of State, Somaliland could progress swiftly from its current status to *de jure* recognition.<sup>16</sup> Until now a combination of narrow self-interests and lack of appropriate diplomatic method on Hargeisa's part has trumped the reality of Somaliland self-determination, even though the secession of Southern Sudan in 2011 would seem to place its claims on the right side of history.

Without this change and absent action in the range of areas identified above (women, civil service reform, the *khat* habit), the likely scenario for Somaliland shifts from consolidating democracy and improving stability and prosperity to increasing radicalisation and instability along the lines of Mogadishu. 'Either we develop our model,' observes Abdirahman Yusuf Duale, 'or they spread.' The President has noted in this regard that recognition is a key element in dealing with these socio-economic challenges and will be overcome 'even if we have to wait for 100 years.' The Speaker of the Parliament has reinforced this message, since 'If students do not see any future and have any employment, then they will take other means.' Or as a prominent Somaliland businessman put it, 'A lack of jobs goes hand in hand with a lack of hope, which creates terrorism and gets us back to square one. The West,' he says, 'cannot worry about terrorism and then not recognise Somaliland.'

If issues of global governance – including terrorism, health concerns, piracy and the environment – require effective states as local implementing agencies, then it makes sense to strengthen Somaliland, if necessary through recognition. Recognition would also ensure that the ambition of a 'five-star' Somali nation,



Recognition of Somaliland would certainly be an African game changer

incorporating Djibouti, Somaliland, Ethiopia's Region Five, and the north-east of Kenya along with south-central Somalia would be even less likely. This is, of course, especially in the interests of Kenya, Ethiopia and Djibouti.

Recognition of Somaliland would be a most cost-effective means to ensure security in an otherwise troubled and problematic region. Moreover, at a time when 'ungoverned spaces' have emerged as a major source of global concern, not least in this region of the world, it is deeply ironic that the international community should deny itself the opportunity to extend the reach of global governance in a way that would be beneficial both to itself, and to the people of Somaliland. For Africa, Somaliland's recognition should not threaten a 'Pandora's box' of secessionist claims in other states. Instead it offers a means to positively change the incentives for better governance, not only for Somaliland, but also in south-central Somalia.

This does not mean that recognition will resolve all of Somaliland's problems, or the region's. Far from it. It may exacerbate tensions with both Al-Shabaab, committed as the Islamist organisation is to the notion of a united Somalia, and with neighbouring Puntland. It might diminish the link of accountability between Somaliland's democratic government and its people as the government may be tempted to be more responsive to international partners, with their potentially significant aid packages, than to the people. And nor should the recognition question obscure the deep-rooted social and economic problems in Somaliland that will need constant and continued attention. But whatever the benefits and costs to Somaliland, regional states and the international community, recognition would illustrate that African borders, far from being sources of insecurity, can be a source of stability and enhanced state capacity. In that respect, the recognition of Somaliland would certainly be an African game changer.

## Endnotes

- 1 The army seized power on 21 October 1969 (the day after the funeral of President Abdirashid Ali Shermarke who had been shot dead by one of his own bodyguards), headed by Major-General Siad Barre, the army commander.
- 2 Fighting escalated until 19 American troops and more than 1 000 civilians and militia were killed in a raid on Bakara market in Mogadishu in October 1993.
- 3 See Peter Leeson, 'Better off Stateless: Somalia Before and After Government Collapse'. Department of Economics, West Virginia University. Undated paper.
- 4 'Somali Piracy and the International Response', *Foreign Policy in Focus* at [http://www.fpif.org/articles/somali\\_piracy\\_and\\_the\\_international\\_response](http://www.fpif.org/articles/somali_piracy_and_the_international_response).

- 5 CTF 151's higher HQ is 5th Fleet/NAVCENT (US) in Bahrain, though CTF 151 is not invariably commanded by the US. The current commander is Singaporean, the next is a New Zealander and the Singaporean's predecessor was a Pakistani.
- 6 See for example Alison Eggers, 'When is a State a State? The Case for Recognition of Somaliland', *Boston College International Comparative Law Review* (Vol. 30, No. 1, 2007). See also, Iqbal D Jhazbhay, *Somaliland. An African Struggle for Nationhood and International Recognition* (Johannesburg: SAIIA, co-published with Institute for Global Dialogue, 2009).
- 7 Eggers, *Ibid*, p. 217.
- 8 See for example the AU reports of 2005 and 2008: 'Resumé: AU Fact-Finding Mission to Somaliland', 30 April–4 May 2005; and Nicolas Bwakira, 'Visit of the African Union Special Representative for Somalia', Hargeisa 12–14 September 2008.
- 9 The centre of the conflict is the Sool region in the central north of Somalia. On 1 October 2007, Puntland and Somaliland armed forces fought near Laasaanood, the capital of Sool. Since then Laasaanood has remained in the hands of Somaliland forces.
- 10 Despite its logistical support for its eastern neighbour, Ethiopia has not taken the diplomatic lead on behalf of Hargeisa's independence claims. This may be because of a host of factors: Concerns about its own constituent elements (especially the Somali-dominated Ogaden region), fear of the cost of such statesmanship among its African peers, hosted as they are in the African Union (AU) headquarters in Addis Ababa, and the *realpolitik* of keeping Somaliland more dependent on Addis than vice versa. Addis' regional position also makes taking the lead problematic, given concerns about being seen to favour regional 'Balkanisation'.
- 11 This chart is calculated from 'Somaliland in Figures', Edition 7. Ministry of National Planning and Development, Hargeisa.
- 12 The full list of UN organisations present in Somaliland is: UNDP, DSS, FAO, UN-HABITAT, ICAO, IOM, OCHA, UNESCO, UNFPA, UNHCR, UNICEF, UNOPS, UNPOS, WFP, WHO, UNCDF, UNMAS, and UNIDO, plus the World Bank, which is a member of the UN Country Team. The non-resident agencies are UNODC, ILO, UNAIDS and UNWOMEN. We are grateful to Shani Harris for supplying this information.
- 13 See 'Principles for Good International Engagement in Fragile States' at [http://www.oecd.org/document/46/0,3343,en\\_2649\\_33693550\\_35233262\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/46/0,3343,en_2649_33693550_35233262_1_1_1_1,00.html).
- 14 See 'Voices to be heard: Youth Unemployment in Somaliland, Is there any Government Policy Intervention?' at <http://somalilandpress.com/voices-to-be-heard-youth-unemployment-in-somaliland-is-there-any-government-policy-intervention-22269>.

- 15 This list includes China (Republic of), Egypt, Ethiopia, France, Ghana, Israel, Libya, Union of the Soviet Socialist Republics, United Kingdom, and the United States.
- 16 It is significant that while the TFG and its predecessor entities have received various expressions of support from the international community, other states have been rather reluctant to actually accord it formal recognition. While the United States, for example, never formally severed relations with Somalia after the collapse of the Somali state in 1991, neither has it officially recognised any of the 15 transitional governments, including the current TFG. The State Department website merely states: 'The United States maintains regular dialogue with the TFG and other key stakeholders in Somalia through the U.S. Embassy in Nairobi, Kenya'. In fact, the lack of affirmative *de jure* recognition for the TFG is presumed by the introduction in October 2009 of a Congressional Resolution by the chairman of the Africa Subcommittee of the US House of Representatives urging 'the Obama Administration to recognize the TFG and allow the opening of an official Somali Embassy in Washington'. The clear implication is that the United States Government accords the TFG something less than normal diplomatic recognition as a sovereign. In fact, this point was formally conceded in early 2010 by the Obama administration when, in a brief filed with the US Supreme Court, the Solicitor-General of the United States and the Legal Advisor of the State Department acknowledged that 'since the fall of that government, the United States has not recognized any entity as the government of Somalia'. Similarly, the British Foreign and Commonwealth Office's website states: 'Since the fall of the Siad Barre regime in 1991 there have been no formal diplomatic links between the UK and Somalia'. See *Mohamed Ali Samantar v. Bashe Abdi Yusuf, et al.*, Brief of *Amici Curiae* Academic Experts in Somali History and Current Affairs in Support of the Respondents, 27 January 2010, at [http://www.abanet.org/publiced/preview/briefs/pdfs/09-10/08-1555\\_RespondentAmCuSomaliExperts.pdf](http://www.abanet.org/publiced/preview/briefs/pdfs/09-10/08-1555_RespondentAmCuSomaliExperts.pdf); also see *Mohamed Ali Samantar v. Bashe Abdi Yusuf, et al.*, Brief of the United States as *Amicus Curiae* Supporting Affirmance, January 2010, at [http://www.abanet.org/publiced/preview/briefs/pdfs/09-10/08-1555\\_AffirmanceAmCuUSA.pdf](http://www.abanet.org/publiced/preview/briefs/pdfs/09-10/08-1555_AffirmanceAmCuUSA.pdf).