

Somaliland: a modern state minus international recognition?

Written by Bethany Brady

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BETHANY BRADY, SEP 15 2011

The Republic of Somaliland, a protectorate of Britain until 1960, is often cited as being one of the more successful (self-declared) states in the Horn of Africa; a functioning polity against all odds since it is still without international recognition. Some observers, such as Haggmann and Peclard, unequivocally comment that Somaliland is 'a political entity which has all the attributes of a modern state except for international recognition' (Haggmann, T and Peclard, D 2010: 159). I hope to examine this observation and establish whether Somaliland does indeed exhibit modern state qualities or rather we are witnessing the development of a beacon of light in an otherwise war-torn area of Africa. Is this beacon leading to exaggerated positive critiques of the developmental movements taking place; a somewhat idealistic, rather than realistic, approach to the problematic of statehood in the region?

However, it should be pointed out that Hill raises the notion that statehood (and the required attributes of a state) is dependent on cultural nuances; the idea of an evolved state can be somewhat different in Somaliland than it would be in say Switzerland. More precisely, the global understanding of what it means to be 'a state' is formulated by the West and as such all other states are aligned with this notion, whether or not it is relevant to the local culture. African states are 'often identified as failed not by what they are, but by what they are not, namely, successful in comparison to western states' (Hill, 2005:145 in Haggman et al, 2010:159). Thus, to assess the appropriateness of claiming that Somaliland has established peace but not a state, we first have to find some common meaning of statehood. Rather than a comparison of developed versus under-developed countries, let us look instead to an idea of development as constantly evolving – so that each sovereign state (de-facto or de-jure) is on a continuous scale – striving to fully realise its' capabilities. Capabilities will change and mould over time, dependent on a countries resources and organisation of these resources, but the ideal is to increase a states capabilities *and* its' ability to work towards realising them. The Peter Townsend Reader discusses this idea in terms of 'stages' of development and the ranking of countries and asks:

"At what point can a society be called 'developed'? Is there a logical continuum through all stages or are there discontinuities or thresholds which separate quite different kinds of economic and social activity?" (Yeates, N 2010:34)

One would hope there is a logical continuum, development would be a far more rapid and easily managed process than at present if this were true, but this will rarely be the case in Somaliland where there are so many economic, political and social pressures – both on a Somaliland government and on Somalilanders – feeding the ongoing battle to achieve social order and attempts to normalise life. Instead, local projects (developmental projects – whether these are related to health, education, political representation etc) will more likely gallop between the various development strata, improvements will be made but there will also be setbacks, and all that can be hoped is that the larger picture points towards development overall being achieved. What this means in reality is that while one community may be faring poorly in health care for children under five, it may simultaneously be achieving some success in holding democratic elections. Thus social development (in this specific measure) is unravelling, yet political development is heading in a positive direction. Ideally all measures – social, political, economic, cultural and legal – need to be developing for the benefit of all society, but to work towards this utopia, a tug-of-war will be occurring behind the bigger picture.

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Walker et al conclude that while making comparisons of countries developmental levels two standards are required 'national-relational and world-relational, which are both conceived in terms of systems of national and international stratification' (Ibid)[1]. While a study of national-relational systems in Somalia would be fascinating, and would provide leverage to those who claim Somaliland is an established state, lack of primary data about the regions of Somalia inhibits this. Instead, for the purposes of this piece, the focus will be toward assessing Somaliland in terms of global standards for sovereign states; the requirements and responsibilities deemed intrinsic for de-jure sovereign states. Some critics may argue that this is inappropriate for an East African nation but surely it is better to have the ideal objectives in sight rather than patronising an African nation by suggesting such lofty ideals will always be out of reach. Therefore, we look to the multi-lateral treaties adopted by the United Nations General Assembly: The International Covenant on Civil and Political Rights and The International Covenant on Economic, Social and Cultural Rights, and explore whether Somaliland should indeed register on the International community stage for sovereign states.

This international perspective when examining Somaliland is not as disconnected as some may think – considering Somaliland lacks international recognition – this is for two reasons: Firstly, Somaliland has written a commitment to these internationally agreed rights into their constitution. Article 10, number 2 states 'the Republic of Somaliland recognises and shall act in conformity with the United Nations Charter and with International Law, and shall respect the Universal Declaration of Human Rights' (Somaliland Constitution). The degree to which the constitution is adhered to is interesting in itself and something I will return to later.

Secondly, the adoption, by the United Nations, of two separate covenants 'rather than a single treaty guaranteeing *all* human rights epitomize[s] the depth of these differences' (Arbour, 2007:6) – the different weight given to various human rights (political, social, economic etc) – and is particularly relevant for Somaliland. Somaliland is often revered for its development in the political arena. A basic summary from Christopher Waters in *Law in places that don't exist*: 'Somaliland has a constitution, a bicameral Parliament, elections and courts that work' (Waters, 2006:403). Yet it is this separation of political rights from other human rights, a skewed focus on political rights above all others, that may in fact be the distraction preventing the realisation of other equally important rights and thus a barrier to achieving human development as a whole.

"Just as carefully targeted policies and unremitting vigilance are necessary to ensure that respect for civil and political rights will follow form, for example, the holding of free and fair elections or from the introduction or restoration of an essentially democratic system of government, so too is it essential that specific policies and programmes be devised and implemented by any government which aims to ensure respect of the economic, social and cultural rights of its citizens' (United Nations, 1993).

It is important to realise that human rights are not only intrinsic rights but also *instrumental* in achieving human development (Sen, 1999:37). The assumption that 'civil and political rights are freedoms in relation to which violations can be found, while economic, social and cultural rights are entitlements, which depend on available resources and are provided by states over time' (Arbour, 2007:6) tends to sideline these instrumentally important social and economic rights that are needed to work alongside political rights to build stability and aid development. Put simply, 'political peace does not usher in social peace' (Collier, 2007:34). Therefore, for Somaliland to development from its, thus far, peaceful footing, it requires dedication to the social, economic and cultural as well as the political. Only when the focus is on the whole, when there is a fundamental realisation of all human rights, can a state truly align itself on a global scale.

Cultural Persuasion

It is interesting that cultural rights, usually aligned with social and economic rights – and thus deemed secondary in terms of developmental focus – are actually at the heart of Somaliland's social structure, including the political structure which cannot be de-linked from the social in Somaliland society[2]. This unrelenting affiliation with the cultural norms of Somalilanders has been the force to achieve peace. The utilization of traditional institutions – clan meetings – rather than political institutions – such as governmental bodies – by clan members, (Renders, 2007) reflects Somali custom that 'little was decided by vote: the vast majority of decision-making was by consensus' (Wall,

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2009:14). If the aim was to achieve peace among Somalilanders, and nothing more, then this cultural system of governance would suffice, and in fact it is this system that is revered by many observers as to the success of Somaliland. Yet, there is still widespread disease, hunger and poverty throughout Somaliland and thus a commitment to more than simply peace is needed to prevent further atrocities. Dr Alex Boraine has discussed the idea that:

'Transitional justice must have the ambition to assist the transformation of oppressed societies into free ones by addressing the injustices of the past through measures that will procure an equitable future. It must reach to – but also beyond – the crimes and abuses during the conflict that led to the transition, and it must address the human rights violations that pre-dated the conflict and caused or contributed to it' (Arbour, 2007:3)

The relevance of this to Somaliland is perhaps rather obvious when considering the abuses made against Somalilanders during the civil war with the south. But the relevance is somewhat more subtle, though perhaps more relevant (in terms of Somaliland's development), when considering the peace and unification efforts within the territory of Somaliland itself. Boraine talks about the importance of addressing crimes and abuses, moreover confronting these issues, yet Somalilanders approach is one of 'forgetting grievances rather than calculating and enforcing compensation payments' (Walls, 2009:12). This 'turn a blind eye' approach has served them remarkably well during the transitional years[3] but it is moving beyond peace towards developing the state that exposes the weakness of a governance based on consensus and settling disputes.

'Persuading everyone to behave decently to each other because the society is so fragile is a worthy goal, but it may be more straightforward just to make societies less fragile, which means developing their economies' (Collier, 2007:33)

Establishing a collaborating society against the odds (Somaliland itself has numerous clans and sub-clans who have ongoing disputes let alone the larger fractions between north and south Somalia) is certainly note-worthy and has afforded Somaliland a noble reputation amongst international observers, but it is also increasingly counter-productive to developing the nation. 'An estimated 50 to 70 percent of the Somaliland budget goes to the military' (Shinn, 2002:5) and it is this diversion of crucial funds that reduces the capacity of the government to aid social and economic development. A society that was understandably thought of as transitional should now, nearly 20 years after self-declared independence, be moving beyond this state but is struggling to do so due to the vast resources required to keep peace at all costs. It is not simply a case of 'good-will' amongst Somalilanders to keep the peace but strategic and political systems that function to offer an alternative to full-blown conflict and unification with southern Somalia. [4]

Economic Efforts

The governments pre-occupation with keeping peace, endorsing political representation of the three largest clans, engineering and organising largely democratic elections (via the National Electoral Committee), paying the salaries of the army and delicately balancing the control of power with the sharing of responsibilities, means that many functions usually satisfied by state governments now falls to the responsibility of local governments. This results in a haphazard supply of services to the various communities and is increasingly resulting in a separation of those who have access to services and those who do not.

'According to the Minister of Finance, local government revenues exceed those of central government, but the municipalities are unwilling to share' (Bultan, 1999:42). The story across the various districts of Somaliland is not succinct; the mayor of Burco insists that '60 percent of the town's income is invested in rehabilitation and development schemes' (Ibid:41) suggesting a positive outlook for infrastructure in Somaliland but the mayor of Ceerigaabo tells a different story: 'If someone refuses to pay tax...we can't arrest him or her because that might divide the police along clan lines' (Ibid:43). It is this irregular supply of services which is preventing the realisation of human rights across Somaliland and providing a poor platform from which to raise standards of living for the whole of society.

Thus, informal institutions have played an instrumental role in facilitating the development of Somaliland via informal

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foreign investment, informal trade and even informal education establishments. Where the government has failed, or is unable to act, the private sector has provided its own solutions – with costs to society as well as benefits. An entrepreneurial spirit, any Western market-centred consumer society would be proud to replicate, is the driving force behind this business enterprise. For example, the educated Diaspora identified a requirement in the market and had the resources to exploit the opportunity; they established telecommunication companies to allow Somalilanders across the globe to stay in touch. In fact, initially the tele-communication systems were far more developed to allow international communication than they were for national communication (United Nations, 2009). This epitomises the value of the Diaspora; creating a successful, competitive (in terms of African tele-communication companies) business despite the unfavourable conditions. It seems communication and maintaining harmonious relationships goes beyond clan resolution and is, in fact, at the heart of the Somali family and something that has driven on business creation. This sought after need (the thread holding the international Somaliland community together) has resulted in the ‘expansion of this industry [and] has created a new labour market requiring skilled professionals – many of them returnees from the Diaspora – as well as semi-skilled and unskilled workers’ (Bultan, 1999:58).

But as with most development, and particularly with economic development, there are economic casualties. The Somaliland government simply does not have the capacity to provide the social safety net to bridge the gap between the move from traditional economies to modern economies, during the developmental process. ‘Farmers who still depend upon manual labour complain that they face a labour shortage, since local youth see no future in farming and graduate instead to the urban centres looking for employment’ (Ibid:51). The interest in modern technology, from returning Diaspora, rather than traditional agricultural business or animal husbandry, combined with a lack of real support from the government, leaves the rural communities with very few options of self-support. And the extent to which these traditional livelihoods are relied upon across the nation is astonishing. Agricultural practices and Animal Husbandry impact on the lives of far more than those who raise the animals; there is a whole chain of families involved in the business and without regulation the market is flying dangerously close to self-destruction. ‘Pastoralists have few places to turn for help. The government lacks the means to develop its own veterinary core programme, and has so far been unable to regulate the activities of the private sector’ (Ibid:46). Moreover, due to the ‘lack of capabilities and capacity combined with lack of legal framework to protect industries’ (Ibid:55) those that are easily accessible, and Somalilanders are skilled in, are ‘quick to [be] exploited – so quick, in fact, that they are often undermine their own interests by dumping on the market’ (Ibid:49).

Without either support for this core market or the capacity to explore other market options Somaliland will fail economically and will struggle to alleviate the poverty that is rife across communities, and will never realise its full potential. The singular focus on livestock, while being the ‘bulk of Somaliland’s export earnings and a significant percentage of government revenues’ means that its ‘reliance upon a single export market (Saudi Arabia) renders the Somaliland economy extremely vulnerable to external forces’ (Ibid:44). The 40 percent drop in Somaliland income during the 1998-1999 Saudi Arabia ban on Somaliland livestock should have provoked economic diversification from the government but ‘business people have found it difficult, and in many places impossible, to bring new ideas such as franchised businesses due to the absence of an adequate regulatory framework’ (United Nations, 2009).

While the livestock industry feels prosecuted from ‘the heavy taxation and multiple layers of duties and surcharges they encounter at all levels of government’ (Bulhan, 1999:49) there is little opportunity to diversify or change livelihoods completely as much of the countries ‘infrastructure is non-functioning or in a state of disrepair’ (Ibid:45). The country is in fact resource rich and strategically located to take advantaged of international trade into and out of East Africa but the lack of capacity is stifling the potential. ‘The growing air traffic between Somaliland and neighbouring countries has tested the limits of [Somaliland’s] few, rudimentary airports (Ibid:59). The same is true for the sea-ports of Somaliland’s rich northern coastline. The rehabilitation of the port of Berbera would encourage significant business from Djibouti’s congested facilities but ‘Berbera remains uncompetitive in comparison’ (Ibid:55).

Financial contributions from the Diaspora combined with the entrepreneurial spirit of local Somalis are coming together and show signs of rehabilitating the desperate economic situation. However, the severe lack of guidance and regulation from the government is a major hindrance of development within Somaliland.

Social suffering

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The lack of legislation and support provided by the government to communities who have the knowledge, willingness and finance to initiate community development projects stretches beyond the economic and into the social; affecting the very people who are most vulnerable in post-conflict societies. 'The absence of any real capacity in the government forces early important development through the private sector and community-initiated organisations' (Work together p4). Affiliations drafted between Diaspora, International NGOs and specialist institutions counter the government's inability to provide these desperately needed services. A collaboration between Kings College Hospital, UK and Borama University Hospital is providing medical training, hospital management and even start-up and research funds but:

'Incentives for all staff in Somaliland in the form of regular and realistic salaries are desperately needed. Programmes of training and support will ultimately fail unless these issues are addressed and staff will seek private incomes or introduce informal charges [in exchange for treatment], with the long-term effect of such practices marginalising the poor people' (Leather et al, 2006:4)

While some may argue that a movement from the locally supported, non-private health care system to private medical treatment is the only viable option for a society such as Somaliland, the 'inability of the government to set standards or verify qualifications, and the absence of a professional medical association' (Bulhan, 1999:71) makes the health arena unregulated and potentially dangerous. The system becomes inaccessible to a vast majority of Somalilanders who are unable to travel to the hospitals or do not have the required funds for treatment.

The situation is known to be dire but lack of statistical data means that the health of the population is poorly monitored. In fact Somalia, which includes Somaliland – due to the lack of recognition of the independent state by the international community – barely registers on the Human Development Report; too few indices are monitored in the country meaning that Somalia is not ranked on the report against other countries at all. Any data that has been collected by various organisations remains largely incomparable due to the shortage of data across multiple years.

What *is* known about Somaliland, is that the breakdown of the states ability to provide health care, results in a lack of support to communities suffering severe social health problems. 'A severe shortage of skilled health workers' (Shinn, 2002:5) means that diseases are going undiagnosed and this, combined with a lack of knowledge and education, provides an ideal environment for the spread of debilitating diseases and illnesses. 'Blood donors found to be HIV positive are not informed of their status because there is no counselling service' (Ibid:5). While statistics are not known, as tests are not completed and diagnosis not made, a UNICEF study in 1999 noted that 'young people are sexually very active, and condom use generally is very low. Knowledge about the way that HIV/AIDS is transmitted is also low' (Ibid:5).

The unregulated, haphazard field of healthcare is replicated in the education arena. In a country where literacy rates are desperately low, little focus is afforded to primary and secondary education. Those that do attend often fail to complete the academic year and those that do complete schooling may do so in unregulated environments where their qualifications may mean very little to the wider community.

'Although community initiatives in education are to be commended, not discouraged, there is clearly a need for a central guidance and common standards if their education is to have formal value' (Ibid:7).

Yet, in an 'education starved' environment, many will argue that a flexible approach to education increases accessibility and supports any formal education that can be secured. Informal education also allows access to basic skills through intensive regular structures (post-conflict educ). If this informal education system could include intensive sessions on promoting safe sex and increasing awareness of how disease spreads, then there is the opportunity to tackle a potential future epidemic of HIV/AIDS and hepatitis. Such early initiatives would ensure a bank of healthy and able labour in years to come.

The already endemic use of Khat, a drug imported from Afghanistan, is 'having a severely negative impact on family life as men ignore or even abuse their families' when regularly taking the drug.(Ibid:6). Any further wastage of available labour may well bring the country to its knees.

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Political isolation

Economic and social issues are tough to regulate and balance in the riches of countries and the most stable of states, so to accuse the government(s) of Somaliland of ineptitude or of being ineffective would be unfair and would fail to take into consideration the very challenging circumstances the state faces. The political arena in Somaliland seems disconnected to the society that it seeks to govern. Whether this is due to the fascination of power and ego, which so often infects political institutions, or whether (and something I am more inclined to believe) it is due to the unrelenting need to retain peace amongst the clans of Somaliland as 'armed conflict of any sort would immediately jeopardise their pastoral livelihoods' (Renders et al:741) is unclear. The politics of Somaliland are complex, yet still, throughout troublesome years, democracy is valued and remains a constant.

Even during the most recent presidential election the KULMIYE party campaigned for a change in the procedure for electing the president of Somaliland, to make it more free, fair and open to the wider community. Once elected President Ahmed M. Mahamoud Silanyo, interviewed by the Somaliland Times, committed his party to the pledge, by announcing a date for a referendum on the presidential election system. It seems rhetoric is being turned to action within the world of politics in Somaliland.

But while this disconnect of politics from the social and economics of Somaliland has served so well in establishing peace, 'the traditional system [is] not suited to deliver proper governance and development' (Ibid:734). Lambach and Kraushaar reflect on what I refer to as a disconnect of politics in a rather different way, suggesting a Hybrid Political Order, 'a new state model, beyond the western state, one where the so-called formal and informal spheres are not treated as distinct, but rather connected' (Ibid:726). However, while the informal spheres have achieved so many advancements in the economy and social structures of Somaliland, they have done so without the support of the formal. The governance is lacking and as such the connection is weak.

Rather than the Somaliland government being required to provide the finances and jobs to stimulate the economy and supply social services (something they are unable to do with a reduced budget and high expenditure on security), instead they should be providing appropriate administration for the country, to include; official standards of healthcare; minimum qualifications for professionals; curriculum guidance for school education; and legal structures – to include an independent well trained judiciary – that can be reinforced to reduce drug usage, land grabbing and unregulated practice in the medical and veterinary field. With such regulation and insurances, something that is of minimum cost to the state, new and existing businesses may be able to flourish.

But these steps alone will not allow Somaliland to meet the United Nations Covenants on Civil, Political, Economic, Social and Cultural Rights. For this to be a possibility the international community should take steps to aid its global citizens. Somaliland alone has clearly met the requirements of the Montevideo Convention of statehood with; clearly defined borders, a permanent population, a government and the capacity to negotiate with other states. Yet the failure of the international community to recognise the state of Somaliland is resulting in a life of poverty for millions of people.

'Somaliland's isolation hurts in a number of ways. Governing organs cannot receive bilateral technical assistance from other countries; the World Bank, the International Monetary Fund, the African Development Bank, and bilateral development agencies cannot offer it loans and financial aid; banks and insurance companies will not set up branches within the country; the cost of living is higher because local firms cannot directly import goods without local banks to issue letters of credit; international investors (and the jobs they would create) stay away because insurance and other investment protections are lacking' (Water, 2006:152).

Help with economic development would also directly secure the development of social standards within the country. 'Without recognition and support from the international community, a realistic health budget is only a dream because the Somaliland government will not be able to provide realistic salaries for health workers' (Leather et al, 2006:4).

Somaliland has established a democratic government, there are even signs of economic revival as the 'markets throughout Somaliland are filled with products from around the world; telephone charges are among the cheapest in

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Africa; and the private sector, not the government, provides electricity, water, education and health care' (Kaplan, 2008:149). Yet it is here that the development process begins to freeze, where the leap from peace and security to real human development is lacking. Somaliland has put in the hard work to achieve something remarkable in the Horn of Africa and international assistance really could turn it into a success story. The country has all the resources ripe for development and what a truly remarkable tale it could tell if this could be fully realised.

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Notes

[1] Walker et al specifically relate this to poverty rather than development but they are talking about the levels of

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poverty which can be directly linked to levels of development.

[2] The Clan Elders are an institution in the political process. The Clan Elders are respected members of the various Somaliland Clans and as such the social matrix of Somaliland is woven into the political framework of the state.

[3] This is perhaps due to the unification against South Somali – a grievance far larger than any internal disputes

[4] The peacekeeping methods I refer to here are the transformation of militiamen into a nationally army, the establishment of the Peace Committee and the utilization of Clan Elders to resolve local conflicts. These are indeed interesting methods but this essay is concerned with development of the state rather than the peacekeeping process itself.

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Written by: Bethany Brady
Written at: University of London, Birkbeck College
Written for: Professor Patrick McAuslan
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