

Tracing the Lost Treasury: Understanding the Past, the Present and the Future

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ABSTRACT – *This study primarily attempts to shed light on the historical and legal backgrounds of Somaliland as a British Protectorate, the current Somaliland–Somalia negotiations, and what to be done to make the dialogue successful. And secondarily it emphasizes the responsibilities not only the negotiating parties, but also the regional and international actors who involved the Somalia’s agony over the past two decades who are after their own national interests. The study argues that Turkey which is the chief mediator of the current Somaliland–Somalia negotiations cannot serve as a neutral actor due to its foreign policy which has a pan-Muslim posture and critically against dismantling any Muslim state including Somalia. The study tries to understand why the world imagines that Somaliland does not exist and tells us much about the faults and hypocrisy of the international politics. The conclusion suggests a two state solution, not only as a way forward but also can set up friendly relations between the two countries and societies that could serve as a long-lasting peace and stability across the region.*

Keywords– negotiation, Somaliland, Somalia, two state solutions, failed union, actors, secession, foreign relations

1. INTRODUCTION

In the midst of the Africa’s scramble by the Europeans in the late of the nineteenth century, many entities emerged across the continent with different names either representing their indigenous lands or nominated differently (Vladimir, 1986; Thomas, 1991). Clearly, then Somaliland became a British protectorate in Africa founded in 1887. On 26 June, 1960, which is marked the year of Africa, Somaliland were granted its independence as the State of Somaliland, five days later it united with the Italian Somaliland to form the Somali Republic (Charles, 1972; Ahmed et al. 2003). Admittedly, though this unification was hasty and illusion by nature, one regards it as the midwife of the future troubled relations between the two regions. While on the other hand, the two decades of Somalia’s agony and tragedy in post-state collapse considered to be an outcome of that illusion union, autocratic rule and a bloody military interlude, which made Somalia enter in what is claimed to be an era of state collapse, civil war and internal strife, albeit several weak UN-backed governments standing on the feet of foreign troops, in particular the chaotic Italian regions.

Since the state collapse, Somaliland has established its own rules and institutions by distancing its stability from south Somalia’s conflagration and has adopted an orthodox version of foreign policy and repeatedly denounced to take part or attend any peace and reconciliation conference with Somalia’s warring factions including the successive transitional governments since its establishment as the Republic of Somaliland (Nasir, 2013). This renouncement one attribute to the horrible legacies and memories that it inherited from the failed union and its subsequent politics of fear that followed, for instance, the continuous harassment, indiscriminate atrocities committed by Somalia’s government in 1980s against the non-combatant civilians in the North. That is why it had, or is supposed to have had, a negative attitude toward negotiating Somalia.

In 2002, the British Government has persuaded Somaliland to attend the London Conference as an independent separate entity. At this stage, the London Conference was the first Somalia Conference officially attended by Somaliland which became the precursor of the future negotiations between Somaliland and the Federal Government of Somalia.

This paper pragmatically links the historical background of Somaliland before the merger of 1960 to the current negotiations with Somalia. The study attempts to suggest how Somaliland can substantiate its legal arguments in connection with its past history. The study not only encourages the current ongoing debates and dialogues but also suggests to the Somaliland to architect policies and strategies that could strengthen their

position including nomination of “Chief Negotiator¹” responsible for the talks. The Chief should have a defined role and responsibility to represent the nation rather sending new faces or in other words ‘*tabula rasa*’ figures for every round of talks.

2. METHODOLOGY

The findings of this study primarily originate an in-depth desk review of literatures from books, journals, published papers, briefing and policy documents, among others plus observation. The literature contains many examples carrying evidences on how Somaliland and Somalia were two separate entities under different colonial powers those have been written both pre- and post-state collapse periods.

While the term “*treasury*” literally described as a collection or supply of highly prized writings, in this monograph is meant “*sovereignty*” which has both internal and external dimensions.

3. DOES IS THE SOMALILAND ARGUMENT LEGALLY VIABLE?

Since its separation from the rest of Somalia in 1991, Somaliland has never succeeded to convince the outside world its right to enjoy recognition in connection with its historical and legal backgrounds. Somaliland certainly was a separate entity from the rest of Somalia. The first formal treaties between the sovereign leaders of the Somaliland people and the British were signed in the nineteenth century (Michael, 2004). Since its inception in 1887 as a British Somaliland Protectorate in the Horn of Africa till its independence on 26 June, 1960, the entity remained under the British rule.

In olden times, states were considered to be the only subjects of international law. Since the end of the First World War, this view has become increasingly indefensible, although independent states continue to remain the most important subjects (Tim, 1999). An important point to grasp is that international personality is a flexible concept and may exist in varying degrees. One of the most frequently quoted definition of a state is that found in the 1933 Montevideo Convention on Rights and Duties of states (Alina, 2002; Rein, 2004; Shaw, 2004; Vaughan, 2007). The legal criteria for statehood are generally accepted to be those set out in Article 1 of the Montevideo Convention, “*the state as a person of international law should possess the following qualifications: a) a permanent population, b) a defined territory, c) government, and, d) capacity to enter into relations with the other states*” (James, 2006; Johari, 2006).

Understanding the past is the precursor for analyzing the present, while it helps for predicting the future. In line with that, Somaliland has a permanent population, a defined territory, therefore, three colonial treaties signed between the British on the one hand, and the French (1888), Italians (1894) and Ethiopians (1897) on the other demarcates it. Pursuing this further, Professor Mesfin Wolde-Mariam (1977) argues that the boundary between Somaliland and Ethiopia remains one of the best demarcated boundaries in the world. The third criterion of statehood after population and territory which are the physical elements of the state is to have effective governance, yet Somaliland possesses a functioning central authority that is in effective control on its territory. While it has the symbolic trappings of statehood – a national flag, currency, and crest. In addition to the earlier mentioned characteristics of statehood, it has a Constitution approved by the public, democratically elected authorities at all levels and functioning state institutions including parliament, judiciary, permanent electoral commission, army, police and custodial forces (ICG, 2006a). Additionally, while the fourth criterion describes the state’s “*capacity to enter into relations with the other states*”, Somaliland from the very beginning to its recent history, had interactions with both regional governments and the countries beyond the boundaries of the region that were unbroken and intensive (Nasir, 2013). These interactions ranged from bilateral relations to multilateral cooperation and covered a range of issues include: economics, politics, culture, trade, among others.

However, state practice shows that over the years, the factual conditions many states require for recognition have changed. In the past, it was sufficient for the new state to have effective control over a human community and the territory where such community lived. In the 1930s some states began also to require that the new state must not infringe some fundamental standards of the international community (such as the ban on wars that were either in breach of international treaties or set off to aggress a foreign country). If these values had been disregarded, states withheld recognition, even if the new states were firmly in control of population and territory (Cassese, 2005). More recently some states, chiefly of Western Europe, have begun also to require respect for human rights and the rights of minorities as well as respect for existing international frontiers, as further conditions for granting recognition.

¹ The Chief should have both legal and political science background plus experience in the field of negotiations at international level, while the Chief should also establish his own Office responsible for the negotiations

For recognition, although the above number of criteria can be put forward for deciding whether or not an entity is a subject of international law. In practice, much depends upon the reaction of existing states. When a new state comes into existence, other states are confronted with a dilemma whether or not to recognize the new state (Tim, 1999; Michael, 2004). Recognition of a new state acknowledges that the entity fulfils the criteria of statehood. Recognition means a willingness to deal with the new state as a member of the international community. Thus, no state is obliged to recognize other states. However, for purposes of determining the complicated relationship between statehood and recognition, it is vital to distinguish recognition of states from recognition of governments (Cassese, 2005). While the former refers to the issue of an entity's legal personality (statehood), the latter concerns the international legal capacity of actors, who are assuming functions of governance to act on its behalf.

It seems obvious that the recognition is a matter of choice of the recognizing state or in other words is hostage to the interest of the recognizing state. Kosovo for instance, the United States of America and most of the European Union members opted to recognize Kosovo. While Russia, which is a member of the UN Security Council (UNSC), unilaterally recognized Abkhazia and South Ossetia by forcing Georgia to abandon these two territories in 2008. Against this background, despite cosmetic and cathartic appreciations, Somaliland which is a legally founded entity and comprises the territory, boundaries and people of the former British Somaliland Protectorate, defined by the treaties of the Anglo-French in 1888, the Anglo-Italian Protocol in 1894 and Anglo-Ethiopian in 1897 has never succeeded the consent of the international community. On the other hand, its borders are in fact better established in international law than those of Somalia, whose borders with some neighbors remain as a provisional boundary. This fact and many others show the faults and hypocrisy of the international system whose success or failure remains in the hands of those who regard themselves the guardians of the international law.

4. DOES IS THE SECESSION APPLICABLE TO SOMALILAND?

In a practical point of view, how the new states emerge is many and vary from one to another, for instance, new states may arise from the partition or unification of old states. Following this further, England and Scotland became the state of Great Britain while the United Kingdom was again partitioned when the Irish Free State was formed. Further, Norway and Sweden became separated, Belgium and Holland, while the states of Germany were united. In another form of state emergence, new states occasionally arise through secession, as distinct from nationalistic revolt, from older states. In this situation, secession within the body of the larger state has rarely succeeded (Rein, 2004; Maciver, 2006). Yet, the state is a structure which may collapse and disappear like any other organization, therefore, it may break in pieces, destroyed from within or from without. Such destruction quite obviously does not imply the destruction of society (Maciver, 2006). For example, nobody denies that the community of Poland has remained when the Polish states was crushed, in other words the communities of Rome survived when the vast shell of the empire was annihilated.

Unquestionably, as the history has proven, no state is ever born without a long preparation and states are not never-ending entities, but subject to constant changes in shape and character. At this level, states have come and gone throughout the last 366 years or so, since the 'birth' of statehood in Westphalia in 1648 (Michael, 2004). But, even a glance back into more recent history reveals substantive changes in the scenery of international relations because numerous states have emerged following the fall of the Berlin Wall and the collapse of the Soviet Union (Rein, 2004). Since 1945, the number of states has almost quadrupled leaving us with at least 193 members of the United Nations in 2011.

Assuredly, the factual situations out of which a separation or dismemberment takes place are many and varied. In the first place, it range from a break-up of a previously created entity into its previous constituent elements, as in the 1961 dissolution of the United Arab Republic into the pre-1958 states of Egypt and Syria or the dissolution of the Federation of Mali, to the complete fragmenting of a state into a variety of successors not being co-terminous with previous territorial units, such as the demise of Austria-Hungary in 1919. Where there is a separation or secession from an independent state which continues, in order to create a new state, the former continues as a state, albeit territorially reduced, with its international rights and obligations intact. With regarding to the seceding territory itself, the leading view appears to be that the newly created state will commence international life free from the treaty rights and obligations applicable to its former sovereign (Michael, 2004; Shaw, 2004; James, 2006). Reasons for this include the important point that it is difficult to maintain as a rule of general application that states that have not signed particular treaties are bound by them.

Given emphasis on the separation, Southern Sudan as an integral part of the mainland Sudan has asserted its separate existence as an independent state from the rest of the Sudan through the referendum conducted on 9 January, 2011. By doing so, it avoided the devastation of war that has afflicted the rest of the Sudan mainly the remote western region of Darfur through compromise politics between the North–South leaders. After some

hesitation, the international community took the matter up and called upon the parties concerned to negotiate with a view implementing the right to the Southern Sudanese people to self-determination through the referendum that led the South to renounce the unity and territorial integrity of the Sudan².

As a matter of fact, Senegal emerged from the dissolution of the Mali Federation – a federal arrangement formed between it and Soudan³ under the French Constitution of 1958. The former colonies of Senegal and Soudan became ‘*autonomous States*’ within the French Community (James, 2006). Subsequently, it was agreed that the Mali Federation would be established; Senegal and Soudan agreed to join it. Under the constitution of the Mali Federation of 17 January, 1959, its constituents units were regarded as ‘*sovereign*’, as was the Federation itself. Shortly after the Federation was inaugurated, serious difficulties arose between Senegal and Soudan and on 20 August, 1960; Senegal purported to withdraw. This was initially opposed by Soudan but was accepted on 22 September, 1960 when Soudan asserted its independence outside the French Community under the name of Mali. The situation was described in different terms by different members of the Security Council when it considered the applications for United Nations membership by Senegal and Mali on 28 September, 1960 (Charles, 1972). But it was common ground that the two entities had resolved their differences, that each had achieved separate independence, and that the Federation of Mali had thereby ceased to exist.

In addition to the above, a case a little bit far from the region (Africa) has happened which has a similar characteristics with those happened in Africa. Singapore, a Southeast Asian country was former colony that became independent after a short-lived attempt federation with Malaysia. This entity finally retained its international identity and United Nations membership. On the other hand, the Baltic States were separate states during the inter-war period and were members of the League of Nations. These countries were, however, occupied and annexed by the Soviet Union in 1940 in circumstances involving the use of force and duress. There was little express recognition on the part of third States of the extinction of the Baltic States, and this was a relevant factor when those states sought to regain their independence in the changed circumstances of the Soviet Union after 1990 (Rein, 2004). However, the twin emphasis on restoration of independence and on the ‘*consent of the parties concerned*’ was already significant. The Security Council did not consider the applications for recognition made by the Baltic States until 12 September, 1991; six days after the Soviet Union had agreed to recognize them. Thus the position of the Soviet authorities was treated as highly significant even in a case of suppressed independence. Individual Member States emphasized that, since the independence of the Baltic States has been unlawfully suppressed, they had the right of self-determination (James, 2006). But this was seen not as a right of unilateral secession, rather as a right ‘*to resolve their future statuses*’ through free negotiation with the Soviet authorities in a way which take proper account of the legitimate rights and interests of the parties concerned.

Given emphasis on the above argument, Somaliland is not different from the above mentioned cases. Article 1 of the Somaliland Constitution which came into effect after public referendum on 31st May, 2001 (Ibid: 415) indicates that:

The country which gained its independence from the United Kingdom of the Great Britain and Northern Ireland on 26th June, 1960 and was known as the Somaliland Protectorate and which joined Somalia on 1st July, 1960 so as to form the Somali Republic and then regained its independence by the declaration of the Conference of the Somaliland Communities held in Burao between 27th April, 1991 and 15th May, 1991 shall hereby and in accordance with this Constitution become a sovereign and independent country known as ‘The Republic of Somaliland’.

Against all these odds, the territory of the Republic is defined as ‘*the same area as that of the former Somaliland Protectorate*’. So, the case of Somaliland is far from secession rather it emerged from a failed union and the break-up of a previously created entity and retained its previous identity. According to the legal background of Somaliland, it was separate, recognized state before its unification with the Italian part of Somalia, aspiring towards a “*Greater Somalia*” which later embodied in the Somalia’s Constitution (Paolo, 1969; Charles, 1972; Nasir, 21013a). The main problem faced by Somalia from the declaration of independence to its total collapse has been the question of Somali territorial claims on Djibouti and parts of Kenya and Ethiopia by characterizing it as “*Lost Territories*”. In this regard, one may regard this claim as one of the major if not the sole factor which caused the total collapse of the Somalia’s state created in the second half of the twentieth century from the British Protectorate in the north and the Italian colony in the south.

² The agreement which was finally signed in Nairobi on 9 January, 2005, was giving the right of self-determination to the people of Southern Sudan. This agreement was an outcome of coordinated efforts by the regional governments and other international actors in particular the European Union and the Americans who are after their own national interests

³ It was the French Sudan in West Africa, (the present Mali); it joined Senegal to form the Mali Federation

Therefore, the case of Somaliland is not different from the similar cases that happened in Africa, such as the rise and the fall down of the Mali and Senegal federation, Egypt and Syria, separation of Eritrea from the rest of Ethiopia, and finally, the split of the Sudan which resulted the emergence of the South Sudanese Republic in 2011. The latter is quite different and has never had colonial carved boundaries contrary to the others. But, though its borders with the North Sudan were not yet defined and remains one of the concerns that emerged from the Comprehensive Peace Agreement (CPA) of 2005, on the other hand, its fate of independence was decided by its people in a public referendum conducted on 9 January, 2011⁴.

5. ENDING THE IGNORANCE: NARRATING TWO COMPATIBLE CHALLENGES

Who should take the lead? In a paper published in 2013 “*Overcoming Diplomatic Isolation: Forging a New Somaliland Approach*”, I have discussed extensively the weaknesses and gaps that existed within the Somaliland’s foreign relations and how the role of diplomacy as a domestic factor in the formulation of foreign policy remained even less significance or missing. Though the paper responsibly and critically analyzed the weaknesses and gaps existed within the Ministry, on the other hand it proposed alternative strategies. Apart from that analysis, the intention of this study is not to backlash the newly appointed Minister, but on the other is to shed light on who should take the lead in managing the current ongoing negotiations with Somalia. Unquestionably, the study strongly considers that the Ministry of Foreign Affairs should take the lead in one way or another to manage the tracing struggle of the lost sovereignty and destiny of this nation.

In the first place, contemporary academics, political scholars and researchers those specialized in the field of international relations or any other related fields, particularly those from Africa should think critically with intellectual depth and develop the necessary tools to think independently, to question and criticize, engage in collaborative work and be open-minded about alternative points of view to influence both the policy- and the decision-makers as well as the practitioners. Admittedly, I have never fall under the influence or interest of others which may affect my way of thinking. My critics are always responsible and basically positive contribution to the point of discussion and have never been aimed to defame an official or anybody else.

Against the above background, though there are a number of problems in the Somaliland foreign relations policy, its prospects is quite bright. In most recent days, Mohamed Bihi Yonis was appointed to lead the Ministry, a Master’s Degree graduate in Public Administration from one of the leading and most reputable universities in the world, the America’s Harvard University. Mr. Bihi has an extensive experience on administration and management and worked for the African Development Bank and the United Nations in various capacities⁵. Many citizens in Somaliland and friends both in the region and beyond are enthusiastic about his nomination, including me. But, the euphoria and exhilaration could wane if he fails to purge the Ministry from the vicious circles that hijacked the objectives of the already undefined state’s foreign relations, and in return bring better foreign policy oriented figures those at least could understand the hypocrisy, risks and dynamics of a volatile international system⁶.

Some of the consequences of the above foreign policy inconsistency were that the foreign relations department were and still remains the center stage of incompetent diplomats both in and outside the Ministry, except few figures some of them are heads of consular outstations. In this regard, the Ministry of Foreign Affairs under the leadership of Bihi Yonis is expected to come up with concrete foreign policy goals with an effective diplomacy driven by professional, skilled and influential diplomats those could play an important role in architecting the nation’s strategy to overcome the isolation state of affairs since its establishment⁷. This policy engagement should be exposed to the public at large. To be honest to the point, the successive officials of this Ministry have never managed to expose the state’s external relations guiding principles and strategies. Indeed, the role of the Ministry in advocating state’s desire to join the outside world has remained missing despite foreign policy officials those have engaged tours which cost many and bleeds the nation’s scarce resources.

⁴ The peace agreement signed on 26 May 2004 consists six protocols covering: the Machakos general framework of guiding principles; security arrangements; power-sharing; wealth-sharing; resolution of conflict in the states of Southern Kordofan/Nuba Mountains and Blue Nile; and finally the resolution of conflict in the contested (between North and South) area of Abyie. This agreement, however, gave the right of self-determination to the people of Southern Sudan

⁵ Mr. Bihi has worked with the United Nations in various capacities include: Chief Administrative Officer with the United Nations Truce Supervision Organization (UNTSO), Chief Administrative Officer in the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO). Mr. Bihi also worked with the African Development Bank in Ivory Coast in various senior positions include: the Director and Management Advisor to the President of the Bank and the Deputy Director of Human Resources Management. In his most recent position, he was the Deputy Joint Special Representative for Operations and Management in the African Union–United Nations Hybrid Operation in Darfur (UNAMID)

⁶ In the Somaliland Ministry of Foreign Relations, there is an urgent need to restructure the Ministry’s organs plus to purge the most figures those stationed both at the Ministry and state liaison offices abroad and contribute nothing to the state

⁷ Mohamed Bihi Yonis is expected to invite Somaliland intellectuals and scholars across the globe to discuss and draft concrete foreign strategy which could serve as a guide for the state’s desire to join the outside world

Failure to establish clear foreign relations strategies that could forge deep friendship between Somaliland and other state and non-state actors across the world remained the common historical misfortunes of the former ministers⁸. Facing with those challenges inherited ahead, Mr. Bihi is expected to institutionalize the Ministry and intervene the situation and at least take the necessary actions for tackling two compatible key factors: a) Institutionalize the Ministry and laid down a lasting foundation for the state's foreign relations philosophy for future bilateral and multilateral relations is must, and, b) Exercise his constitutional power as a chief of the state's foreign relations, thus, disconnecting the vicious cable that extends from the Ministry to the Palace is also necessary to his leadership. This link mostly leakages and misguides the state's already fluctuating foreign strategy.

6. TRACING THE LOST TREASURY THROUGH DALOGUE: PUTTING PRIORITIES FIRST

6.1 The Responsibility of the Negotiating Parties

The root causes of the troubled relations between Somaliland–Somalia goes back to the creation of the Somali state in the second half of the twentieth century on unequal terms and its subsequent evolution, which deepened the asymmetrical relations between the two regions that forged suspicion, worries, incompatible and fragile relations for the decades to come and made the outcome uncertain (Hussein, 2002). It is not a surprise to say that the terrible roots and also the legacies of the illusion union of the 1960 served as the midwife of the Somalia's protracted civil war and its subsequent disintegration that not only created a vacuum in the south–central regions in terms of authority and effective central governance but also generated massive displaced persons within the Horn states and also countries far beyond its borders (ICG, 2008; Mary, 2012).

As a result of the Somalia Conference held in London on 23 February, 2012 which publicly urged the two parties, the Somaliland Government and the Somalia's Transitional Federal Government (TFG) start dialogue and negotiation over their future relations. The urge which carried a momentum of encouragement had led some countries who are also after their national interests extend official invitations to both parties to start a fresh dialogue and negotiation. The first country which managed to host the first face-to-face Somaliland and Somalia negotiations after the London Conference was the United Arab Emirates (UAE) who is after its national interest and also has a long history with Somalis. The communiqué signed and released by the two Governments' presidents was the hope and a precursor for future direct talks and debates that could happen between the two sides.

As a continuation of that meeting in Dubai, in 2013, the Turkish Government has extended official invitations to the negotiating parties to resume their talks. Following the end of the meetings, the two presidents had signed 7 points which were released as a communiqué; while the statement has mentioned the willingness of the two parties to resume the talks within 90 days. Since then, there were ministerial level meetings which happened both in London and Ankara in different times in 2013 and even in January, 2014.

At least for one reason, the negotiations can ease the decades-long standoff if the parties negotiating do accept a two state solution as a reflection of the 1960 status quo when the two regions merged together to form the Somali Republic. Against the Somalia's argument, except sharing language, culture, tradition and religion as Arabs, the two regions remained under two different imperial powers with different systems of governance over 76 years (Douglas, 1961; Anthony & B. Rajagopal, 1993; Adam, 1994). This difference still does exist and influences the ways of life and governance of the two regions.

Meanwhile, analyzing the past, the present as well as the future, the negotiations can be fruitful if the parties concerned negotiated wisely and face the reality. It seems obvious that Somalia's claims in regards to Somaliland would not put the negotiations on the right track rather it will demoralize the negotiators and momentums of the negotiations as well as those who interested to see peaceful and prosperous Horn African region including Somalia⁹. Therefore, the parties should demonstrate concrete arguments validating their point of view while the emotionally expressed words should no longer have substantial weight for the continuation of the talks for one hand, while at least on the other hand, the parties should clarify their agendas and put the essential points for discussion on the table rather drafting non-critical points to use it as an exit strategy aimed to distant the negotiations from a possible failure.

In general, international law does not interfere with the political processes of state emergence and extinction, but leaves these matters to the people and the facts on the ground and the consent of the parties concerned. The means by which a state emerges is accordingly not a matter of international law. It remains rather confined to the

⁸ The successive ministers for state's foreign relations have failed to establish diplomacy that could help Somaliland to reach both the foreign publics, governments, inter/non-governmental organizations, among others

⁹ Mostly officials from southern Somalia publicly claim that the spirit of the negotiation is to restore the unity between the north and the south, while Somaliland officials argue differently and emphasizes that it is negotiating only for separation

acknowledgement of the factual emergence of a new entity and to the evaluation of its legal status (Michael, 2004; Shaw, 2004). Though Somaliland has fulfilled the specific criteria necessary for statehood: population, territory, effective governance and the capacity to enter into relations with the other states and at the same time was an independent entity before the merger, there was little express recognition on the State of Somaliland, and this was a relevant factor when the Somaliland state sought to regain its independence in the changed circumstances of the Somali state after 1991. At this level consent of the parties concerned is necessary.

Hence, Somaliland and Somalia should avoid the devastation of war that is common in the Horn African region which made the region to be named the “*arc of the conflict*”. In this respect, compromise politics is necessary between the North–South negotiations, while the international community is expected to take the matter up and call both parties to respect the spirit of the negotiations at the same time implement the agreed and signed articles accordingly¹⁰.

In the final consideration, future negotiations will determine who will win at least for one reason: demonstrating concrete legal arguments from one side of the negotiating parties to support its point of view will convince the international community and other stakeholders who engaged in Somalia’s sad state of affairs directly or indirectly over two decades-long. To make the negotiations successful in favor of Somaliland, Somaliland is expected to establish a national Chief Negotiator that has a defined role and responsibility. The nominated should emerge from the nation’s intellectuals’ camp not those have an interest to attend negotiations without prior experience such those meetings¹¹.

6.2 The Regional Actors

Over two decades of peace and stability with a democratically elected system of governance in Somaliland, the regional institutions had never recognized Somaliland’s validity to run for sovereign State, except few appreciates expressed by the African Union (HRW, 2009). It is obvious that the African Union as well as the IGAD had collectively failed at least to accept Somaliland’s success stories and its argument as a legitimate entity. While on the other the African Union and the IGAD had sponsored over dozens of peace conferences to the Somalia’s failed part, the Italian Somaliland (ICG, 2002; ICG, 2004; ICG, 2006; ICG, 2008; Ted, 2009). For instance, the IGAD and the AU are now engaging the Somalia’s fluctuating situation, while the AU and IGAD had never sponsored any single social project to improve the lives of the Somaliland citizens.

For a long time, the AU and the IGAD practices were not favorable to the Somaliland citizens. In this respect, one may argue that the AU and the IGAD had practiced political, social, and economic segregations against Somaliland citizens which are contrary to the international law. For this reason and for many others, the AU can never be a neutral actor to Somalia’s affairs in regards to Somaliland. One may say that the African Union has failed to act neutrally and hear Somaliland’s point of view¹². Nevertheless, it is a surprise to unveil that the AU which is the continent’s leading institution has failed even to comprehend the argument of its neighborhood, the Somaliland Republic¹³.

In Somaliland, where the peace, rule of law and stability are prevalent, the people massively approved to secede from the rest of Somalia in 1991 and confirmed this decision in the 2001 public referendum of the Constitution; such a move will not, however, violate neither the Charter of the parent OAU nor that of the present AU, which is, under any circumstances, strictly against any change of the African political borders inherited from the European powers and any international law concerned with the creation of new states (Nasir, 2013a)¹⁴. Somaliland has a defined territory, therefore, three colonial treaties signed between the British on the one hand, and the French (1888), Italians (1894) and Ethiopians (1897) defines its boundaries.

¹⁰ The two parties are expected to discuss wisely and face realities on the ground. Acknowledging each other’s existence and right to express his interest that could contribute positive input to the negotiations is necessary

¹¹ Nowadays, those engage the negotiations in particular from Somaliland neither have an academic, experience nor legal backgrounds which backlashes the Somaliland’s position

¹² The African Union has failed to serve as a kind of court and at least provide Somaliland with an opportunity for a fair hearing of its case, Professor Ali Mazrui (Dr) has argued

¹³ Somaliland is one of the neighbors of the African Union’s Headquarters in the Ethiopian capital, Addis Ababa

¹⁴ Articles which make intact and sacred the boundaries that the African countries have inherited from the colonial powers adopted by both the OAU and the AU are: a) Resolution AHG/Res.16 (I) on border disputes between African States, adopted by the 1st Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, Egypt, in July 1964, were mentioned as following: “Considering further that the borders of African States, on the day of their independence, constitute a tangible reality”, and, b) the second article to note is the article 4 (b) of the Constitutive Act of the African Union which upholds its predecessor’s position and puts it as following: “respect of borders existing on achievement of independence”

On the basis of the above, these practices from the regional institutions are against the above background that clearly defines that Somaliland was a separate independent entity before it shared its destiny with the south, and later experienced the historical misfortunes that derailed its struggle for creating the “*Greater Somalia*” ambition. Nevertheless, these practices have finally generated a deep suspicion and mistrust among the Somali citizens at large. In this situation, the regional institutions: the AU and the IGAD should take a leading role without prejudice and resolve Somaliland–Somalia’s decades-long standoff. Nevertheless, these engagements will end up the Somalia’s long-term state failure and will make the region more peaceful, prosperous and stable than a history of over six decades which made the region the hotbed of conflicts which had negative ramifications around the 200 hundred millions of the Horn citizens.

6.3 The International Actors

Since the Somalia’s state collapse in 1991 and the subsequent declaration of Somaliland from withdrawing the illegitimate union of the 1960, the outside world has failed to accept the reality and the legitimate argument of Somaliland. The international community without knowing the consequences of their policies had repeatedly intervened and injected billions of dollars to restore peace and order to the Somalia’s failed part, the Italian Somaliland. While on the other hand, the world has failed to allocate a single life-sustaining project in the form of development to the Somaliland people who managed to build not only sustainable peace, but also established resilient institutions with a flourishing economy without international support¹⁵.

Despite Somaliland citizens who have a catalogue of grievances against both the regional and the international community, still there is a chance which could serve as a milestone to dilute the long accumulated anger against the international community at least for one reason: the international community must abandon the long-practiced policies which is in one way or another looks as a political discrimination which is against the norms and rules of the civilized nations. In this situation, the international community should put a political pressure on those who lead the Somalia’s Federal Government at least to accept an equal footing and the status quo of the 1960. This kind of political pressure will make the negotiations successful and pushes it forward¹⁶.

The third point to note is that the international community should prepare a fertile ground to hold an international standard and accepted public referendum¹⁷ from the whole Somaliland territory, though 97% of the Somaliland citizens have voted in favor of their Constitution on 31 May, 2001. The publicly approved Constitution clearly describes the existence of Somaliland within the boundaries it inherited from their imperial master, the United Kingdom of the Great Britain and Northern Ireland on 26 June, 1960 (Ahmed et al. 2003; Mark, 2008). And fourthly, the international community should get involved the situation as it did in the Sudan (Idris, 2008). This intervention in the Sudan has finally created an atmosphere that led to put an end one of the longest running civil war in contemporary Africa.

Though the role and the interest of the international actors in the Somalia affairs varies from region to region and from country to country, Turkey’s current engagement in the Somalia affairs could be regarded as part of its contemporary foreign policy. The chief architect of the current foreign policy principles is Dr. Ahmet Davutoğlu, the foreign affairs Minister, who served as professor, ex-chief foreign policy advisor of Prime Minister Recep Tayyip Erdoğan and believed to be the ideologue and center stage of the AK Party’s foreign policy. This foreign policy engagement made Turkey to be an influential actor in the region by making changes in its recent diplomacy approach; therefore, Turkey’s foreign policy guiding principles has a pan-Muslim posture. At this level, Turkey’s axis shift strategy cannot serve the interest of the Somaliland state which has suffered prolonged isolation from the outside world including Turkey whose foreign policy guiding principles advocates the unity and territorial integrity of the Somali state¹⁸. Therefore, Turkey cannot be a neutral actor in the Somalia affairs especially those

¹⁵ Somaliland Ministry of Foreign Affairs is expected to come up with a strategy that countermoves the latrines building ideology of the United Nations and other non-governmental organizations those benefited the absence of clear and concrete foreign policy goals and objectives plus absence of development policies and weaknesses within decision-making circles, to name a few

¹⁶ Though the international actors are after their own national interests and varies from country to country, the international community should persuade both sides to face reality and put an end their long time discussions, while the outside world should also intervene the situation in particular the role of Turkey which is not in favor of Somaliland. Therefore, Norway and Switzerland to take the lead and host the coming rounds is necessary

¹⁷ Since charity begins at home. If the international community accepts to prepare a fertile ground for public referendum to the Somaliland people at large, there is a lot of work to do, including but not limited to preserving the internal cohesion and unity among the citizens through addressing their grievances wisely and narrowing the gap that may give access for penetration to foreign interests, including Somalia

¹⁸ It is a foreign policy strategy adopted by the ruling Justice and Development Party in Turkey since it came to power in 2002. Under the leadership of Prime Minister Recep Tayyip Erdoğan, Turkey has followed a “zero-problem” approach in regards to the neighbouring countries such as Iran, Iraq, and Syria before the civil war. These countries’ relations with Turkey were hectic and deteriorating before AK Party came to power. Many commentators argue that the current leading party of Turkey has pursued “neo-Ottoman” foreign policy which is the leading principle in its international relations. This policy is aimed to restore Turkey’s regional predominance both in the region and beyond such the former territories of the Ottoman Empire. At the same time, Turkey’s accession and its interest to the European Union membership is declining nowadays

regards to Somaliland¹⁹. In this case, urgent intervention from the outside world in regards to the role of Turkey which is not in favor of Somaliland is necessary. Therefore, either Norway or Switzerland should take the lead due to their neutral stance on the world affairs.

7. CONCLUSION AND RECOMMENDATIONS

To make both the tracing and the dialogue successful, the Somaliland Ministry of Foreign Affairs should frame clear and concrete foreign policy goals and recognize it as ways forward tools to tackle with the long-standing isolation of this tiny unrecognized nation in the Horn of Africa. Thus, this study proposes two compatible factors: a) recognizing the geostrategic considerations of Somaliland is important, and, b) political calculations which are one of the prime factors which determine foreign policy formulations are also crucial. While on the other hand, the study has never underestimated other alternatives that could help the state, include: a) searching alternatives, b) identifying alternatives, c) choosing alternatives, and, d) executing the alternative. This kind of mapping the state's foreign relations will make successful the objectives both in the short and the long term.

Even more interesting, but perhaps startling for some of the Somaliland's contending foreign affairs was that those were running the Ministry at various times were and still remains unprofessional and incompetent which is a remarkable setback to the already declining role of the Ministry. Despite that the Minister of Foreign Affairs is an experienced figure, to make the state's foreign objectives successful; the Minister should overcome the Ministry's institutional disorders and its officials as well. Therefore, screening and purging incompetent diplomats is necessary. These factors among many others will remain some of the most distressing and debilitating features of the Somaliland state, and one that could profoundly affect the policies and strategies of the state.

Contrary to the above, despite that the shield of the decades-long political standoff between Somaliland and Somalia has been broken by the Somalia London Conference on 23 February, 2012; a number of sacrifices are needed to be approached from the negotiating parties to the mediating actors. The negotiating parties should face with the realities and facts on the ground and must appreciate each other's achievements and their respective historical background without prejudice in particular the south Somalia leaders who failed to accept the facts and realities that existed in Somaliland over decades. While the Somalia leaders should also acknowledge the status quo of the 1960 and accept a two state solution as a way forward.

In addition to the above, the regional institutions, in particular the AU and the IGAD must serve as a neutral actor to maintain the balance between the two parties, while the two regional institutions, the AU and the IGAD have long-practiced segregation policies against the Somaliland citizens. Even though they marginalized Somaliland, their policies towards Somalia's state restoration will and has never been fruitful rather it quadrupled mistrust, suspicion and phobia among the Somali citizens in the south Somalia. And finally, the international community should take a leading role to make the negotiations successful while putting pressure on Somalia leaders to accept the status quo of the 1960 for one hand, and should prepare a fertile ground to conduct a public referendum in the future to give a chance to the Somaliland citizens to decide their fate for the other. Therefore, this and many others will make the Somalia peace sustainable and literally could have positive repercussions on the region's peace and stability in the long-term.

Nevertheless, Somaliland and Somalia negotiations will never end up with fruitful results unless and otherwise the two do accept the status quo of the 1960 and acknowledge each other's existence. Hence, Somalia's official acceptance to Somaliland as an independent sovereign state remains in limbo for one hand, while on the other hand the decisions adopted by the two parties collectively will determine and reshape the Somaliland and Somalia long-term future relations.

8. REFERENCES

- Ahmed Yusuf, Haroon. Bradbury, Mark and Yusuf Abokor, Adan, "Somaliland: Choosing Politics Over Violence", Review of African Political Economy, Vol 30, no. 97, pp. 455-478, 2003.
- Alexandrov, Vladimir, *A Contemporary World History 1917-1945*, Progress Publishers, Printed in the Union of Soviet Socialist Republics, 1986.
- Bradbury, Mark, *Becoming Somaliland*, James Curry Publishers, London, 2008.
- Carroll, Anthony & B. Rajagopal, "The Case for the Independent Statehood of Somaliland", American University Journal of International Law and Policy, pp. 653–683, 1993.

¹⁹ Turkey has problems at home including the separatists, the PKK, from the second largest ethnic group in Turkey after the Turks. Turkey has denied their cultural and linguistic rights of the Kurdish people and their struggle was to recognize Kurdish identity. Due to this evidence, how can Turkey recognize the rights of the Somaliland citizens while it subjugated and marginalized over 20 million people whose national identity is Turkish

- Cassese, Antonio, *International Law*, 2nd Edition, Ashford Colour Press, Great Britain, 2005.
- Contini, Paolo, *The Somali Republic: An Experiment in Legal Integration*, Frank Cass and Co, London, 1969.
- Crawford, James, *The Creation of States in International Law*, 2nd edition, Oxford University Press, New York, 2006.
- Dagne, Ted, “*Somalia: Current Conditions and Prospects for a Lasting Peace.*” Prepared for Members and Committees of Congress, Congressional Research Service, 2009.
- Dualeh, Hussein, *Searching for a New Somali Identity*, Printed in the Republic of Kenya, 2002.
- Hall, Douglas, “*Somaliland’s Last Year as a Protectorate*”, *African Affairs*, no. 238. pp. 26–37, 1961.
- Harper, Mary, *Getting Somalia Wrong?: Faith, War and Hope in a Shattered State*, Zed Books, London, 2012.
- Hillier, Tim, *Principles of Public International Law*, 2nd edition, Cavendish Publishing, Great Britain, 1999.
- Human Rights Watch, *Somaliland: ‘Hostage to Peace’- Threats to Human Rights and Democracy in Somaliland*, Human Rights Watch, New York, 2009.
- International Crisis Group, *Salvaging Somalia’s Chance for Peace*, Africa Briefing, International Crisis Group, Nairobi/Brussels, 2002.
- _____, *Biting the Somali Bullet*, Africa Report N° 79, International Crisis Group, Nairobi/Brussels, 2004.
- _____, *Can the Somali Crisis be Contained*, Africa Report N° 116, International Crisis Group, Nairobi/Brussels: International Crisis Group, 2006.
- _____, *Somaliland: Time for African Union Leadership*, Africa Report N° 110, International Crisis Group, Addis Ababa/Brussels/Hargeisa, 2006a.
- _____, *Somalia: To Move Beyond the Failed State*, Africa Report N°147, International Crisis Group, Nairobi/Brussels, 2008.
- Johari, J C, *Principles of Modern Political Science*, Sterling Publishers, New Delhi, 2006.
- Kaczorowska, Alina, *Public International Law*, Old Bailey Press, Great Britain, 2002.
- Lowe, Vaughan, *International Law*, Oxford University Press, New York, 2007.
- Mesfin Wolde-Mariam, *Somalia: The Problem Child of Africa*, Artistic Printing Press, Addis Ababa, 1977.
- Mullerson, Rein, *International Law, Rights and Politics: Developments in Eastern Europe and the CIS*, Lightning Source, United Kingdom, 2004.
- M. Adam, Hussein, “*Formation and Recognition of New States: Somaliland in Contrast to Eritrea*”, *Review of African Political Economy*, ISSN 0305-6244; RIX#5903, pp. 21-38, 1994.
- M. Ali, Nasir, “*Overcoming Diplomatic Isolation: Forging a New Somaliland Approach*”, the *Social Research and Development Institute*, 2013.
- M. Ali, Nasir, “*Searching for Identity: Examining the Somaliland Quest for Recognition*”, *Asian Journal of Humanities and Social Studies*, Volume 1, Issue 5. pp.337–344, 2013a.
- N.Shaw, Malcolm, *International Law*, Fifth edition, Brijbasi Art Press, New Delhi, 2004.
- Pakenham, Thomas, *The Scramble for Africa*, by Clays Ltd, St. Ives plc, London, 1991.
- R.M.Maciver, *The Modern State*, Oxford University Press, New Delhi, 2006.
- Salim El Hassan, Idris, “*Managing the Process of Conflict Resolution in the Sudan*”, *The Resolution of African Conflicts: The Management of Conflict Resolution and Post-Conflict Reconstruction* (eds), Published in association with OSSREA, Addis Ababa, 2008.
- Schoiswohl, Michael, *Status and (Human Rights) Obligations of Non-Recognized De Facto Regimes in International Law: The Case of ‘Somaliland’*, Martinus Nijhoff Publishers, Leiden, 2004.
- Scribner, Charles, *Africa Independent: A Study of Political Developments*, Keesing’s Publications, New York, 1972.