

THE LEGAL CASE OF SOMALILAND RE-RECOGNITION UNDER INTERNATIONAL LAW

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Abstract: This article differentiates Somaliland from Somalia, outlining their distinct governance histories. Somaliland, influenced by the Ifat and Adal Sultanates, transitioned from an Ottoman autonomous Khadivate to a British Protectorate. After declaring independence in 1960 and gaining recognition, Somaliland intended a voluntarily union with Somalia to unify Somali-speaking countries and territories. However, the union was not materialized because Somaliland enacted an Act of Union Law, while Somalia approved a different one without consent. This unratified disagreement led to a 1961 Somaliland military attempt to restore the country, and the Siyad Barre's repressive regime. The article calls for Somaliland's re-recognition, asserting its historical sovereignty is crucial for regional stability, and maintaining that the union with Somalia is legally invalid. It emphasizes that Somaliland seeks to restore its de jure status, not secede status. This article advocates re-recognizing Somaliland, noting its history as a British protectorate and its 1960 independence declaration under international law – the State of Somaliland. It examines the conflict between self-determination and territorial integrity, emphasizing Somaliland's unique status and political barriers from countries like Egypt, Djibouti, and Italy. Legal points include its unratified union with Somalia and past recognition. The piece urges the African Union to support Somaliland's rights and considers human rights issues like the Isaaq genocide and evolving international law on crimes against humanity.

Resumé: Tento článek odlišuje Somaliland od Somálska a nastiňuje jejich odlišné historie správy. Somaliland, ovlivněný sultanáty Ifat a Adal, přešel z osmanského autonomního chadivátu na britský protektorát. Po vyhlášení nezávislosti v roce 1960 a získání uznání Somaliland zamýšlel dobrovolně se připojit k Somálsku, aby sjednotil somálsky mluvící země a území. K unii však nedošlo, protože Somaliland přijal zákon o právu Unie, zatímco Somálsko schválilo jiný zákon bez souhlasu druhého státu. Tyto neshody vedly v roce 1961 k vojenskému pokusu Somalilandu o obnovu země a k represivnímu režimu Sijáda Barreho. Článek vyzývá k opětovnému uznání Somalilandu, tvrdí, že jeho historická suverenita je klíčová pro regionální stabilitu, a trvá na tom, že unie se Somálskem je právně neplatná. Zdůrazňuje, že Somaliland usiluje o obnovení svého statusu de iure, nikoli o odtržení. Článek obhajuje opětovné uznání Somalilandu, připomíná jeho historii jako britského protektorátu a jeho vyhlášení nezávislosti podle mezinárodního práva z roku 1960 – stát Somaliland. Zkoumá konflikt mezi sebeurčením a územní celistvostí, zdůrazňuje jedinečný status Somalilandu a politické bariéry ze strany zemí jako Egypt, Džibutsko a Itálie. Mezi právní otázky patří neratifikovaná unie se Somálskem a její dřívější uznání. Článek naléhá na Africkou unii, aby podpořila práva Somalilandu, a zabývá se otázkami lidských práv, jako je genocida Isaaqů a vývoj mezinárodního práva o zločinech proti lidskosti.

Key words: International Law, Re-recognition, Self-determination, Somalia, Somaliland, and Territorial Integrity

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1. Introduction

The Republic of Somaliland is situated in the Horn of Africa, covering the same area as that of the former Somaliland Protectorate² between the coordinates that encompass the land, islands, territorial waters, airspace, and the continental shelf. The Republic of Somaliland is bounded by the Red Sea and the Gulf of Aden to the north; Somalia to the east; the Federal Democratic Republic of Ethiopia to the south and west; and the Republic of Djibouti to the northwest. Somaliland is positioned along the Gulf of Aden near the entrance to the Bab al-Mandeb, a significant sea lane through which almost one-third of the world’s shipping passes.³ Somaliland’s history, trade, and global relations extend far beyond the influence of the British Empire, contrary to what many historical accounts suggest. Evidence shows that this region has been inhabited since the Paleolithic era and has long engaged in commerce with the broader world.⁴ Known by various names—such as Punt to the ancient Egyptians and Barbary to the Greeks, the Ophir of the Hebrews, the Berbera and the Adel of the Arabs and Portuguese⁵—Somaliland possesses deep historical significance. The ancient Egyptians believed they originated from Punt, which corresponds to present-day Somaliland along the Gulf of Aden. The oldest artifacts discovered in Somaliland include Acheulean stone tools found near Hargeisa and in caves along the Golis Escarpment.⁶ Rock art suggests human habitation from the third to the second millennia BCE.⁷ Historian Lewis traced Somaliland’s rich history through classical Greek and Latin literature, highlighting its crucial role as a maritime route connecting Persia, India, and East Africa.⁸

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² As of 26 June 1960, the independence agreement, and per the three international treaties, demarcated Somaliland’s territorial boundaries.

³ Ministry of Foreign Affairs and International Cooperation (2020) Republic of Somaliland Country Profile. p. 7.

⁴ The range of historical eras from Mesolithic, Ancient, Early Middle Ages, Classical antiquity, Post-classical history, Middle Ages, Modern history (After the post-classical era), Early modern period, and to Contemporary history. The people of Somaliland had trade relationships with the Ancient Indians, Chinese, Persians, and Romans.

⁵ Sinha, 1983. p. 539.

⁶ Briggs, 2012. p. 4.

⁷ MIRE, Sada. “Mapping the archaeology of Somaliland: religion, art, script, time, urbanism, trade and empire.” *African Archaeological Review* 32 (2015): 111–136., p. 121.

⁸ CERULLI, E. “A History of Somaliland-The Modern History of Somaliland. By IM Lewis. London: Weidenfeld and Nicholson, 1965. Pp. xi+ 234. 36s.” *The Journal of African History* 7, no. 3 (1966): 530–532. p. 530.

To effectively address the disinformation surrounding Somaliland, it is crucial to clarify the historical context of the Horn of Africa region. The assertion that “Somaliland has never been part of Somalia” is rooted in the complex history of the area. An in-depth examination reveals that Somaliland and Somalia have never genuinely shared governance. Their only connection was a flawed and unratified union that lasted three decades, often perceived as an annexation. This period was marked by systemic oppression and violence, culminating in a government-sponsored genocide against the Isaaq clans—a profoundly traumatic chapter in Somaliland’s history. Understanding these events provides valuable insight into Somaliland’s distinct identity and aspirations in contrast to those of Somalia.

From 1285 to 1415, the Ifat Sultanate emerged as the dominant political authority in the Horn of Africa, encompassing parts of present-day Somaliland, Ethiopia, Djibouti, and Eritrea. This sultanate had a significant influence on regional trade, culture, and Islamic practices, shaping the area’s socio-political landscape. Somalia’s governance historically was not closely linked with Somaliland, with the Ifat Sultanate exemplifying Islamic rule alongside the Abyssinian Empire’s Solomonic dynasty from 1270 to 1859. During this period, Arab traders established key coastal cities, such as Mogadishu, around 900, transforming it into a vital trading center by the 1300s.⁹ Eventually, the Omani Sultanate took control, leading to Somalia’s incorporation under Zanzibari rule.¹⁰ The Adal Sultanate (1415-1577) emerged as the dominant political entity in the region encompassing modern-day Somaliland, Djibouti, Eritrea, and parts of Ethiopia, while excluding Somalia from its jurisdiction. In the early 13th century, Mogadishu and various flourished under the Ajuran Sultanate.¹¹ During the late 15th to early 16th centuries, the Muzzaffar Dynasty,¹² with Persian origins, arose in Mogadishu.¹³ This city served as the capital of the dynasty until approximately 1624, or possibly as late as 1700.¹⁴

The conflicts between the Muslim sultanate and the Christian Empire in Ethiopia led to geopolitical rivalry involving the Ottoman Empire and Portugal. The Ottomans first entered Africa in 1517 with their conquest of Egypt, which had been under Mamluk control for three centuries. The Mamluks, engaged in resisting Portuguese expansion, quickly accepted Ottoman rule.¹⁵ From 1583 to 1820, Somaliland was governed by the Ottoman Empire’s Khadivate.¹⁶ While Somalia was never part of the Ottoman Empire, it was significantly influenced by the Omani Sultanate along the East African coast.¹⁷ In 1871, the Sultan of

⁹ PUZO, William Daniel. *Mogadishu, Somalia: geographic aspects of its evolution, population, functions and morphology*. University of California, Los Angeles, 1972. p. xvii.

¹⁰ Bakar, et’al, e-Source.

¹¹ Hassen, 2016.p. 1.

¹² CHITTICK, H. Neville. “The east coast, Madagascar and the Indian Ocean.” *The Cambridge History of Africa 3* (1977): 183–231. p. 230.

¹³ MUKHTAR, Mohamed Haji. “Ajuran Sultanate.” *The Encyclopedia of Empire* (2016): 1–2.

¹⁴ Freeman-Grenville, Greville Stewart Parker. “Coins from Mogadishu, c. 1300 to c. 1700.” *The Numismatic Chronicle and Journal of the Royal Numismatic Society 3* (1963): 179–200. p. 182.

¹⁵ KAVAS, Ahmet. “Ottoman Empire’s Relations with Southern Africa.” *Ankara Üniversitesi İlahiyat Fakültesi Dergisi 48*, no. 2 (2007): 11–20. p. 11.

¹⁶ The Khedivate’s Somaliland Coast was a short-lived dominion of the Khedivate of Egypt over several ports along the Somaliland coastline. It began in 1874 when Isma’il Pasha dispatched warships to the area. However, due to an internal rebellion, Egypt abandoned its Somali territories in 1884, leading to British takeover.

¹⁷ OKAWA, Mayuko. “The Empire of Oman in the Formation of Oman’s National History: An Analysis of School Social Studies Textbooks and Teachers’ Guidelines.” *Annals of Japan Association for Middle East Studies 31*, no. 1 (2015): 95–120. p. 95.

Zanzibar controlled Mogadishu, leasing its port to the Italians in 1892. By 1905, the Italians had acquired the city and made it the capital of Somalia Italiana.¹⁸

Somaliland became a British protectorate in 1884-1960; the protectorate was briefly under Italian administration at the beginning of World War II. In 1941, British administration was reestablished in the Protectorate and extended to Somalia Italiana (this is when the term Somalia as 'Italian Somaliland' emerged). The United Kingdom withdrew from the former Italian Somaliland in 1950, when the territory became a United Nations trusteeship of Somalia, administered by Italy. The Somaliland British Protectorate came to an end.¹⁹ Furthermore, it was one of the two African Nations that received their independence on 26 June 1960 (the State of Somaliland and Madagascar [the then Malagasy]). Somaliland fulfilled the criteria of statehood under the Montevideo Convention.²⁰ It had a permanent population, a defined territory, and a government with the capacity to enter into relations with other states. These criteria differed from those of Somalia, which had never fully met the requirements for statehood. Five days later, the State of Somaliland attempted to establish an unratified unitary Government with Somalia (formerly the United Nations trusteeship of Somalia). Still, this effort was not realized in practice, apart from a handshake. According to international law, it's clear that no treaty of union was recorded. Instead, there were two separate acts of parliament (The parliament of the State of Somaliland passed an act of union consisting 23 articles on 27 June 1960, the day after the Independence, while separately the Somalia parliament passed a two articles act of union on 1 July 1960), making this attempt at a de facto union more like a handshake that never fully materialized into a union.

Pursuant to the established protocols outlined in the United Nations' decolonization framework, the Somaliland Statutory Order was presented to Parliament on June 24, 1960, and became effective immediately before June 26, 1960.²¹ On 26 June 1960, Somaliland achieved its independence from Great Britain, as formalized by a Royal Proclamation from Queen Elizabeth II. Following the United Nations' protocols for decolonization, the documentation related to the transfer of sovereignty was submitted to the United Nations, marking the official recognition of Somaliland's status as a sovereign entity.²² The newly established state of Somaliland received prompt recognition from a variety of United Nations member states, including all five permanent members of the Security Council. Notable recognitions also came from countries such as Egypt, Ethiopia, Ghana, Israel, Libya, and

¹⁸ BAKAR, Omar Ibn Abu, Abu Bakar Ibn Omar, Abd al-Aziz, Al-Rahman bin al-Musa'id, Yusuf bin Sa'id, Ali bin Yusuf, Rasul bin Ali, and Mahamuud Omar Hilowle. "Sultanate of Mogadishu (10th-16th century): spotlight on Middle Ages African global trade hub."

¹⁹ The state of Somaliland was established and existed from June 26 to July 1, 1960, prior to the voluntary but unratified union with Somalia, which would be regarded as annexation.

²⁰ Montevideo Convention on the Rights and Duties of States (1933). The Montevideo Convention, signed on December 26, 1933, established key criteria for statehood and affirmed the principles of equality and non-intervention among states.

²¹ 84 Statutory Instruments 1960. No. 1060 East Africa: The Somaliland Order in Council, 1960 made 23 June 1960, laid before the Parliament 24 June 1960, came into operation immediately before 26 June 1960. (Published in Supplement No. 1 of Somaliland Protectorate Gazette, Vol. xx, No.30 dated 25th June 1960).

²² Treaty Series No. 44 (1960). Agreements and Exchanges of Letters between Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Somaliland in connexion with the Attainment of Independence by Somaliland. Hargeisa, June 26, 1960.

the Soviet Union.²³ With the conclusion of the protectorate, Somaliland emerged as the inaugural independent nation in the Horn of Africa.

2. The Unratified Union lasted 30 years, 10 months, and 17 days

The only history the two countries shared was the ugly, unratified union that they intended to share under the Somali Republic²⁴ (never existed) which the military coup changed to the Somali Democratic Republic.²⁵ This period is characterized by widespread devastation, marked by the deliberate destruction of the livelihoods of Somalilanders, who were known traders and travelers. It includes the indiscriminate murders, crimes against humanity, and the bombardment of Isaaq cities by mercenaries employed by the Military Government, aiming to target civilians fleeing the conflict.²⁶ Let us delve briefly into the legal context of this shared history.

The day following independence, the Somaliland parliament enacted the Union of Somaliland and Somalia Law to establish a legal and political union between the two countries. However, as the authorized representative from Somalia did not sign this treaty, it lacked force in Somalia. Meanwhile, on July 1, 1960, the legislature of Somalia approved a notably different document called the *Acto di Unione* (Act of Union). This latter agreement, however, was never signed in Somaliland, by Somaliland parliamentarians.²⁷ On July 1st, 1960, Somaliland and the United Nations Trusteeship Territory of Somalia Italiana declared their union, forming the Somali Republic. This new Somali Republic was thus declared without a valid Act of Union having been enacted, and without formal decolonization processes in Somalia.

The Somalian elites regard Somaliland leaders as having surrendered their independence, resulting in disregard for the power-sharing issue. As a result, the president, the Prime Minister, and the Speaker of parliament all aligned with Somalia. The legal issues concerning the unification of Somaliland and Somalia emerged from the outset. Cotran²⁸ questioned the legal validity of the legislative instruments establishing the Union²⁹ and Succession to Rights and Obligations of the Union.³⁰ The act of union and the proclamation of the Somali Republic

²³ Foreign Affairs, Ministry Briefing Paper: The Case for Somaliland's International Recognition as an Independent State. (2002).

²⁴ Somali Republic was the country name which the unratified union intended to use, although it was legally never existed. It was the period between July 1, 1960 and October 21, 1969.

²⁵ The military Government changed the name to Somali Democratic Republic 1969-1991.

²⁶ Interview of Ahmed Mohamed Hassan, former Somali Air Force Pilot, Who refused to bomb civilians in Hargiesa, July 1988. [online] available at < <https://www.longlivesomaliland.com/pilot-with-human-sense-ahmed-mohamed-hassan.htm> > [Accessed on 26 April 2025].

²⁷ HASSAN-KAYD, A. "The role of the Council of elders 'Guurti' in Somaliland's Political reconstruction and democratization." MA diss. 2009.

²⁸ COTRAN, E. "Legal problems arising out of the formation of the Somali Republic." *International & Comparative Law Quarterly* 12, no. 3 (1963): 1010-1026.

²⁹ Legal validity of the legislative instruments establishing the union – a) The union of Somaliland and Somalia Law, and the Somalia Act of Union were both drafted in the form of bilateral agreements, but neither of them was signed by the representatives of the two territories; b) The Union of Somaliland and Somalia Law purported to derogate in some respects from the Constitution of the Somali Republic; c) The Somalia Act of Union was approved "in principle" but never enacted into law; and d) The decree-law of July 1, 1960, did not come into effect since it was not converted into law in accordance with article 63 of the constitution.

³⁰ The formation of the Somali Republic has raised a problem of what one might call a "triple State succession,"

were not formally signed by the parties involved (Somaliland and Somalia). Contini³¹ who headed the UN Consultative Commission for Somalia described the integration of legal systems in the Somali Republic as a complex and challenging task since the two states had merged parliament, supreme court, and the cabinet but had separate judicial systems; different currencies; the different army, police, and civil service structures and conditions of service; different taxation and customs; and different education systems.³²

On 18 January 1961, a new Act of Union (different from the one signed by the Somaliland Parliament) was put to the National Assembly and was disseminated on 31 January 1961. The Act was very clear in revoking all articles which were inconsistent with the 1960 Somalia Constitution (Somaliland had a different constitution³³), and specifically repealed “the provisions of the Union of Somaliland and Somalia (Law No.1 of 1960)” except for Article 11(4)³⁴ which relates to agreements entered by the sovereign State of Somaliland (see Article 9(2) of the 1961 Act of Union).³⁵ A new constitution was drafted for the Somali Republic (Union of Somaliland and Somalia), and a constitutional referendum was held on 20 June 1961, where Somalia voters overwhelmingly approved it, while in Somaliland, the referendum was boycotted by the SNL³⁶ 60% of voters rejected the provisional constitution, as Somalilanders felt the union mindset was unequal and not mutually valued.

On 21 December 1961, a group of disappointed young officers from Somaliland attempted an unsuccessful military-led liberation operation to restore Somaliland’s sovereignty. On 15th October 1969, President Abdirashid Ali Sharmarke was shot dead by his bodyguard in Las Anod, Sool region of Somaliland, and six days later, on Tuesday early morning, about 3:00 a.m. on 21st October 1969, the military staged a coup, the government of Prime Minister Egal³⁷ was seized, and the military took over the power; the coup was ordered by the commander of the national army, Gen. Mohamed Siyad Barre. The military banned the constitution and institutions of all civil liberties, intending to replace them with a military structure with a socialist face.

for it involved: a) The secession to independent Somaliland of the rights and obligations entered into on behalf of the Somaliland Protectorate by Her Majesty’s Government; b) The succession to the Somali Republic of the rights and obligations entered into on behalf of the Trust territory of Somalia by the Italian Government; and c) The succession to the Somali Republic of the rights and obligations of the independent Government of Somaliland.

³¹ Paolo CONTINI – Chief of the International Trade Law Branch, Office of Legal Affairs of the United Nations. United Nations Legal Advisor to the Somali Government and Chairman of the Consultative Commission for Integration (1960–1965).

³² CONTINI, P., *The Somali Republic: an experiment in legal integration*. F. Cass & Company, 1969. 1088–1105. <http://www.jstor.org/stable/756885>.

³³ *The first Constitution of the independent STATE OF SOMALILAND and came into force on 26 June 1960 can be accessed online, available at < http://www.somalilandlaw.com/somaliland_constitution_1960.HTM >.*

³⁴ Article 11(4) of the 1961 Act of Union, which read: “*all rights lawfully vested in or obligations lawfully incurred by the independent Governments of Somaliland and Somalia ... shall be deemed to have been transferred to and accepted by the Somali Republic upon its establishment*”.

³⁵ Ministry of Foreign Affairs, “Somaliland: an International Case”. Hargeisa, SagalJet. 2016.

³⁶ Somali National League (SNL) was the leading political party in Somaliland.

³⁷ Mohamed Haji Ibrahim Egal was the first Somaliland Prime minister when received independence in 1960, after the union he became the Minister of Education, and 1967 elections became the prime minister of the Somali Republic. 1993–2002 he was the president of Somaliland. He passed away in South Africa while he was undergoing surgery. This sudden loss of the president makes Somaliland strong, and his vice-president was sworn in in 3 hours as stated in the constitution.

The tumultuous period marked by dictatorial and repressive governance unfolded in Somaliland under military rule. Various branches of the security forces were granted unchecked authority, creating an atmosphere of fear and silence. The genocide perpetrated against the Isaaq people and the indiscriminate shelling of Somaliland cities by mercenaries were direct consequences of the unratified voluntary union between Somaliland and Somalia.

3. Somaliland Legal Case under International Law

The case of Somaliland re-recognition is not only historical but also of a legal nature. The rationale for re-recognizing Somaliland is based on its internationally accepted borders and de jure sovereignty, as well as its declaration of independence on June 26, 1960. Somaliland fulfills all the criteria of statehood – 1) defined territory (different from that of Somalia); 2) a population of 6.5 million people mostly living inside its territory, and large diaspora communities; 3) effective democratic Government elected through one-person, one-vote with peaceful transfer of power (different from Somalia’s international community supported representative elected government), and 4) the capacity to inter and honor agreements – the Dubai Ports World’s Berbera port development agreement, the UAE military base, and the Genel Energy oil exploration agreements serve as evidence of ongoing US-Somaliland cooperation in security and defense. Additionally, the Somaliland Recognition Act, proposed by members of Congress, underscores this bilateral relationship in the strategically important Horn of Africa and the Red Sea – the Somaliland Recognition Bill is also gaining momentum in US foreign policy circles. Somaliland maintains relations with several countries, including those with representation offices, rather than fully fledged diplomatic missions, and its passport is accepted.

The Somaliland re-recognition neither creates a new country nor alters the internationally agreed-upon borders. As per the Constitution of Somaliland, “*The territory of Somaliland shall be all that territory which on the commencement of this Constitution, is comprised in Her Britannic Majesty’s Protectorate of Somaliland*”.³⁸ Somaliland’s borders are demarcated by these international treaties: The Anglo-French Treaty of 1888 (border with Djibouti), the Anglo-Italian Protocol of 1894 (border with Somalia), and the Anglo-Ethiopian Treaty of 1897 (border with Ethiopia). These borders were confirmed and demarcated again by the British in 1935 and 1957. Further sources of the border documents could be found – the Agreement between the British and French.³⁹ Spheres of influence between Her Britannic Majesty and the King of Italy,⁴⁰ Protocol between Great Britain and Italy respecting the Demarcation of

³⁸ The Constitution of Somaliland: Article 2 (1) http://www.somalilandlaw.com/somaliland_constitution.htm.

³⁹ Agreement between the British and French Governments with regard to the Gulf of Tadjoura and the Somali Coast, February 2–8, 1888. HERTSLET, E. *The Map of Africa by Treaty*, 3 v., 3d ed. (London: Harrison and Sons, 1909), Vol. 2, pp. 726–728.

⁴⁰ Protocol between the Governments of Her Britannic Majesty and of His Majesty the King of Italy, for the Demarcation of their respective Spheres of Influence in Eastern Africa, March 24 and April 15, 1891. Italy, No. 1 (1891), United Kingdom Command (C) 6316.

their respective Spheres of Influence in Eastern Africa;⁴¹ Frontiers of British Protectorate;⁴² and the British Somaliland–Ethiopia Boundary.⁴³

While there have been notable advancements in peace and democracy, they are overshadowed by the continual violation of Basic Universal Human Rights. The impediment to self-determination stems not only from autocratic governments but also from the diplomatic efforts of countries that claim to uphold freedom and democracy. The narrative surrounding Somaliland's quest for re-recognition is intricate, incorporating strong legal arguments alongside considerations of moral and natural justice. The case for re-recognition extends beyond self-determination; it also presents a practical approach to promoting stability in the Horn of Africa. Given the complex border dynamics and the risk of irredentist sentiments and ethno-expansionist ideologies within Somalia, this re-recognition could help mitigate potential conflicts with neighboring Ethiopia and Kenya.

Re-recognition of the Republic of Somaliland is a valid assertion and a crucial strategic imperative for enhancing regional stability and security. It is fundamentally a legal matter, as it neither entails the establishment of a new state nor threatens the territorial integrity of any existing nations. Somaliland's claim to sovereignty, bolstered by over 35 years of democratic governance, faces significant challenges due to extensive misinformation, widespread misconceptions, and a common fear of potential geopolitical consequences influenced by countries such as Egypt, Italy, Sudan, Djibouti, Saudi Arabia, Turkey, and Qatar.

The Right to self-determination, discussed in the 'Human Rights' section, is examined here in its origins and implications in international law. After World War II, the international community shifted towards eliminating colonialism and establishing new states, driven by the principle of self-determination. This inherent and inalienable right belongs to all peoples. In international law, its essence is complex and dynamic, encompassing political, economic, cultural, and social dimensions that reinforce one another, forming an indivisible whole.⁴⁴ The fundamental basis for self-determination is rooted in each nation's right to exist and to govern its territory. This right is a core element of the principle of self-determination and should not be constrained in any way. Politically, it enables nations to determine their own international and domestic status, which can take the form of independence, secession, integration, or internal self-determination.

The essence of this right is outlined in various UN documents, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, per the United Nations Charter. A key challenge is reconciling the principle of self-determination with the principle of territorial integrity of independent states. An in-depth analysis reveals that while the right to secession is not universally granted, it may be advocated under specific conditions, even for groups residing in independent states where

⁴¹ Protocol between Great Britain and Italy respecting the Demarcation of their respective Spheres of Influence in Eastern Africa, May 5, 1894. United Kingdom Treaty Series, No. 17, 1894.

⁴² Treaty between Great Britain and Ethiopia (Frontiers of British Protectorate on Somali Coast), May 14, 1897. The Map of Africa by Treaty, op. cit., pp. 423–430.

⁴³ CLIFFORD, E. H. M. "The British Somaliland-Ethiopia Boundary." *The Geographical Journal* 87, no. 4 (1936): 289–302, pp. 289–307. (Page 4 of this International Boundary Study is one of a series of specific boundary papers prepared by the Office of the Geographer, Bureau of Intelligence and Research, Department of State, in accordance with provisions of the Office of Management and Budget Circular No. A-16).

⁴⁴ PETRIČ, E. *Pravica do samoodložbe: mednarodni vidiki*. [The right to self-determination: international aspects], Obzorja, 2014. p. 242.

decolonization is not applicable. Ultimately, the resolution to this issue lies in examining the relationship between the principle of self-determination and the equally fundamental international law principle of respect for state integrity.⁴⁵

The Republic of Somaliland's pursuit of re-recognition is often misrepresented as "breakaway" or "separatism," ignoring its historical independence since June 26, 1960.⁴⁶ International and regional powers strategically employ the concept of "territorial integrity" to reinforce Somalia's assertions over Somaliland, effectively obscuring the underlying motivations driving these geopolitical interests. When examining the Somaliland case in the context of recent developments in Africa, commentators commonly reference the situations in Western Sahara, Eritrea, and South Sudan on one hand, alongside Biafra (Nigeria) and Ambazonia (Cameroon) on the other. However, the Somaliland case stands apart from these different scenarios. Below, I present a brief comparison and differentiation aimed at sharing with the international community, particularly legal experts, to counter disinformation and propaganda regarding Somaliland's status, which is perpetuated by Somalia.

The cases of Eritrea and South Sudan illustrate the exercise of self-determination following armed liberation movements—Eritrea through a process granted by its counterpart. At the same time, South Sudan achieved it through a referendum. In contrast, Somaliland is neither seeking separation nor secession. The situation in Western Sahara can be characterized as a typical instance of unsuccessful decolonization, where the former European colonial power has been succeeded by new foreign domination under Morocco, which claims its legitimacy based on tenuous historical justifications.⁴⁷ This case is distinct from Somaliland's circumstances, but it does resemble Somalia's own experience of failed decolonization. However, the Trusteeship was promised to conclude on July 1, 1960, according to UN Resolution 1959, but it did not materialize as expected. The Somaliland case is more akin to the former kingdoms of Serbs, Slovenes, and Croats, which united to form Yugoslavia and later dissolved that union, allowing each to retain its original territories as present-day states, such as Serbia, Slovenia, and Croatia. If international law is applicable in Europe, why should the African continent be viewed differently? Can we truly consider international law to be a reflection of European law?

Somaliland's re-recognition does not depend on Somalia's acceptance or rejection. Neither Somaliland nor Somalia represents a continuation of the unratified union of the Somali Republic. Somaliland has restored its original name, while Somalia has adopted a new designation: 'The Federal Government of Somalia.' In this context, the parent state has no successors or continuators. Furthermore, new states are not arising from the dissolution of the unratified union. If this were the case, Somalia could potentially fragment in the future, leading to the formation of smaller states.

⁴⁵ Ibid. pp. 243–244.

⁴⁶ The Republic of Somaliland and the Italian-administered territory of Somalia sought to unite to form the "Somali Republic." However, this union was never legally ratified, and the Somali Republic did not come into existence. The act of union was neither formally signed nor registered under international law, specifically Article 102 of the United Nations Charter. According to the Vienna Convention on the Law of Treaties (1969), any unratified union lacks binding legal force. Thus, Somaliland's restoration of internal sovereignty in 1991—after the collapse of Somalia's regime and the genocide of the Isaaq people—represents a restoration of its sovereignty rather than a secession, and signifies a return to the 1960 status of statehood under international law.

⁴⁷ PETRIČ, E. *Pravica do samoodločbe: mednarodni vidiki*. [The right to self-determination: international aspects] Obzorja, 2014, p. 246.

In summary, no legally binding and ratified act of union established the Somali Republic between Somaliland and Somalia. The unification of Somaliland and Somalia did not satisfy the necessary criteria for treaty formation, both from a domestic and international legal perspective. Specifically, the Act of Union fails to adhere to the legal standards outlined in the Vienna Convention on the Law of Treaties, rendering it insufficient as a valid international agreement. In the June 1961 referendum regarding the new Constitution of the Somali State, Somaliland recorded a voter turnout of under 17%. The results showed a substantial rejection of the proposed constitution among the participants, indicating a pronounced discontent with the union. Somaliland's statehood was restored during the national grand reconciliation conference in Burao on 18 May 1991. On May 31, 2001, Somaliland held a constitutional referendum in which approximately 97% of participating voters endorsed the proposed constitution, while a minority of 3% voted against it.⁴⁸ The Initiative and Referendum Institute (often referred to as the Institute) observes the referendum; it is an international non-profit organization located in Washington.⁴⁹

4. Somaliland Political Case

The argument for re-recognizing Somaliland includes not only historical and legal aspects but also significant political ramifications. This intricate matter is deeply rooted in the legacies of ancient civilizations, colonial protectorate treaties, and the decolonization efforts that led to Somaliland's independence. The unratified union that created Somalia asserts claims over Somaliland's lands, while some countries undermine Somaliland's rights to further their own national interests.

Somaliland was the cradle of ancient civilizations and served as a crucial trade route linking continents, while trading with civilizations including the Chinese, Indians, Romans, Greeks, and Persians. Many historical accounts of Somaliland and the Horn of Africa emphasize the colonial period, often implying that the unwritten history of Somalilanders results from their reliance on oral traditions. Though these accounts cater to specific agendas, I believe my fellow countrymen must bear responsibility for not preserving our genuine history. In this section, I aim to emphasize that Somaliland has never shared governance with Somalia.

Somaliland is distinguished as one of the ancient human habitats, supported by archaeological findings. It is also acknowledged in the written history of the Ancient Egyptians as a land of significance to their ancestors. Throughout history, Somaliland has been politically intertwined with several notable entities, including the Ifat Sultanate and the Adal Sultanate, and it later became an autonomous khedivate within the Ottoman Empire. In this section, we will concentrate on the nuanced political landscape of Somaliland during the protectorate era, highlighting its complexities and historical context.

Somaliland, now defined by its internationally recognized borders, originated as a British protectorate through agreements with local clans, mainly in coastal regions, until 1960. According to international law and the United Nations decolonization process, Somaliland declared its independence. Once a nation is established, its *de jure* status is deemed permanent,

⁴⁸ BBC News, 2001 Somaliland: A nation in its own right? [online] Available at http://news.bbc.co.uk/2/hi/talking_point/debates/african_debates/1394795.stm.

⁴⁹ Initiative and Referendum Institute (the Institute) report on the Somaliland constitutional referendum [online] Available at http://www.somalilandlaw.com/Somaliland_Referendum_Report_2001.pdf.

enabling it to establish its governance, join a union, and either withdraw or reinstate its *de jure* status if that union ends. This viewpoint is supported by historical evidence and aligns with international principles law. Unlike Somalia, which has never operated as a fully independent sovereign nation, the Sultanate of Oman relinquished its interests to Italian powers, after the Second World War, it became a United Nations Trust Territory of Somalia administered by Italy, and this was left as a *de facto* sovereignty, on 1 July 1960.⁵⁰ This act resulted in liberation from Italian fascist colonization, yet it was succeeded by the emergence of a genocidal military regime trained by the Italians. Additionally, Somalia continues to grapple with persistent issues of terrorism and a dysfunctional government in modern times.

Somaliland resembles Slovenia, which has a rich history. Inhabited since the Stone Age, it included Roman towns like Emona. Slavic tribes settled in the 6th century, forming the Duchy of Carantania, part of the Frankish Empire. Between the 14th and 20th centuries, Slovenes were under Habsburg rule. In 1918, they united with Serbs and Croats to form the Kingdom of Yugoslavia. World War II gave rise to occupation and resistance movements. After the war, Slovenia became a socialist republic. A 1990 referendum showed over 88% support for independence, declared on June 25, 1991. Slovenia gained international recognition in 1992. Yugoslavia argued that Slovenes had exercised self-determination, but this was legally challenged, as self-determination is a permanent right. Yugoslavia invoked the principles of territorial integrity under international law, which often conflicted with the rights of self-determination.

The core issue surrounding the right to self-determination lies in the conflict between two fundamental principles of international law: 1) the right of peoples to self-determination and 2) the right of all states to territorial integrity. The resolution of this contradiction hinges on adherence to international law. Furthermore, Somaliland's territorial integrity is well-documented in international treaties. In contrast, Somalia's territorial integrity is contentious, particularly given that the border between Somalia and Ethiopia remains undemarcated and subject to potential disputes. This geopolitical drama, driven by major and emerging powers, as well as other interested parties, is primarily motivated by competition over the exclusive exploitation of natural resources. Respecting international law could serve as a means to mitigate this conflict.

Advocates for the non-existent union, rather than for annexation, appear to be politically motivated to obscure their role in Somalia's deception, which secured independence and UN membership just five days after the unratified union. The letter from that time specifically mentioned Somalia. The three nations assigned by the UN to oversee this process were Italy, the UK, and Tunisia. These nations, along with those who supported Somalia's egregious human rights violations, including continue to interfere in Somaliland's case to hide their involvement. When Somalilanders from diverse backgrounds assert their country's right to re-recognition, they sometimes create contradictions that undermine their collective aspirations. This confusion arises as they allow their arguments to be framed by those who have perpetuated their misfortunes, misleadingly labeling Somaliland's status as secession, separation, *de facto*, or clan enclave, with increasing frequency.

⁵⁰ There was no Independence treaty between Somalia and its former colonial power Italy, which administering ten years under the United Nations Trusteeship Rule.

The challenges surrounding Somaliland's quest for re-recognition are not rooted in legal issues but are fundamentally political. Those obstructing Somaliland's re-recognition often have political motives, driven either by agendas for resource exploitation or by a desire to obscure their complicity in past crimes committed by Somalia against Somaliland. The international community, influenced by a few members, continues to frame Somaliland's re-recognition as a threat to Somalia's "territorial integrity."⁵¹ Countries, such as Egypt and Djibouti, perpetuate the worn and misleading narrative of Somalia's "territorial integrity," asserting that Somaliland is attempting to break away. They manipulate the principle of *uti possidetis juris*,⁵² which safeguards colonial borders, to undermine Somaliland's claims. However, this same principle should support Somaliland rather than deny its aspirations. Concerns about a chain reaction of secession are mostly theatrical. The Republic of Somaliland is a unique case, established within recognized colonial borders and gaining sovereignty in 1960, making it not legally bound to Somalia. The African Union supports these borders, noting in its 2005 report that Somaliland's situation is distinct.

The quest for the re-recognition of Somaliland is obstructed by external political agendas that manipulate the concept of "territorial integrity" for their own interests. This exploitation by both regional and international actors complicates Somaliland's pursuit of legitimacy on the global stage. Notable players in this dynamic include Egypt, Djibouti, Turkey, Italy, Qatar, Saudi Arabia, Sudan, Eritrea, and China, each influencing the discourse through organizations such as the United Nations, African Union, European Union, Arab League, Organization of Islamic Cooperation (OIC), Gulf Cooperation Council (GCC), and Intergovernmental Authority for Development (IGAD). Let us explore how these nations leverage the notion of territorial integrity to undermine Somaliland's re-recognition, while also uncovering their underlying geopolitical and economic motivations. We will briefly assess the role of each actor involved.

Egypt's alleged illegal fishing in Somaliland's waters may explain its reluctance to recognize Somaliland's sovereignty, despite being among the countries that recognized Somaliland in 1960. In 2020, 37 Egyptian vessels were caught fishing illegally, harming local communities. Despite a fishing ban in place since 2012, enforcement issues have allowed these activities to continue. This issue, along with Egypt's regional ambitions, fuels its antagonistic stance toward Somaliland. Egypt seeks to undermine Ethiopia's influence in Somalia, especially in relation to the Grand Ethiopian Renaissance Dam. By invoking claims of "territorial integrity" against Somaliland, Egypt seeks to bolster its regional influence. The

⁵¹ This perspective is based on the principle of *uti possidetis juris*, which asserts that Africa's colonial borders should be respected—a tenet upheld by the Organization of African Unity (OAU) and the African Union (AU). The OAU's 1964 border resolution mandates that all African states respect the borders they had at independence. However, the international community has often overlooked this in the case of Somaliland. According to the OAU's resolution, Somaliland's original borders must be respected, as it existed as a sovereign state before any so-called "anratified union."

⁵² "*UTI POSSIDETIS JURIS (UPJ)* is a principle of customary international law that serves to preserve the boundaries of colonies emerging as States. Originally applied to establish the boundaries of decolonized territories in Latin America, UPJ has become a rule of wider application, notably in Africa. The policy behind the principle has been explained by the International Court of Justice in the *Burkina Faso / Mali Frontier Dispute*" Cornell Law School – Legal Information Institute [online] Available at < https://www.law.cornell.edu/wex/uti_possidetis_juris > [Accessed on 2 May 2025].

planned deployment of 10,000 troops by July 2025 is intensifying tensions and fostering hostility towards Somaliland, which was expelled from Hargeisa in 2024.

Djibouti's economy is predominantly driven by its strategic port, which facilitates over 90% of Ethiopia's trade. This critical role has established Djibouti as a vital trade hub in the Horn of Africa. However, the recent rise of Berbera port in Somaliland, significantly bolstered by substantial investments from the United Arab Emirates, presents a formidable challenge to Djibouti's economic monopoly. In efforts to safeguard its financial interests and maintain dominance, Djibouti has adopted a narrative that frames Somaliland as a separatist threat. The Djiboutian government has even taken provocative measures by hosting proxy militias in 2024. This tactic aims to destabilize Somaliland, particularly following its support for the Las Anod militia in Somaliland's eastern regions—a move that Djibouti perceives as a direct challenge to its own geopolitical stability and influence in the area.

Italy has consistently maintained a presence in Somalia, even amidst the turmoil of its state's collapse. The prospect of recognizing Somaliland poses a significant threat to Italy's influence, complicating its intricate aid strategies and potentially risking heightened tensions with key partners such as Egypt and Djibouti. Additionally, Italy played a pivotal role in crafting the 1961 Somalian constitution, a document that laid the groundwork for Somaliland's annexation. This constitution fostered a vision of a unified Somali state (a fascist and irredentist one based on the Italian East Africa narrative in the Second World War era), one that overlooked the distinct identity of Somaliland and disregarded the principles of international law, weaving a narrative that belied the region's complex reality. Italy, as Somalia's former colonial power, maintains substantial historical connections to the country, which enable it to exert considerable influence over European Union policy regarding Somalia and the unratified union that is intended to form the Somali Republic. Its objectives frequently coincide with stabilization initiatives, advocating for a story of Somali unity to restore its historical economic ties, since it was Somalia's leading trading partner until the 1980s.

The Kingdom of Saudi Arabia is determined to carve out its role as a powerful player in the bustling Red Sea corridor. While it publicly stands shoulder to shoulder with the UAE, a subtle rivalry brews beneath the surface as both nations vie for economic clout and political supremacy in this strategically vital region. The rise of Somaliland as a sovereign entity sharpens the stakes, amplifying the significance of the Berbera port—an ambitious project backed by the UAE. This development, however, is viewed with keen caution by Saudi Arabia, which recognizes the implications of this evolving landscape.

Turkey has emerged as a significant player in the Horn of Africa, aiming to enhance its influence through economic, military, and diplomatic initiatives. The country has made substantial investments in the troubled region of Somalia, particularly in the development of the port and airport in Mogadishu. Additionally, Turkey has established its most extensive military base outside its borders and has entered into agreements for the exploration of gas and oil. Its strategic interests also extend to the Red Sea and the Gulf of Berbera (Eden), where it seeks to project power and influence. The prospect of re-recognizing the Republic of Somaliland poses a significant challenge to Turkey's influence in the Horn of Africa, a region of paramount strategic importance characterized by its proximity to key maritime routes. Somaliland's geopolitical relevance is underscored by the presence of the Berbera port, a critical infrastructure project developed by DP World, a prominent logistics and

port operator from the UAE. This port serves not only as a vital trading hub but also as a gateway for regional commerce. In an effort to mitigate the UAE's expanding footprint in this strategically valuable area, Turkey is strategically positioning itself by framing Somaliland as a threat to the territorial integrity of Somalia. This narrative enables Turkey to maintain the existing balance of power while hindering Somaliland's aspirations for recognition, progress, and sovereignty. By doing so, Turkey aims to reinforce its influence over Somalia, ensuring that its geopolitical ambitions in the Horn of Africa remain intact and preventing any shifts that could undermine its regional authority or align it more closely with the interests of the UAE.

Qatar, solidifying its role as a strategic ally of Turkey, has made substantial investments in Somalia, thereby aligning itself with Turkey's opposition to the United Arab Emirates. Qatar's role in the Horn of Africa extends beyond economics, rooted in broader geopolitical goals. It has links to the Muslim Brotherhood and groups like Al-Shabaab, Hamas, and the Taliban, allowing it to influence the region through ideological and proxy networks. Its alliance with Turkey's Erdoğan-led AKP, affiliated with the Muslim Brotherhood, strengthens its position against the UAE's expanding presence. However, re-recognizing Somaliland could threaten Qatar's ambitions by undermining its efforts to diminish the UAE's influence in the region.

As the African Union has become more of a symbolic organization, there is an urgent need for a pragmatic approach centered on mindset, political, legal, and wisdom decolonization. Different stakeholders opposed to re-recognizing Somaliland have varied motivations that ultimately aim to uphold Somalia's authority over the Republic of Somaliland. These reasons are less about promoting African unity and more about preserving the appearance of Somalia's territorial integrity to protect their strategic and economic interests in the Horn of Africa. Additionally, these countries have significantly influenced the policies of the African Union,⁵³ the European Union,⁵⁴ the Organization of Islamic Cooperation (OIC),⁵⁵ the Gulf Cooperation Council (GCC),⁵⁶ the Arab League,⁵⁷ and the United Nations. This dynamic ultimately undermines Somaliland's rights.

⁵³ Egypt, Sudan—who opposed Somaliland's re-recognition efforts before South Sudan's independence—along with Djibouti, have used their positions in the African Union to block Somaliland's full membership. Djibouti and Egypt even tried to issue a statement opposing the 2024 Ethiopia-Somaliland MOU that could boost Somaliland's international standing. Their efforts failed mainly due to Ethiopia's influence within the AU, which supports Somaliland's aspirations. Despite this, they successfully keep Somaliland isolated from the AU, preventing its engagement with other member states and regional initiatives.

⁵⁴ Italy's historical ties to Somalia have shaped EU policy, favoring Somalia's territorial claims and neglecting Somaliland's legal and human rights arguments. In 2024, the EU reaffirmed support for Somalia's expansion, reflecting regional political complexities.

⁵⁵ Egypt, Djibouti, Qatar, Saudi Arabia, and Turkey have become key players in the geopolitical dynamics of the Horn of Africa. Utilizing the Organization of Islamic Cooperation (OIC) as a platform, these states have actively supported Somalia's territorial claims. At the same time, they have issued statements that effectively marginalize Somaliland, framed within a supporting Memorandum of Understanding (MOU). This nuanced engagement highlights the complex interplay of regional politics and the positioning of external powers in the area.

⁵⁶ Saudi Arabia and Qatar align within the GCC to promote the dangerous agenda of "Somali unity" while resisting Somaliland's re-recognition. They utilize organizational platforms to shape the narrative and block re-recognition, thereby enhancing their geopolitical influence.

⁵⁷ Egypt and Djibouti have leveraged their positions within the Arab League to impede Somaliland's efforts toward re-recognition, leading to an official condemnation of the MOU by the league. This response has further bolstered Somalia's expansionist territorial claims regarding Somaliland.

The unratified union between Somaliland and Somalia is a subject worthy of thorough exploration. A common argument made by most Somalians is that neither Somaliland nor Somalia existed as independent nations before their unification, implying that their merger merely formed the Somali Republic. However, this perspective overlooks a substantial body of historical evidence that presents a more complex and nuanced narrative. As we delve deeper into this issue, we will uncover compelling facts that challenge this simplistic view and highlight the distinct identities and histories of these countries. Here are quick bullet points to refute these false claims and the disinformation Somalia has been feeding the free world for decades:

- a) Somaliland obtained independence via a Royal Proclamation that annulled Her Majesty's Protection,⁵⁸ which declared: "whereas it is intended that the Somaliland Protectorate shall become an independent country on the twenty-sixth day of June 1960."
- b) The achievement of independence clearly outlined specific conditions and established communication between Somaliland and Great Britain. It confidently addressed key matters such as the organization of the Somaliland Scouts, the currency, and the right to forge agreements with other nations.⁵⁹
- c) Following its declaration of independence, the Government of the Somaliland State received a wave of congratulatory telegrams from more than 30 nations, including all the permanent members of the United Nations Security Council, acknowledging its entry into the international community. However, due to the strategically flawed union with Somalia, formal diplomatic ties were never established with most of them.
- d) In contrast, the trusteeship agreement concerning Somalia Italiana has been formally concluded, leaving Somalia as a de facto entity without receiving official independence. The General Assembly's ratification of the Trusteeship Agreement has set in motion the process for the territory's transition to full sovereign statehood,⁶⁰ culminating in its recognition as an independent nation.
- e) The trusteeship agreement (Article 1) explicitly delineates the borders of the territory of Somalia Italiana, identifying its neighboring countries as the Somaliland Protectorate, Ethiopia, and Kenya. The Somaliland-Somalia border delineation is established under the Anglo-Italian Protocol of 1894.⁶¹
- f) The 871st session of the U.N. Security Council on 5 July 1960 (Resolution 141) affirms that Somaliland was acknowledged as a partner and co-owner of a new state known as the Somali Republic.⁶²
- g) In conclusion, separate parliamentary acts of union (both unratified) affirm that two sovereign nations joined together to create what was referred to as the Somali Republic.⁶³

⁵⁸ Gazette No. 42074.

⁵⁹ Treaty Series No. 44 1960.

⁶⁰ See Resolution 1418 (XIV) of the United Nations General Assembly, adopted on 5 Dec. 1959.

⁶¹ See Article 1 of the Draft Trusteeship Agreement for the Territory of Somaliland under Italian Administration, as approved on 27 January 1950 by the Trusteeship Council at the Eighth meeting of its sixth session.

⁶² Resolution 141 [adopted by the Security Council at its 871st meeting, of 5 July 1960. [online] S/RES/141(1960), Available at < <https://digitallibrary.un.org/record/112118?v=pdf/> > .

⁶³ The Somaliland Gazette Published under the authority of the Council of Ministers Vol. 1, No. 3, HARGEISA, 5th July, 1960. Article 1.

Let us conclude this discussion regarding the political issue of the injustice imposed by the international community and the African Union on the Republic of Somaliland. Comparisons can be made between Somaliland and Somalia's unratified union, as well as cases like Senegambia and the United Arab Republic, both of which were dissolved, allowing the nations to regain sovereignty. Senegambia, or the Senegambia Confederation, was a loose alliance established in the late 20th century between Senegal and The Gambia, founded on February 1, 1982. Although created to encourage cooperation, Senegal dissolved the partnership on September 30, 1989, when The Gambia opted not to pursue a closer union. No international entities intervened to stop this dissolution. The United Arab Republic (UAR) existed from 1958 to 1971 as a political merger between Egypt and Syria, but it fell apart after Syria's withdrawal following a coup in 1961. Egypt maintained the identity of the UAR until Anwar Sadat formally dissolved it in September 1971.

Egypt accepted Syria's separation without destabilizing the region, and Syria's sovereignty was quickly recognized. The inconsistency in Egypt's position on territorial integrity, while undermining Somaliland's re-recognition, highlights the need to dissolve the African Union. Instead, an organization owned and operated by African nations should be established, as the current entity is unlikely to promote Africa's progress.

5. Somaliland's human rights case

The issue of Somaliland's re-recognition goes beyond history and politics; it centers on human rights, which are essential to the global socio-cultural fabric. Protecting human welfare relies on nations' commitment to upholding fundamental rights that apply to all individuals, regardless of class, gender, age, religion, or beliefs, with the right to life at their core. Key human rights treaties, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, have been in effect since 1976. These treaties, alongside the U.N. Charter and the Universal Declaration of Human Rights, form the International Bill of Human Rights. The Vienna Conference on Human Rights in 1993 highlighted the need to adapt these frameworks to modern complexities.

In today's world, protecting human rights is paramount, leading to the adoption of treaties that influence many nations, including the Convention on the Prevention and Punishment of the Crimes of Genocide (1948), the Convention on the Political Rights of Women (1953), and the Convention on the Rights of the Child (1990). The Somalia government-sponsored and committed crimes against humanity, Acts of genocide, and war crimes have been established through treaties. In contrast, crimes against humanity (CAH) have developed through customary international law.⁶⁴ Crimes against humanity were initially prosecuted under the charter of the Nuremberg Tribunal.⁶⁵ The definition of CAH was established in the Charter and the Nuremberg judgment. The UN General Assembly endorsed the concept of CAH in 1946.⁶⁶ The definition of crimes against humanity has evolved since World War

⁶⁴ See ROBERT C., et al., *An Introduction to International Criminal Law and Procedure*, 230–233 (2010); or commentary on the Rome Statute of the Criminal Court, 121–122 (Otto Triffterer ed., 1999) for a background to the development of crimes against humanity.

⁶⁵ Yale Law School, Charter of the International Military Tribunal, Constitution, available at <http://avalon.law.yale.edu/imt/imtconst.asp> (accessed 29 April 2025).

⁶⁶ See. Affirmation of the Principles of International Law Recognized by the Charter of the Nuremberg Tribunal, G.A. Res. 95(I), UN Doc A/64/Add.1 (Dec. 11, 1946).

II, shaped by the jurisprudence of the ICTY,⁶⁷ ICTR and ICC. While the statutes of these tribunals generally align with customary international law, notable differences exist in their contextual requirements. The International actors that assisted in the genocide in Somalia continue to leverage the concept of ‘Somalia’s territorial integrity’ as a strategic maneuver to undermine Somaliland’s efforts for re-recognition.

The concept of self-determination is practically as deep-rooted as the notion of statehood itself. Since its initiation, self-determination has undergone dramatic changes in various facets, from a concept initially of orthodox use to topics such as decolonization, to a justification for the break-up of multi-ethnic states. Self-determination refers to “the right claimed by a ‘people’ to control their destiny”.⁶⁸ The right of peoples to self-determination as a fundamental human right are clearly mentioned in all the main instruments of the United Nations — the Charter, the International Covenants on Human Rights, the Declaration on the granting of independence to colonial countries and peoples 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 — identify it as a right of peoples.

This human rights principle was mentioned in number of United Nations resolutions including — Resolution 837 (IX),⁶⁹ Resolution 2625 (XXV) 304⁷⁰, the Security Council resolutions, 305⁷¹ Resolution 1514 (1960), 306⁷² Somaliland’s quest for re-recognition was

⁶⁷ See. Article 5/3 of the ICTY/R Statute Crimes against humanity The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: (a) murder; (b) extermination; (c) enslavement; (d) deportation; (e) imprisonment; (f) torture; (g) rape; (h) persecutions on political, racial and religious grounds; (i) other inhumane acts.

⁶⁸ BERMAN, N., “Sovereignty in Abeyance: Self-Determination and International Law” in Koskeniemi, M. (ed), *International Law* (1992) 389, 390.

⁶⁹ At its ninth session, the General Assembly, in considering the question of recommendations concerning international respect for the right of peoples and nations to self-determination (resolution 837 (IX) of 14 December 1954), referred to their permanent sovereignty over their natural wealth and resources, in the light of the rights and duties of States under international law, and to the importance of encouraging international co-operation in the economic development of underdeveloped countries.

⁷⁰ In the “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations” (Resolution 2625 (XXV), adopted on 24 October 1970), the United Nations General Assembly expressed its conviction that the principle of equal rights and self-determination of people significantly contributes to modern international law. It emphasized that effectively applying this principle is crucial for fostering friendly relations among States, grounded in respect for sovereign equality. The Assembly stressed also that strict adherence by States to the obligation of non-intervention in the affairs of other nations is vital for maintaining peace. The intervention contravenes both the spirit and the letter of the Charter and risks creating situations that threaten international peace and security.

⁷¹ See. The Security Council, in its resolutions 183(1963) and 218(1965), has also recognized the validity of the right of peoples to self-determination. In resolution 183(1963) the Council reaffirmed the interpretation of the principle as laid down in General Assembly resolution 1514 (XV), as follows: “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

⁷² The United Nations General Assembly on 14 December 1960, Adopted Resolution 1514 (XV), states that: All peoples have the right to self-determination; by virtue of that right they may freely determine their political status and freely pursue their economic, social, and cultural development. General Assembly Resolution 1541 provided for three legitimate methods of decolonization consistent with the principle of self-determination: independence, free association, and integration with an existing state. GA Res 1541, 15 UN GAOR Supp (no 16) at 29, UN Doc A/4684 (1960). Practical recent examples, such as the breakup of the USSR and Yugoslavia, suggest a preference for independence.

also relevant to the notion of the importance of the universal realization of the right of peoples to self-determination in which the United Nations safeguarding the effective assurance and compliance of human rights has been stressed in resolution VIII of the International Conference on Human Rights held at Teheran in 1968, and in resolutions 2588 B (XXIV),⁷³ 2649 (XXV),⁷⁴ 2787 (XXVI),⁷⁵ 2955 (XXVII),⁷⁶ 3070 (XXVIII),⁷⁷ 3246 (XXIX),⁷⁸ and 3382 (XXX)⁷⁹ adopted by the General Assembly of the United Nations between 1969 and 1975. The right of peoples to self-determination, alongside other fundamental human rights, is rooted in the recognition of human dignity. Advocating for these rights aligns with the objectives of the United Nations, including the maintenance of global peace and security, as well as fostering cooperative international relations. These rights are interconnected within the UN's conventional law, as established by the Charter and the International Covenants on Human Rights, which guide all UN activities. The principles of equal rights and self-determination are integral to human rights and fundamental freedoms. Recognizing these principles is a crucial aspect of acknowledging human rights.

The Somaliland case of Self-determination rights does not contradict the definition of self-determination rights adopted in the United Nations' 1993 World Conference on Human Rights⁸⁰ *"This [definition of self-determination] shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind"*.

Somaliland and Somalia each possess distinct claims to sovereignty. Their unratified union to form the Somali Republic, which aimed to unite all Somali-speaking countries and territories under a single flag. The international community's failure to recognize the shortcomings of this union could rekindle regional conflicts over borders, potentially affecting Kenya and Ethiopia. Djibouti may also face the risk of losing 70% of its territory as its 30% Afar population advocates for self-determination. This push could extend to territories in Ethiopia and Eritrea as well. The situation in Somaliland underscores a missed opportunity for international stakeholders, whose interests may be impacted by the evolving political and economic dynamics within the Horn of Africa.

A select few countries with their own agendas and interests have constructed a narrative centered on concerns for Somalia's sovereignty, territorial integrity, and the principle of non-intervention when the case of Somaliland is discussed. Somaliland itself fully respects Somalia's sovereignty and territorial integrity, as we are not claiming any territory defined by international treaties. According to international law, the non-intervention principle should not be used as a pretext to overlook violations of self-determination. The right

⁷³ Resolution 2588 B (XXIV), on 15 December 1969 – [https://undocs.org/en/A/RES/2588\(XXIV\)](https://undocs.org/en/A/RES/2588(XXIV)).

⁷⁴ Resolution 2649 (XXV) on 30 November 1970 – [https://undocs.org/en/A/RES/2649\(XXV\)](https://undocs.org/en/A/RES/2649(XXV)).

⁷⁵ Resolution 2787 (XXVI) on 6 December 1971 – [https://undocs.org/en/A/RES/2787\(XXVI\)](https://undocs.org/en/A/RES/2787(XXVI)).

⁷⁶ Resolution 2955 (XXVII) on 12 December 1972 [https://undocs.org/en/A/RES/2955\(XXVII\)](https://undocs.org/en/A/RES/2955(XXVII)).

⁷⁷ Resolution 3070 (XXVIII) on 30 November 1973. [https://undocs.org/en/A/RES/3070\(XXVIII\)&Lang=E&Area=RESOLUTION](https://undocs.org/en/A/RES/3070(XXVIII)&Lang=E&Area=RESOLUTION).

⁷⁸ Resolution 3246 (XXIX) on 29 November 1974 [https://undocs.org/en/A/RES/3246\(XXIX\)](https://undocs.org/en/A/RES/3246(XXIX)).

⁷⁹ Resolution 3382 (XXX) on 10 November 1975 [https://undocs.org/en/A/RES/3382\(XXX\)](https://undocs.org/en/A/RES/3382(XXX)).

⁸⁰ World Conference on Human Rights, Vienna Declaration and Programme of Action, 25 June.

of the Somaliland people to self-determination is fundamentally a human rights issue at the communal level, and the principle of non-intervention does not apply in the case of Somaliland when these rights are being violated.⁸¹

Somaliland is not the first instance of a dissolved, unratified union leading to the restoration of their original sovereignty or formation of a new state that the international community has recognized as a member state. As previously mentioned, various unions have been formed and dissolved throughout history. Now, let us briefly examine some dissolved states from the early nineties, which coincided with Somaliland's restoration of independence. Notable examples include the turbulent dissolution of the former Soviet Union and the peaceful separation of Czechoslovakia into the Czech Republic and Slovakia. The principle of territorial integrity asserts the importance of honoring the established borders of sovereign states. In this context, Somaliland adheres to this principle, refraining from creating new territorial demarcations or alterations to existing maps.⁸²

The African Union (AU) faces various concerns regarding the Somaliland situation. Some member states, while claiming to have strong ties with Somaliland, are undermining the case for their own interests and agendas that are unlikely to succeed. The African Union remains largely ceremonial, and in the future, member states may consider leaving due to the organization's inability to enforce legal actions and the tendency of some members to exploit its mandate to the detriment of others. The AU Fact-Finding mission to Somaliland in 2005 included their report, legal arguments supporting Somaliland's quest for re-recognition – *“the fact that the union between Somaliland and Somalia was never ratified, 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 Pandora's box’. As such, the AU should find a special method of dealing with this outstanding case.”*⁸³

The Somaliland legal case is not a matter of succession or a foreign-backed decision. It concerns the people of Somaliland and their land, which are under a dictatorial military regime that has violated their rights and international law through acts such as human rights abuses, crimes against humanity, the Isaaq Genocide, and state-sponsored democide. Consequently, the people of Somaliland have asserted their right to reclaim their freedom by dissolving the unratified union with Somalia and establishing themselves as an independent sovereign state.

⁸¹ The Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty (General Assembly resolution 2131 (XX) of 21 December 1965) mentioned the application of the principles of Self-determination and the non-intervention; It is stated in paragraph 3 that “The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention”.

⁸² The South Sudan's case of Self-determination rights was resolved a two-state solution, which new boundary demarcations, after United Nations administrated referendum was conducted.

⁸³ AFRICAN UNION. “AU Fact-Finding Mission to Somaliland (30 April to 4 May 2005) – the committee consisted of HE. Patric Mazimhaka (Deputy Chairperson at the AU Commission); Dr. A. M. Kambudzi (Analyst in the Peace and Security Department); Col. Jaotody Jean de Matha (Senior Military Expert in the Peace and Security Department); Mr. Patric Tigere (Head of the Humanitarian, Refugees, and Displaced Persons Division at the Department of Political Affairs); and Mr. Dieudonne Kombo Yaya (Senior Political Officer at the Department of Political Affairs), [2005].

6. Is international law truly regarded as a form of law?

International law is a system of generally recognized, binding legal rules and principles that lay down the rights and obligations of entities governed by international law in their mutual relations. These legal rules and principles draw on customary law, treaties (A treaty is a legally binding agreement between States),⁸⁴ general international principles and international case law. As we discussed under the border demarcation section, Somaliland's territorial integrity, as well as its independence and recognition by 35 member states of the United Nations, are all recorded by international law instruments.

Currently, Somaliland is seeking its rightful international re-recognition⁸⁵ since it had withdrawn from the Somali Republic (a 31-year unratified union between Somaliland and Somalia which ended in civil war and destruction resulting failed state in Somalia), Nonetheless, the international community neglected the self-determination rights of Somaliland's people towards restoring statehood following the dissolved union, as evidenced by the 2001 referendum in which 97% voted in favor restoration. Paradoxically, the other state reverted to its original name, "Somalia," which was subsequently amended to "The Federal Government of Somalia" in 2012. Despite this change, the international community continues to advocate for Somaliland to be integrated into this entity, which is not a result of the original union. This situation could be characterized as a violation of international law – Annexation,⁸⁶ However, it is concerning that members of the international community often exploit this crime for their own interests while simultaneously professing to uphold Somalia's territorial integrity and unity, which is not that of Somaliland.

The efforts of the international community to annex have repeatedly failed and will continue to do so, while the consequences will be felt in the region, and this issue will be addressed by the rapidly shifting geopolitical landscape.⁸⁷ Some argue that international responsibility is crucial for defining independence. However, Somaliland exemplifies a legal and political scenario that fulfills all the criteria for statehood under international law, yet it remains overlooked by the international community due to "its success story in a volatile region, without outside assistance." The sole misstep by Somalilanders, as viewed by the international community and interpreted as a challenge to the prevailing global order, is their reliance on indigenous expertise in nation-

⁸⁴ Vienna Convention on the Law of Treaties, adopted 23 May 1969, entered into force on 27 January 1980, 1155, UNTS 311.

⁸⁵ Since Somaliland was previously got its independence and subsequently recognized my 35 countries, currently its quest for re-recognition.

⁸⁶ See. Annexation (from Latin *ad, to, and nexus, joining*) is the forcible taking of territory into a state, generally illegal under international law. Unlike defeat, which involves a change in control and sovereignty, or cession, where territory is transferred via treaty, annexation is a unilateral act, often following military occupation. The UN Charter, Article 2(4), prohibits member states from acquiring territory by force or annexation.

⁸⁷ In my personal view, it's predictable that new states will emerge in the region, possibly three or four new entities.

building efforts, limited local resources,⁸⁸ and a democratic system of governance⁸⁹ (both clan-based and multiparty systems).

International law does not qualify as true law because any rule that lacks enactment by a superior or legislative authority cannot be considered a law. Additionally, if laws are breached, appropriate sanctions must be enforced. International law differs from state legal systems in that it primarily applies to countries, rather than individuals, and operates largely through consent, as no universally accepted authority enforces it on sovereign states. Although domestic laws are sometimes violated, the rate of violation of international law is much higher, and the influence of a few nations dominates the system. The global legal system alone would not give Somaliland its rightful re-recognition due to these facts: 1) It is deficient in effective legislative authority. 2) It does not possess the necessary machinery or authority to uphold its rule. 3) The International Court of Justice lacks compulsory jurisdiction. It reflects the behavior and values of powerful states. Influential actors shape international law and can disregard it when inconvenient. It lacks authoritative legitimacy and sanctions. The Somaliland case was overlooked, as Africa still needs mental decolonization. Somaliland should prioritize enhancing its diplomatic efforts, particularly in the realms of economic diplomacy and security cooperation. Strengthening these areas is crucial for fostering stability and sustainable development in the region, and the attainment of re-recognition.

7. Conclusion

Neglecting the situation in Somaliland undermines the reputations of the United Nations, the African Union, and the international community as a whole. Organizations like the UN and AU are expected to uphold their charters, ensuring that the rights of a Republic are not exclusively assigned to a single state without the consent of the others, particularly regarding the properties and embassies of the Somali Republic. Furthermore, the membership of the defunct Somali Republic should not have been automatically transferred to the former Italian Trusteeship of Somalia (AFIS). These organizations have a duty to maintain impartiality among disputing parties and to facilitate equitable resolutions amid complex challenges.

For 35 years, the two former partners had no formal relationship, apart from brief, unproductive dialogues that lasted 12 years. Despite this, the UN and AU act as if nothing has changed. Somaliland and Somalia were distinct during the colonial era: Britain established a Protectorate over Somaliland in 1887, while Italy claimed Somalia as a colony around 1889. After World War II, Britain controlled Somalia until 1950, when it became a UN Trusteeship territory under Italian administration.

In the aftermath of the unratified union, Somalia promptly sought membership in the United Nations, citing Article 4 of the UN Charter, with backing from Tunisia, Italy, and the United Kingdom. This action highlights Somalia's repudiation of the unratified union

⁸⁸ The international community, especially donors supporting regimes and opposition groups, along with the UN and INGOs, ignores that Somaliland uses local knowledge and resources for peace and stability efforts. They see these efforts as a move against global interests—focused on guns, gems, germs, and gas—believing Africans lack the capacity for governance and are uncivilized.

⁸⁹ Another success is that regional governments and the Arab League, heavily involved in the Somaliland-Somalia issue and have used Somalia as a political testing ground, now view democracy in Somaliland as a threat. Their citizens may demand similar governance to overthrow dictatorial regimes and brutal monarchies.

and points to a resurgence of nationalism rooted in Somaliland. A proof of this argument is a cable dated July 1, 1960, archived in the Official Digital UN Document Records as S/4360,⁹⁰ which requested the Republic of Somalia's membership in the United Nations. It clearly stated "Republic of Somalia." A Security Council session in New York on 5 July 1960,⁹¹ was held to consider Somalia's application, requested by representatives from Italy, Tunisia, and the United Kingdom, along with draft resolution S/4363⁹² introduced by them. On Tuesday, 20 September 1960, the Republic of Somalia was officially admitted into the UN with *Resolution A/L.298*,⁹³ becoming a member of the world family.⁹⁴

The international community will not acknowledge that Ukraine is part of Russia, Poland was a region of Nazi Germany, Ireland is a province of Great Britain, and the Baltic nations are territories of the USSR. Similarly, while Austria was a region of Nazi Germany and Slovenia is under Belgrade, the world seems to accept that Somaliland is part of Somalia, despite the fact that it is not, and never has been. Annexation and occupation are deemed illegal when they involve European territories, yet when it comes to the Republic of Somaliland, it is dismissed under the guise of 'territorial integrity.' There can be no justice built on the foundation of ignoring the law. This situation must come to an end, and our valid *de jure* status must be recognized. Our independence from Britain is a treaty that remains in effect, and 35 countries have recognized and sent congratulatory messages to the state of Somaliland, with none having revoked their recognition. It is time for the international community to engage with Somaliland as an equal partner within the community of nations.

The time has come for the Republic of Somaliland to formally submit its request for membership to the United Nations and other international entities, as well as to establish diplomatic relations with other nations, in accordance with its declaration of independence on June 26, 1960. The unratified union with Somalia has never been recognized in any international document, and Somalia, as the other party in this flawed union, submitted its own membership request and was accepted. There are no legal barriers or misconceptions that the international community can use to obstruct Somaliland's membership and its rightful *De Jure* status. Establishing formal diplomatic relationships with other countries on equal terms is essential for advancing economic development and contributing to international peace and security.

⁹⁰ Somalia's request for UN membership [online] available at https://digitallibrary.un.org/record/619845/files/S_4360-EN.pdf > [accessed on 1 May 2025].

⁹¹ A Security Council session held in New York, on Tuesday, 5 July, 1960 [online] Available at <https://digitallibrary.un.org/record/629501/files/S_PV-871-EN.pdf> [Accessed on 1 May 2025].

⁹² Italy, Tunisia, and the United Kingdom: joint draft resolution S/4363 [Online] Available at <https://digitallibrary.un.org/record/541767/files/S_4363-EN.pdf> [Accessed on 1 May 2025].

⁹³ United Nations, G. A, 15th session: 864th plenary meeting (opening meeting), Tuesday, 20 September 1960, New York Resolution A/L.298 [online] Available at < https://digitallibrary.un.org/record/646231/files/A_PV.864-EN.pdf > [Accessed on 1 May 2025].

⁹⁴ United Nations, G. A. Fifteenth Session- 864th Plenary Meetings, Agenda item 20 (Admission of new Members to the United Nations) article 60; The President: 'I now declare the Republic of Somalia admitted to membership in the United Nations'.