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## Why Has Somaliland Not Been Recognised as A Sovereign State?

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### ABSTRACT

After the collapse of the Somali state, civil war followed, leading people to turn to their ancestral homeland. Consequently, rudimentary local administrations were formed with a provision of becoming part of a decentralised governance system in Somalia. However, one region stood differently by declaring itself a separate state, Somaliland, within the boundaries of the former British Somaliland Protectorate. To overcome the objections of African countries about the session, Somaliland claimed that its declaration of independence in 1991 was supposed to be a dissolution of the union rather than a declaration of separation. This idea follows in the footsteps of other failed federations, such as the United Arab Republic, which included Egypt and Syria from 1958 to 1961, or the Senegambia Confederation, which existed between Senegal and the Gambia from 1981 to 1989. These failed political unions symbolized the breakup of that union and the restoration of the protectorate's original, pre-1960 borders. (Gordon, 2023) Britain granted Somaliland independence on June 26 1960, and after four days, it joined with the former UN Italian Somaliland Trusteeship Territory to form the Republic of Somalia. Thus, Somaliland's case differed markedly from the other regions as it wanted to stand as a separate nation-state within Africa. Yet, over thirty years have passed, and Somaliland has not been recognised as a sovereign entity. To answer why it happened, we have to look at the historical factors on state formation in Africa and how newly independent countries treated colonially inherited boundaries.

**Keywords:** Somaliland, Federal Somali State, Colonial legacy, colonial boundaries, Pan-Africanism, Organization of African Unity (OAU).

### INTRODUCTION

At the end of December 2022, in Las Anod, in northern Somalia, an upheaval started when some prominent local figures, including Abdifatah Abdullahi Abdi, were assassinated by unknown killers, thus sparking anti-government protests across the city. The violence escalated and is still ongoing. How this new development would affect Somaliland's quest for a separate state from Somalia is a matter that warrants further elucidation.

Nevertheless, the war has brought forward the question of the identity of Somaliland and how the world sees its claim as a distinct state from the rest of Somalia. The question of whether to recognise Somaliland as a sovereign entity lies, among other things, within the policy and decision of postcolonial African states that formed in the late fifties and early sixties. Prior to that, in the early nineteen and twenty centuries, the Pan-Africanist authors viewed the colonial

boundaries with suspicion created to further the interest of colonialists at odds with those of the African people.

The advocates of Pan-Africanism forwarded the idea of bringing together all African states to form the United States of Africa. However, once the colonial powers started leaving Africa, Pan-Africanists discovered that creating a politically united Africa was not as popular as previously considered. Therefore, dealing with the boundaries inherited from the former colonial powers became a pressing issue that needed appropriate attention.

### **THE BACKGROUND SOMALI PEOPLE'S COLONIAL DIVISION**

Somalia is situated in the Horn of Africa and has gained independence from Italy as Italian Somaliland Trusteeship Territory and Britain as British Somaliland Protectorate. The two parts joined as the Somali Republic on July 1, 1960.

Scattered over a territory covering nearly 600,000 square kilometres in the north-eastern corner of the African continent, the Somali-speaking people form one of the largest single ethnic groups in Africa. With a population of over ten million, the Somali people are distributed from the Awash Valley in the northwest, around the periphery of the Ethiopian highlands and along the Gulf of Aden and the Indian Ocean coast to the Tana River in north-eastern Kenya.

The Somali identity and settlements in this part of the Horn of Africa are generally believed to be what the ancient Egyptians called the Land of Punt, the country of frankincense, going back thousands of years. However, only a little was written about the Somalis until the arrival of European colonial powers in Africa in the nineteenth century.

After the partition of Africa, Somali society was traumatised by European colonial intrusion at the end of the nineteenth century. It shattered the peace of a unified people and ultimately divided their territory into five distinct political entities. The extensive partition of the Somali people became one of the causes of conflict in the Horn of Africa in the early 1960s (Issa-Salwe, 2000). According to Samatar and Laitin (1987), the most regrettable impact of Somali history on modern politics was that a sizable portion of people connected to Somali customs remained outside the borders granted to Somalis by the colonial powers.

As a result, many people lived in Kenya and Ethiopia as second-class citizens and unwanted subjects. The significance of this boundary dispute and the intense yearning of so many Somalis to be united under the banner of a single state have added to the pathos of this complex scenario and dominated the narrative of Somali politics after independence in the 1960s (ibid, 1987). The establishment of the independent Somali Republic on July 1, 1960, started the Somali people's fight for a united country. This tied together the Somalis formerly subject to colonial powers like Italy and Britain. However, it did not include people who resided in Ethiopia, Kenya, or Djibouti (Issa-Salwe, 2000).

Consequently, Somali nationalists saw the founding of the Somali Republic as a step towards the culmination and realisation of the Somali nation. Nearly all of Somalia's foreign policy since gaining independence in the 1960s has been centred on unifying all Somalis under a single state. As a result, Somalia "remained a nation in search of a state," which presented a dilemma for Africa (Samatar et al.) The 'unification of all Somalis' became the core of Somali aspirations.

As discussed before, with over 165 boundaries separating its 53 separate republics, Africa is one of the continents with the most borders. Consequently, passionate discussions over the fragmentation of Africa's physical, sociological, and political space and its effects on inter-state relations have occurred between revisionists and anti-revisionists.

Gathara (2019) as one of the revisionists argue for the immediate reconfiguration of Africa's inherited borders and the state system to eliminate sociological incongruity, improve their economic viability, and assist in resolving the multiple crises of legitimacy, identity, development, and integration (Fischer, 2015). For them, the postcolonial African states have always been an alien mode of organising African societies and communities, and it has continued to vainly strive to imitate the characteristics of the traditional Westphalia state system.

The revisionists contend further that the postcolonial state had continued to manifest itself in ways that were fundamentally at odds with the established and ingrained sociological realities on the ground because the interruption of the natural evolution of political institutions in precolonial Africa preceded it.

They concluded that the numerous inter and intra-state conflicts most prominently reflect the problematic nature of many African states' boundaries, institutions, and governance. They contend that re-examining Africa's colonial borders and the conditions that resulted from them was the only way to find a solution (Gbenenye, 2016).

The 'anti-revisionist' started thinking the case thesis of leaving borders as they were left on independence was more appealing to the emerging African leadership and the emigrating colonialists when countries gained their freedom.

Indeed, the OAU Charter of 1963 included the principle of the inviolability of national boundaries, which reflects this. Protection of sovereignty, territorial integrity, and the inalienable right to each member state's independent existence were among its guiding ideals. African leaders understood the urgent need to create rules for the peaceful settlement of disputes despite their inherited borders continuing to be sources of contention.

The leaders thus adopted the document on managing conflicts among African states at the First Ordinary Session of Heads of State and Government level in Cairo in July 1964 (Ikome, 2012), which reaffirmed the strict respect by all member states of the OAU principles laid down in paragraph 3 of Article III of the Charter of the OAU.

The Article Solemnly declared that all member states pledge to respect the borders existing on their achievement of national independence. It is noteworthy that the United Nations (UN) accepted the OAU decision on the African boundaries despite conflicting with its well-known slogan relating to the right to self-determination for all peoples of the world and approved the African Union's (AU) principle of the inviolability of Africa's colonially inherited borders. The policy of territorial status quo resulted from African leaders' legitimate fear of opening Pandora's Box of territorial claims and possible anarchy on the continent. However, the expectation that by keeping the box closed unconditionally, the potential difficulties would wither away has remained an illusion. Africa's colonial boundaries have continued to manifest

a disturbing lack of homogeneity and functional polities in certain states. Rather than contributing to peaceful relations, they have remained a significant source of inter-state conflict, apart from fostering the regionalisation of intra-state conflict. According to Gbenenye (2016), the colonialist boundaries crossed existing ethnic groups, states, and kingdoms resulting in widespread social upheaval and displacement.

For instance, when Somalis were divided into five parts, they were one of the groups adversely affected by the action. The effects of this situation include border disputes between some independent African states, such as those between Sudan and Uganda, Somalia and Ethiopia, Kenya and Somalia, Ghana and Togo, and Nigeria and Cameroon. Early on, Resolution AHG/Res. 16 (1), stating the preservation of existing borders at the time of the accession to independence, was adopted at the Cairo Summit in July 1964.

As a result, the Organization of African Unity operates under the premise that borders are intangible or *utipossidetis*. Borders have frequently been a source of conflicts and disputes on the continent ever since the African States gained independence. Knowing this, the African Heads of State and governments have also recalled the Committee of Eleven's establishment during the Second Ordinary Session of the Council, which was tasked with researching additional ways to strengthen African unity by acknowledging the imperative need to settle all disputes between African states amicably and strictly within an African framework. It was also recalled that all member states agreed, under Article IV of the Charter of African Unity, to uphold all the principles outlined in Article III, Paragraph 3 of the Organization of African Unity Charter. After the decision, the African states reaffirmed the strict observance of the principles outlined in Article III, paragraph 3, of the Charter of the Organization of African Unity by all Member States.

Furthermore, as mentioned earlier, they declared that all member states pledge to respect the borders imposed on their attainment of national independence. Although it is claimed that this policy avoided the border contestation that a border review policy might have brought about, several border conflicts have arisen since African states gained independence.

These have ranged in length from brief to extremely drawn-out confrontations. Contrary to popular belief, the colonially imposed African state system has yet to be particularly challenged. Instead, the boundary-related inter-state conflict has been the leading cause of competition on the continent.

## **CONCLUSION**

The subject of the recognition of Somaliland as a separate state lies within the case of the policy and decision of African states, which followed when colonial powers started leaving Africa in the late fifties and early sixties.

In the early years before independence, African states had a history of ruling out Africa to be formed within the colonial inherited boundaries. This policy was forwarded by the Pan-Africanism authors who believed that the colonial borders were drawn up in line with the interests of the colonial powers rather than the interest of the African people. However, an unexpected problem emerged when the European colonial power started leaving the continent. The newly formed African states within the colonially inherited boundaries accepted borders

they inherited as they were. Although the policy of territorial status quo emerged from African leaders' legitimate fear of unleashing a Pandora's Box of territorial claims and anarchy on the continent, the idea that potential problems would vanish if the box were kept closed indefinitely has remained a fantasy. In addition to encouraging the regionalisation of intra-state conflict, Africa's colonial borders have shown a disturbing lack of homogeneity and functional polities in some states. Instead of fostering peaceful relations, these borders have remained a significant source of inter-state conflict. The decision to accept the colonially inherited boundaries was confirmed as a resolution of "the First Ordinary Session of the Conference of Heads of State and Government", held in Cairo from July 17 to 21, 1964, which recognised border disputes as a severe and ongoing source of dissent. Moreover, they knew that the colonially inherited borders divided the African States. Nevertheless, the decision confirmed in the OAU's annual conference held in 1964, stating the preservation of existing boundaries at the time of the accession to independence, was adopted at the Cairo Summit in July 1964. As a result, the Organization of African Unity operates under the premise that borders are intangible or utipossiditis. The policy also led to the decision that prompted Africa to reject the Somali claim when Somalia brought its case to the African Union. Similarly, it is inconceivable that the African Union would accept Somaliland's attempts to secede from Somalia and stand as a separate state.

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