ahir Rayale Kahin is the president of Somaliland, a de facto independent state in northwest Somalia (see map, p. 32). Though not internationally recognized, it has, with minimum help from the outside world, established itself as a solid democracy in a very bad neighborhood. Somaliland formally presented its request for recognition to the African Union in 2004, but came away empty-handed.

Stepping up its diplomatic offensive, this past August President Kahin made a pilgrimage to the British and
German foreign ministries, but had no success. As Somaliland’s foreign minister, Edna Adan Ismail, said in June, “Instead of encouraging us, we are being pushed towards Somalia, which continues to fall apart.”

While Somaliland seeks recognition, the situation in Somalia has radically changed. A chaotic and violent “state” with no functioning central government at all now has a radical Islamic regime consolidating its hold on ever-wider areas of the south, following its takeover of the capital, Mogadishu, in June. The Islamic Courts Union — the armed wing of the Council of Islamic Somali Courts — defeated a coalition of warlords (the Alliance for the Restoration of Peace and Counterterrorism), then gained popular legitimacy when credible reports circulated that the warlords were clandestinely supported by Washington.

The U.S. and the international community continue to recognize the impotent and corrupt Transitional Federal Government, set up in 2004 via a Kenya-based process known as the Intergovernmental Authority on Development. They reiterated their support when the ICU seemed poised to defeat the TFG, holed up in its inland headquarters in the town of Baidoa. At present there is a cease-fire between the two factions, but as an indication of the latter’s fragility, on Sept. 18 a car bomb aimed at TFG President Abdullahi Yusuf Ahmed went off outside of Parliament, killing 18 people. The U.S. is now part of a large contact group whose aim is to get the ICU and the TFG to negotiate a power-sharing arrangement.

This will be a Herculean task. TFG head Abdullahi Yusuf Ahmed is an elderly leader; his regional power base, Puntland, is in northeast Somalia. Puntland claims an autonomous status but, unlike Somaliland, within a sovereign Somalia. His clan group, the Darod, have traditionally fought the Hawiye clan from which the ICU draws its main support. Although there are moderates among its leadership, the head of the ICU, Hassan Dakir Aweys, is not just accused of harboring terrorists but is himself on the U.S. terrorist list as former vice chairman of an organization allegedly linked to Osama bin Laden, Al-Itihaad al-Islamiya.

After Aweys took power in June, he immediately proclaimed that five rapists would be stoned to death, imposed rigid Shariah rules on women, shut down local broadcasts of world soccer matches, denounced Western-style democracy and refused contact with U.S. officials. Yusuf has ties to Ethiopia. Aweys, on the other hand, is a decorated hero from the war with Ethiopia over the Ogaden region back in the 1980s.

Somaliland’s legal claim to recognition rests on persuasive grounds, backed by exceptional circumstances.

A Quick Course in Somalian History
Both the ICU and TFG concur in one thing: their determination to reincorporate Somaliland into Somalia. Though this was always their intent, the TFG was never in a position to do anything about it. Now, with the ICU’s ascendancy, the prospect of forcible reintegration has new momentum, especially now that leaders of the Inter-Governmental Authority on Development, an organization of six African countries focused on drought control and development initiatives, has called for sending a peacekeeping mission to Somalia. IGAD is also requesting that the U.N. lift its arms embargo on Somalia.

In response, Somaliland has vowed to fight reunification and the lifting of the U.N. ban. That reaction is not surprising given the history of Somalia. On June 26, 1960, the “state of Somaliland” was given its independence from Great Britain, and immediately recognized by 35 nations, including the United States. Five days later the area of Italian Somalia was given its independence. The two legislatures met and decided to unify with the capital to be set in the south in Mogadishu.

Following a year of missteps by the new government, dissident northerners boycotted a referendum on unification. The subsequent period of corruption and clanism in Somalia was halted by a 1969 military coup that brought General Mohamed Siad Barre to power in Mogadishu. Barre proclaimed a socialist Somalia as the “Somali Democratic Republic,” and launched a period of increasingly autocratic rule.

After Somalia’s defeat in the Ogaden War with Ethiopia, Abdullahi Yusuf, among other leaders, led a failed coup against Barre. Isaaq clan leaders in what is now Somaliland formed a guerrilla movement to con-
continue the fight against Barre and suffered heavy reprisals during the 1980s. With their help, southern opposition movements forced Barre out in January 1991. Five months later the “Republic of Somaliland” declared its independence and proclaimed Mohamed Ibrahim Egal president. Somaliland has maintained its independence ever since, while Somalia entered a 15-year period of collapse and violence.

The history of independent Somaliland since 1991 has been one of steady democratization. A process laid out in a national charter agreed to at a 1993 “Grand National Reconciliation Conference” survived a period of clan fighting to produce a national constitution, which was ratified in a 2001 referendum that was also a plebiscite on independence. The district elections that followed were judged free and fair by international observers. After Egal’s death, Dahir Rayale Kahin, the appointed interim president, won the 2003 presidential elections — whose results were so close they went to the Supreme Court for adjudication. The decision in Rayale’s favor was fully accepted by the electorate.

The September 2005 legislative elections completed Somaliland’s full transition to democracy. “In 14 years, we have created a free and stable country and held multiparty elections at the local and presidential levels, plus a referendum on our constitution,” Pres. Kahin declared. “This parliamentary poll is the final step in the process, and we have earned the right to recognition.”

However, in a foretaste of what Somaliland might expect from an ascendant ICU, terrorists — allegedly dispatched from Mogadishu to disrupt the elections — crossed into Somaliland just days before the election, though they were arrested.

Neighboring states are a confusing jigsaw of pluses and minuses for the Somaliland government. Ethiopia has opened a consulate in the capital of Hargeisa and accepts Somaliland passports, but has not formally recognized Somaliland’s independence. (According to VOA reports, it is also providing military support to the TFG.) Addis Ababa is implacably opposed to the ICU, whose leaders not only fought Ethiopia in the Ogaden War but are rumored to support dissident and rebel groups there.

Similarly, Eritrea’s regional policy is dictated by its opposition to Ethiopia, from which it won its independence and with whom it fought a war over a border dispute in the late 1990s. Asmara does not favor a breakup of Somalia and is reportedly supplying the TFG with military equipment.

For its part, Djibouti has narrow concerns that an independent Somaliland would move to dominate commercial activity in the region through its port at Berbera, and so opposes its recognition.

Wait and See?

Washington and the rest of the international community agree with Pres. Kahin’s declaration that Somaliland’s democratic development has been exemplary, but they have stopped well short of recognition. Their attention

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is focused not on the pros and cons of recognizing Somaliland’s independence, but on the terrible situation in the south of the country.

In addition to offering a safe haven for terrorists, Somalia’s extreme lawlessness has spawned an epidemic of piracy off its coastline; all 47 incidents of piracy reported for East Africa to the International Maritime Organization in its last five-year report in 2005 have occurred off the Somali coast. Pirates captured front-page headlines with their November 2005 attack on the luxury cruiseliner Seabourn Spirit and, earlier, on a World Food Program charter bound for Asian tsunami victims. Following the attempted assassination of TFG Prime Minister Gedi that same month, E.U. Commissioner for Humanitarian Affairs Louis Michel said of Somalia that it was “not a situation for wait and see.”

Presidential statements out of the U.N. Security Council in July and November 2005 focused exclusively on initiatives to build bridges and plug holes in what seems an endless flood of bad news out of the south. A year later, following the ICU victory over the warlords, the international community is still focused on a changed but alarming situation in the south. One bad situation is being traded for another, with the consolidation of an Islamic regime that will harbor and support al-Qaida and other terrorist organizations, is anti-Western and seeks to create an Islamic state that includes Somaliland. An August 2006 International Crisis Group report warned that without “urgently needed international mediation efforts,” the war in Somalia would spread across borders.

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*Focus NOVEMBER 2006/FOREIGN SERVICE JOURNAL*
It is unclear that the urgent action called for will be any more forthcoming in the future than it has been in the past. True, the U.S. supports regional efforts to bring stability to the south. However the September decision of the African Union to support the Inter-Governmental Authority on Development’s request for 8,000 peacekeepers to be deployed to Somalia and a lifting of the U.N. arms embargo on Somalia is an unlikely path to peace and stability, given that the ICU has vowed implacable resistance to the presence of foreign peacekeepers.

The real reasons for the lack of muscle behind efforts on Somalia may have been best described by Center for Strategic and International Studies expert Stephen Morrison, who told the International Relations and Security Network’s Security Watch that “by contrast with Sudan, there is no strong domestic U.S. constituency for serious engagement on Somalia ... I do not expect the U.S. will realistically get very serious about a policy of engagement in reconstructing Somalia versus the current strategy of containment.”

Whether doomed to failure or not — and even a strategy of containment may take more diplomatic energy than is available — the focus on the disastrous situation in the south has been an argument to put the situation in Somaliland on the back burner. In August, when Pres. Kahin was in London and scheduled to visit the U.S. in a subsequently-canceled trip, a U.S. official was quoted in the Aug. 24 Financial Times as saying that the U.S. views Somaliland as a “regional authority.” This sounds much like the longstanding U.S. position that the Somalis themselves should resolve the status question, whether through negotiations among the parties, a referendum, or a constitutional commission like the one called for in the TFG’s Transitional Charter.

**The Peace and Democracy Advantage**

Even if the stars are not aligned for full recognition of Somaliland in the short run, there is a strong case for effective international protection and tangible support. It occupies a strategic location, with its coastline on the trade routes of the Indian Ocean, the Gulf of Aden and the Red Sea. It is a Muslim democracy in an important region, with a pro-American, anti-terrorist government. In sharp contrast, any hope that the TFG and ICU can reach a power-sharing agreement, or that the A.U. can impose one — much less that any resulting Somalian government would work effectively with the U.S. and international community on anti-terrorism objectives — seems to be wishful thinking.

Meanwhile, Washington and its allies can take steps to protect Somaliland now. It should beef up the international presence there that has existed for years, despite the region’s isolation, and capitalize on the substantial investment in building up Somaliland’s political institutions. For instance, the U.S. Agency for International Development operates programs to help build stability in Somalia, generally focusing on civic education and teacher training. Two-thirds of British assistance to “Somalia” has actually been spent in Somaliland.

On the multilateral front, the United Nations Development Program and its Office of the Coordinator for Humanitarian Assistance are both active there as well, training residents to deal with their refugee situation and providing other assistance. (Somaliland representatives sit on bodies evaluating these programs.) One organization affiliated with the U.N., the International Peace-building Alliance, is running programs to facilitate peace-building, economic and social rehabilitation in Somalia, Puntland and Somaliland. In Somaliland, its local partners were invited by the official Electoral Commission to take the lead in organizing the September 2005 elections and to run civic education programs.

The congressionally-funded National Endowment for Democracy also operates in all three regions of Somalia, conducting 29 programs (15 in Somaliland) aimed at strengthening civil society. Although the Endowment does not take policy positions on recognition, NED President Carl Gershman has made statements making it clear that NED strongly supports Somaliland’s democracy. Significantly, NED’s internal procedures and documents treat Somaliland and Somalia on an equal basis as separate countries. And all the Endowment’s local partner organizations in Somaliland insist on its right to...
recognition as a sovereign country.

Formally, however, nongovernmental organizations including NED operate, as do their governmental colleagues, in a framework of “parallel” democratic and conflict resolution programs and initiatives, and do not take a position on final status for Somaliland. According to a 2003 UNDP document, “parallel developments could open the door to extended mediation [and] create enduring solutions to the future relations of Somalia and Somaliland.” In practice, however, all this international assistance, especially that supporting the 2005 elections, supports the Somalilanders’ desire to be a sovereign state.

It should also be recalled that the Bush administration has made the spread of democracy one of its highest foreign policy goals. It is one of two “pillars” of U.S. security policy in the March 2006 update of the National Security Strategy. And the current U.S. National Intelligence Strategy, issued in October 2005, lists the promotion of democracy as the number-three priority, behind only combating terrorism and the spread of the weapons of mass destruction. That document also states that “collectors, analysts and operators” within the 15 American intelligence agencies should seek to “forge relationships with new and incipient democracies” in order to help “strengthen the rule of law and ward off threats to representative government.”

If the case for effective international protection of Somaliland has strengthened, objections to recognition on the grounds of “principles” have weakened. The African Union, with the international community following, has understandably expressed concern that recognizing Somaliland will set a precedent, encouraging a raft of breakaway movements and claims for national self-determination throughout the continent and possibly elsewhere. Perhaps for that reason, the A.U. continues to reject Somaliland’s 2004 application for recognition.

Precedents and Analogies

However, Somaliland’s legal claim to recognition rests on persuasive grounds, thanks to exceptional circum-
stances. Not only did Somaliland have broad international recognition (if only for five days) when granted its independence from Great Britain in 1961, but its subsequent union with the former Italian Somaliland was never legitimated by a promised referendum. In addition, it is claiming sovereignty within its former colonial boundaries — the touchstone principle of A.U. policies regarding national boundaries throughout the continent. (Unlike Puntland, which claims to encompass areas settled by the Darod clan, the Somaliland “state” is not defined by its clan composition.) The A.U. took a step in the direction of recognizing these factors as relevant when a 2005 fact-finding mission stated that Somaliland had a “politically unique” claim to recognition, one that would not open the door to other secessionist claims.

The fact that Somaliland has politically unique characteristics does not mean there are no relevant lessons to be drawn from other cases of de facto, breakaway states, however. The main lesson to be drawn is that governments of sovereign states who reject secessionist demands can no longer take international support for granted. Kosovo is a case in point, having taken a giant step toward independence on Oct. 24, 2005, when the U.N. Security Council endorsed the start of talks on its “end status.”

As the province’s administrative authority, the U.N. has organized and run elections that clearly only deepened the commitment of the Albanian-majority population to becoming independent of Belgrade — as have, for all the differences of status, the internationally monitored and assisted elections in Somaliland. By 2006, Kosovo’s drive for independence had progressed to the point that a February report by the International Crisis Group assessed as very unlikely prospects that any Serbian government will “voluntarily acquiesce to the kind of independence ... necessary for a stable, long-term solution.” The ICG recommends that even without Serbian acquiescence, the U.N. impose a “conditional independence package” so long as Kosovo’s Albanians have made conscientious efforts to offer minorities a range of protections and guarantees.

Montenegrin independence is another example. Far from working to keep Serbia and Montenegro in a feder-
ment to achieving sovereignty.

One could argue that the best time to recognize Somaliland — when there was truly nothing but chaos in the south — has passed. Now the issue is how to protect Somaliland’s de facto independence. The elements for a road map to survival are in place, even without immediate recognition.

According to Somaliland expert Anthony Carroll, international efforts should ratchet up to tangible assistance, such as infrastructure projects. The E.U. has already led the way with construction of a road to the commercially important port of Berbera. A “parallel tracks” framework of assistance by the international community should continue, as well, treating Somaliland as a de facto separate country with no assumption of an eventual federation.

Writing in World Defense Review, James Madison University expert J. Peter Pham recommends that the U.S. establish at least a minimal consular presence in Hargeisa and pursue some security cooperation with Somaliland, through the Combined Joint Task Force-Horn of Africa, based in Djibouti. This, he notes, is in line with CJTF-HOA’s mandate of terrorism interdiction — an urgent mandate vis-à-vis Somaliland, with its 500-kilometer-long border with Somalia — and its mission to “win hearts and minds for America.” At present, however, U.S. policy forbids task force troops from even entering Somaliland.

Beyond Somaliland’s legal arguments for recognition, which make the case for its exceptional circumstances, its successful democratic development should carry independent weight on the scales of international legitimacy. There has been a buildup of precedent on

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the broad equation of democracy and international legitimacy. It is inconceivable that East Timor would have been admitted to the U.N. as a sovereign state without having cleared high democracy hurdles. The same will be the case for Kosovo’s coming independence.

In terms of who should lead the efforts to protect Somaliland, the Aug. 10 International Crisis Group report recommends that the U.N. is best situated to take the lead. The ICG noted that when the U.S. put together a contact group to work the issue, its initial meeting in New York in June drew representatives from 67 countries — but only one from Africa (Tanzania).

An August 2006 report warned the war in Somalia would spread across borders without “urgently needed international mediation efforts.”

With all parties motivated to head off a spread of violence beyond Somalia’s borders, there is an opportunity to make clear that a policy of containment must include the prevention of violent incursions into Somaliland or terrorist actions taken to subvert the Somaliland government.

Given the evolution of international norms and standards, there is an argument for democracy as a basis for according international legitimacy to Somaliland. There is no doubt that Somaliland has a claim on the international community’s attention — in the words of the U.S. National Intelligence Strategy — to “ward off threats to representative democracy.”