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14. ABSTRACT Despite its relative isolation from the international community as compared to Somalia in the south, Somaliland has made substantial gains toward statehood. Unilateral USG recognition of Somaliland's independence could unlock deeper regional access through a mutually beneficial relationship based on shared values and security concerns. Previous African Union findings on the legality of Somaliland's claim exist to overcome AU legal hurdles to recognition and would assist in possible follow on recognition by the international community. The USG should use its influence to empower a potential partner in the Horn of Africa.					
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Somaliland: A Partner for Security in the Horn of Africa

Geoffrey Ryan Latimer

Background on Somaliland and Introduction to USG Position

The Republic of Somaliland is a self-declared, independent state in the Horn of Africa. In June 1960, Somaliland existed independently for a short but legally significant period (4 days) before voluntary union with Somalia. This status was recognized by thirty-five United Nations (UN) member states, including the United States Government (USG) and the entire UN Security Council.¹ In 1991, after decades of violence and the collapse of the Somali government, Somaliland withdrew from its political union with Somalia.² This action claimed independence defined by the borders of the former British Protectorate (see Figure 1). No nations have formally recognized Somaliland's 1991 re-declared independence.



¹ Deon Geldenhuis, "The African Union, Responsible Sovereignty and Contested States," *Global Responsibility to Protect* Vol. 6, Issue 3 (2014): 350-374.

² Mark Bradbury, Adan Yusuf Abokor, and Haroon Ahmed Yusuf, "Somaliland: Choosing Politics over Violence," *Review of African Political Economy* Vol 30, No 97 (September 2003): 455-478.

Figure 1.³

Since 1991, Somaliland has developed in relative isolation from international patronage. Yet, in this resource restricted environment, Somaliland successfully established representative governance rooted in indigenous traditions⁴ and made itself into one of the few constitutional democracies of the Muslim world. Somaliland's commitment to representative governance and *strong legitimacy among its people* make it a rare candidate for a functional, American-friendly state in the Horn of Africa. Pragmatically, Somaliland's strategic location offers attractive military basing options while its relative stability represents an opportunity to grow an African solution "to radicalization, destabilization, and persistent conflict".⁵ In short, Somaliland aligns to American strategies for access, containing violent extremists, and creating stable institutions in the region.

Despite those potential benefits, current American policy limits USG engagement with Somaliland as it only recognizes "territorial integrity of Somalia within its 1960 borders in accordance with the Somali provisional constitution which includes Somaliland and Puntland."⁶ The current USG policy also fails to leverage American influence to precipitate international recognition of Somaliland – a condition which this paper argues is ultimately necessary for any peaceful arrangement in the Horn of Africa. Therefore, to capitalize on a historic opportunity to grow American access, improve regional security, and hedge against future conflict between Somaliland and a resurgent Somalia, the United States Government should unilaterally adopt formal recognition of Somaliland. Unilateral recognition should include close coordination with

³ International Crisis Group, "Somaliland: Time for African Union Leadership," *Africa Report* No 110 (May 2006): 1-23.

⁴ Bradbury, Abokor, and Yusuf, "Choosing Politics," 475.

⁵ United States Africa Command (AFRICOM), 2017. United States Africa Command 2017 Posture Statement.

⁶ "US Relations with Somalia: Bureau of African Affairs Fact Sheet," U.S. Department of State Webpage for U.S. Bilateral Relations Fact Sheets last updated April 12, 2017, <https://www.state.gov/r/pa/ei/bgn/2863.htm>.

African partners in a way that calls the AU to action and leads to wider international acceptance of Somaliland.⁷

How USG recognition could set conditions for wider acceptance

With regards to the wider recognition of Somaliland, the USG has an opportunity to precipitate action because the current African Union (AU) legal climate favors Somaliland's claim. Favorable AU action critically enhances the likelihood for international recognition of Somaliland since the "UN and various Western donors have indicated at one time or another that Somaliland's broader prospects for international recognition hinge first upon the attitude of the African Union."⁸ The most significant way in which the AU is permissive to the Somaliland question is through a 2005 AU Fact-Finding Mission Report which concluded "Somaliland has territory as defined by the colonial borders inherited from the British colonial rule on accession to independence in 1960."⁹ Critically, this conclusion neutralizes Somaliland's main legal hurdle for independence.¹⁰ by dismissing the potential charge that its claim breaks post-colonial boundaries - a political taboo codified by the AU's Constitutive Act.¹¹ Although not formally published, the report became public knowledge and shaped the environment around Somaliland's claim.¹² Further, the report stated Somaliland's quest for recognition is "historically unique and self-justified in African political history."¹³ This precedent, particularly if coupled with

⁷ International Crisis Group, "Time for African Union Leadership," 1.

⁸ International Crisis Group, "Time for African Union Leadership," 13.

⁹ Mazimhaka, Patrick H.E., Kambudzi, Dr. A. M., Jean de Matha, Col. Jaotody, Tigere, Patrick, and Yaya, Dieudonne Kombo. AU Fact-Finding Mission to Somaliland (30 April to 4 May 2005): 2.

http://www.somalilandlaw.com/AU_Fact-finding_Mission_to_Somaliland_2005_Resume.pdf

¹⁰ International Crisis Group, "Time for African Union Leadership," 16.

¹¹ African Union. Constitutive Act of the African Union. Article 4(b). <https://au.int/en/constitutive-act>.

¹² Sofia Deria, "Somaliland – From Non-being to Special Arrangement: An examination of the International Politics of Recognition," (Master Thesis, Copenhagen Business School, 2014), 44. <http://hdl.handle.net/10417/5028>.

¹³ Mazimhaka, Kambudzi, Jean de Matha, Tigere, and Yaya. AU Fact-Finding Mission 2005, 4.

http://www.somalilandlaw.com/AU_Fact-finding_Mission_to_Somaliland_2005_Resume.pdf

concurrent support from AU members, would give USG unilateral recognition a legal foundation and political cover as working within the AU's own rules.

To find likely AU partners for sponsorship of the Somaliland cause within the AU, the USG might look to a growing number of AU member states with similar histories of dissolving voluntary political unions. Examples include Egypt and Syria, Cape Verde and Guinea Bissau, Senegal and Mali, and Senegal and Gambia.¹⁴ Other potential AU sponsors could come from the many African countries – including Ethiopia, Djibouti, Kenya and South Africa – that have already established bilateral relations or close political ties with Somaliland.¹⁵ Indeed, sympathetic partners may not be hard to find since the main source of opposition remains in the Federal Government of Somalia which claims sovereignty over Somaliland.¹⁶

Recognition aligns with American goals for stability and access

However, even if USG unilateral recognition does not precipitate AU or international action, recognition of Somaliland still serves US interests in the Horn of Africa. For example, bilateral relations with Somaliland could diversify USG naval access near the Bab el-Mandeb Strait and act as an alternative to the current Horn of Africa singular garrison of Camp Lemonnier in Djibouti. Indeed, a recent agreement for a United Arab Emirates' (UAE) military base in Somaliland's port of Berbera¹⁷ shows that Somaliland is willing to allow foreign military basing on its soil. Additionally, USG unilateral recognition could enable security cooperation and development assistance to Somaliland in order to deny opportunities to common adversaries.

¹⁴ Allison K. Eggers, "When is a State a State – The Case for Recognition of Somaliland", *Boston College International & Comparative Law Review* Vol 30 (2007): 211-222.

¹⁵ International Crisis Group, "Somaliland: Time for African Union Leadership", *Africa Report* No 110 (May 2006): 11.

¹⁶ International Crisis Group, "Somaliland: Time for African Union Leadership," *Africa Report* No 110 (May 2006): 3.

¹⁷ Tomi Oladipo, "Somaliland agrees to UAE military base in Berbera," *BBC*, February 13, 2017, <http://www.bbc.com/news/world-africa-38956093>.

Again the UAE security assistance package with Somaliland demonstrates this potential as the agreement will train Somaliland forces against threats such as Al-Shabab.¹⁸

From a macro perspective, USG recognition of Somaliland erodes a stale international norm towards Somaliland's sovereignty while placing American influence behind the only hope for future stability between Somaliland and Somalia: the voluntary renegotiation of a union.¹⁹ Three aspects of Somaliland's evolution since 1991 reveal why Somaliland's voice must be equally considered by the African Union Mission in Somalia (AMISOM), (UN), and AU agendas for a unified Somalia. First, "the majority of Somaliland's population was born after 1991 and Somaliland's declaration of independence...they do not have any memory or identity as citizens of a unified Somalia."²⁰ This point is paramount: it is important for the USG and international community to consider that at some point, history cannot be peacefully undone. Second, in a 2001 referendum on independence, two-thirds of Somaliland's voters participated and voted in favor of independence with a 97 percent supermajority.²¹ Third, Somaliland's indigenously grown, "'hybrid' governance system" which integrated traditional clan leadership into democratic institutions.²² enjoys wide legitimacy – a laudable position valued by many other African governments.²³

¹⁸ Tomi Oladipo, "Somaliland agrees to UAE military base in Berbera," *BBC*, February 13, 2017, <http://www.bbc.com/news/world-africa-38956093> .

¹⁹ International Crisis Group, "Somaliland: Time for African Union Leadership," *Africa Report* No 110 (May 2006): 18.

²⁰ Nikola Pijovic, "To Be or Not to Be: Rethinking the Possible Repercussions of Somaliland's International Statehood Recognition," *African Studies Quarterly* Vol. 14, Issue 4. (September 2014): 17-36.

²¹ Pijovic, "To Be or Not to Be," 25.

²² Cedric Barnes and Claire Edler, "Somaliland's Guurti Sparks a Crisis." International Crisis Group, May 21, 2015, <http://blog.crisisgroup.org/africa/somalia/2015/05/21/somalilands-guurti-sparks-a-crisis/> .

²³ Michael Walls, and Steve Kibble, "Somaliland: progress, state and outsiders," *Review of African Political Economy* Vol. 38, no 128 (June 2011): 335-343.

Once it has considered the above three points on Somaliland's development, the USG (and the International Community) cannot reasonably expect Somaliland's automatic return to a union with Somalia. Relevant to this point, the Crisis Group Africa Report points out, "Its [Somaliland's] constitution requires the government to safeguard independence, and elected officials are sworn to uphold the constitution."²⁴ In fact, the Somaliland government has vocally expressed its intention to resist a reunification as the AU Fact-finding Mission's report highlighted: "the leaders and people of Somaliland would 'opt to fight again to preserve their independence'."²⁵ Finally, as recently as May 2012, Somaliland's Foreign Minister Mohamed A. Omar asserted to an international audience that "we will never allow Somaliland to return to unity with Somalia."²⁶ By keeping the *status quo*, the USG undermines the reality of the AMISOM effort it officially supports.

Somaliland's bilateral effects dilemma

Over the last decade, Somaliland's success has won bilateral agreements that capitalize on Somaliland's progress in security, development, and even immigration.²⁷ However, these cooperation efforts have ironically boxed Somaliland into a non-state purgatory. For example, the United Kingdom, South Africa, Denmark, Ethiopia, Djibouti established political or trade agreements that explicitly declared non-recognition of Somaliland.²⁸ Incredibly, Ethiopia's 2006 establishment of an embassy in Somaliland was qualified as not constituting recognition of

²⁴ International Crisis Group, "Somaliland: Time for African Union Leadership," *Africa Report* No 110 (May 2006): 19.

²⁵ Mazimhaka, Kambudzi, Jean de Matha, Tigere, and Yaya. AU Fact-Finding Mission 2005, 4. http://www.somalilandlaw.com/AU_Fact-finding_Mission_to_Somaliland_2005_Resume.pdf

²⁶ Pijovic, "To Be or Not to Be," 29.

²⁷ Deria, "Somaliland – From Non-being to Special Arrangement," 45.

²⁸ Deria, "Somaliland – From Non-being to Special Arrangement," 45-46.

Somaliland.²⁹ These arrangements diminish pressure on nations to recognize Somaliland since they can achieve their goals without the political baggage of opposing the standing norm.

The most significant development in this trend is Section V of the 2013 “*The Somali Compact*” (also referred to as “the New Deal” or “A New Deal for Somalia”) which developed partnership parameters for Somaliland via the “Somaliland Special Arrangement” (SSA).³⁰ The SSA “lays out a way forward for institutionalizing on-going Somaliland processes and initiatives within an overarching and equal partnership between the Somaliland government, its people, and the international community.”³¹ But although motivated to protect and continue Somaliland’s development, the SSA provided an international legal codification for non-recognition that will ultimately frustrate Somaliland’s quest for formal recognition.

Risks to recognizing independence can be mitigated

Some detractors to the recognition of Somaliland might cite the concern of emboldening other secessionist movements – particularly within Somaliland’s contested regions.³² However, the AU has contained this issue politically by recognizing previous independence as the basis of Somaliland’s claim – an argument that respects the AU’s Constitutive rules for maintaining post-colonial boundaries.³³ Some would also caution that American unilateral recognition could upset members of AMISOM – an effort that the USG supports - and detract from peace efforts in the South. But many of the members in AMISOM such as Djibouti, Kenya, and Ethiopia have

²⁹ Deria, “Somaliland – From Non-being to Special Arrangement,” 46.

³⁰ The Federal Government of Somalia, *The Somali Compact* (2013): 20, <http://eeas.europa.eu/archives/new-deal-for-somalia-conference/about.html> . Section V on page 20 defines the Somaliland Special Arrangement.

³¹ The Federal Government of Somalia, *The Somali Compact* (2013): 20. <http://eeas.europa.eu/archives/new-deal-for-somalia-conference/about.html>

³² International Crisis Group, “Somaliland: Time for African Union Leadership,” *Africa Report* No 110 (May 2006): 9.

³³ International Crisis Group, “Time for African Union Leadership,” 16.

already established arrangements with Somaliland.³⁴ The United States itself has provided financial support to Somaliland since 2002.³⁵ None of these arrangements or assistance efforts to Somaliland endangered AMISOM relationships or levels of commitment to Somalia and further recognition would not negate the AMISOM objectives. In fact, over time Somaliland could even become an indigenous strategic partner to fighting radicalism in East Africa – an outcome that nests completely with USG, UN, and AU goals for the region.

Conclusion

Somaliland has strategic value for the USG. Despite its relative isolation from the international community as compared to Somalia in the south, it has made substantial gains toward statehood. Unilateral USG recognition could unlock American access through a mutually beneficial relationship based on shared values and security concerns. Because of the previous AU finding on the legality of Somaliland's claim, USG recognition could be framed sensitively to AU precepts. In this way, the unilateral action might trip wider recognition since the tools exist to overcome AU legal hurdles to recognition, and the international community is largely deferring recognition until the AU takes action. But waiting on the AU is not in USG's best interest. Currently, the USG policy toward Somaliland not only inhibits the USG goals in the Horn of Africa but fundamentally challenges the reality of the AMISOM goal for a successful re-unified Somalia. Instead, Somaliland's success and commitment to independence makes violence a very likely consequence of eventual AMISOM success. The USG, the AU, and the

³⁴ International Crisis Group, "Somaliland: Time for African Union Leadership," *Africa Report* No 110 (May 2006): 11.

³⁵ International Republican Institute (IRI), "Research Report/Case Studies: Strategy for International Democratization Support to Somaliland" Washington, DC: UK Department for International Development (DFID), (Feb 2014): 1-151, <http://www.iri.org/news-and-resource?type=809&country=655>. Relevant portion to citation is on page 16-20.

international community should take Somaliland’s warnings to resist coercive re-union with Somalia seriously. Because of the current climate within the AU, the timing of USG recognition is right. As the current situation rests, a resurgent Somalia would “have a legitimate say in the future of Somaliland.”³⁶ As Deon Geldenhuys argues, it is problematic that “Whether Mogadishu would agree to formal and final separation is questionable; it is more likely that Somalia will demand the reincorporation of Somaliland.”³⁷ The USG should end its complicity in this coercive policy as an independent Somaliland serves USG, AU and international interests. The USG should use its influence to advance this goal.

³⁶ Geldenhuys, “The African Union, Responsible Sovereignty,” 369.

³⁷ Geldenhuys, “The African Union, Responsible Sovereignty,” 364.