

# LOCAL AND GLOBAL NORMS: CHALLENGES TO “SOMALILAND’S” UNILATERAL SECESSION<sup>1</sup>

FAISAL ROBLE

## Introduction

Beginning with the failed Somali republic<sup>2</sup>, coupled with the unilateral declaration of secession by the Somali National Movement (SNM) on May 18, 1991, separatism in the north has taken new heights. In the last two decades, the Hargaysa administration made a concerted effort to establish a new “reality on the ground” to effectuate a separate state in what was Northern Somalia.<sup>3</sup> After several inter-clan and intra-clan conflicts in the 1990s ended the second inter-Isaaq’s civil war “in part by awarding a greater share of parliamentary seats to members of “opposition” clans and in part through the development of an “interim constitution” which, after much negotiation and modification, served as the prototype for the current version,” “Somaliland” seems to have established a new “reality on the ground.”<sup>4</sup> The surprising fall of Las Anod into Hargaysa with ease on October 15, 2007, a town that rejected secession in favor of unity, could be viewed as an effort to complete the reconstruction of a new “reality on the ground” by those seeking secession.

Nevertheless, the region still remains part of Somalia, albeit with a relatively better administration than the rest of the country. As the West re-engages the ailing Transitional Federal Government of Somalia (TFG), headed by President Abdullahi Yusuf Ahmed, to secure the capital city, Mogadishu, the prospect for any forthcoming recognition for Somaliland becomes more challenging.<sup>5</sup> There is a general understanding by both

unionists and secessionists alike that stable Southern Somalia may greatly hinder, if not fatally kill, the hope for recognition. And this is a source for political frustration in "Somaliland," often leading it to mount intermittent cross-border raids against the neighboring autonomous region of Puntland. With the emerging new debate in the US Pentagon to recognize "Somaliland," the State Department standing in the way notwithstanding,<sup>6</sup> a complete change of "Somaliland's" status quo may lead to larger scale inter-clan conflict in the region.

#### **Themes on Secession Ideology**

In some quarters, secession is generally synonymous with the concept of self-determination. Self-determination is in turn a political program, led and organized by elites claiming to represent a group of people dissatisfied in a given political arrangement. There is no clear notion whether the group seeking secession is a minority group that is oppressed, or a majority group that does the oppressing. There are situations where a politically and economically powerful minority group oppresses a majority. Such are the historical cases of the Ethiopian Amhara, the Tutsi in Rwanda, and the Sunnis in Iraq. However, in most cases a powerful and entrenched majority ethnic group [mis]rules a minority group(s), and excludes or limits political participation of the latter. A case in point is Tsarist Russia where the powerful and numerous Russians colonized and ruled many nations and nationalities for many generations.

The debate about secession was well articulated by 20<sup>th</sup> Century leftist revolutionaries. In Lenin's "Critical Remarks on National Question,"<sup>7</sup> a highly influential book in the left circles until recently, one is struck by the intensity of the debate between Lenin and Rosa Luxemburg. The two communists, among others, passionately debated the issue of when a nationality is justified to secede from its host country. The most critical cases were those of Finland, Poland, and Armenia. After long

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spirited debates, both Lenin and Luxemburg, as well as their acolytes, came to one conclusion: that both Poland and Finland would be better off to leave the Russian Empire, while Armenia stays with the rest of the empire under a reorganized Soviet system. In addition to the geopolitics of the day, factors that helped justify, for example, the secession cases of Poland and Finland from the Russian Empire are cultural, linguistic and geographical dissimilarities with the administering power.

Then, there is the Wilsonian (Liberal) school of thought that, at the turn of the 20<sup>th</sup> Century, interjected more vigor and energy into the debate of secession and self-determination. American isolationist policy at the time notwithstanding, Woodrow Wilson<sup>8</sup> quickly seized the concept of self-determination to make American foreign policy more relevant to international politics. In doing so, he drafted his 14 points position paper on international politics and self-determination in which he attempted to provide a framework for freedom to indigenous groups from colonial and feudal rules, while arguing for protecting sovereignty.<sup>9</sup> In Article XIII of his 14 points, Wilson called for this: *"An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, and whose political and economic independence and territorial integrity should be guaranteed by international covenant."* Wilson's second concept of self-determination is one that sought the protection and safeguarding of the territorial integrity of nation states, thereby suggesting that all nations have the right to self-determination, hence equating *territorial integrity to the rights of nations* to exist in a secure and natural boundary respected by all. In Article XIV, Wilson put it this way: *"A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike."* This latter article of Wilson's concept of "self determination" is now

enshrined in the United Nation's Charter, and it protects the *territorial integrity* and nation states.

In short, the concept of secession as a tool to gain self-determination, both in the left as well as in the Wilsonian view, is rarely applied, for it sets higher threshold prior to implementation. Most insurgent movements or breakaway regions rarely succeed in satisfying all the intellectual, legal and international requirements that regulate this concept in its strict sense. The International community at large and the United Nations in particular would like to deal with conflicts, political as well as cultural between communities in a given country, through other means of conflict resolution short of sanctioning secession. However, the United Nation's concept of self-determination is often invoked to uphold the territorial integrity of member states which are protected by existing international instruments.

Despite the prolonged civil war (from 1991 to 2007) that has devastated the hitherto cohesive Somalia, the world community has so far upheld this concept as it applies to the statehood of Somalia. On the other hand, "Somaliland's" bid for a unilateral secession seems to have met its challenges in the prevailing interpretations of international instruments that apply to Somalia's territorial integrity.

Without exception, secession by no means is an African or a Third World political problem, but a worldwide modern political problem. Since 1955, for example, over 71 [separatist] conflicts have been recorded around the globe, 25 of which were engaged in violent conflicts as of 2004.<sup>10</sup> From the Irish issue, which has been a thorn in Britain's modern history, to the issue of the Basque region in Spain, and to the Chechnya ethnic conflict in the former Soviet Union, Europe had its own entanglements with secessionism in most of its recent past and current history as well. Hakan Wieber documents approximately over 100 secessionist political movements in modern history, most of which ended

up withering away or seeking other means of political conflict resolution to address their respective grievances.<sup>11</sup>

Employing extensive empirical data, Pierre Englerbert and Rebecca Hummel identify and discuss several major variables that produce political separatism including, but not limited to, ethnic or religious conflicts (like the case in Ethiopia), conflicts over resources (Biafra and Katanga) and cultural heterogeneity (Ethiopia) in a nation state.<sup>12</sup> But the most serious separatist-prone cases are found in those “countries that are constituted of two or more distinct land masses.”<sup>13</sup> The latter case was true for Bangladesh *vis-à-vis* Pakistan. Because of Bangladesh’s success of acquiring recognition, after a long protracted war, proponents of “Somaliland’s” secession often invoke it for inspiration and guidance.<sup>14</sup> However, the following two factors which have heavily weighed on the outcome of the Bangladesh war of secession are absent in the case of “Somaliland”: (1) the geographic separation of Bangladesh from the rest of mainland Pakistan made the war unsustainable for Pakistan. Due to this separation, proponents for secession in this case prevailed to place the Bangladesh case under the United Nations Resolution (1541) (XV) of the General Assembly, “which indicates that *prima facie* evidence of that status of a territory exists if it is geographically separate and is distinct ethnically and/or culturally from the country administering it;” and (2) the geopolitics of the era, where India, with the help of the then Soviet Union, successfully armed Bengalese to their teeth, ultimately made the war almost prohibitive for Pakistan to win any time soon.

Consequently, on January 12, 1972, after a protracted war that caused the death of many civilians on both sides, Bangladesh declared independence from Pakistan. Only two years after such a declaration, on February 2, 1974, Pakistan recognized Bangladesh as an independent country, soon (September 17, 1974) to be followed by a full status given to

Bangladesh at the UN, which predictably precipitated full international and bilateral recognition by many nations. However, “Somaliland” is neither geographically separate, nor culturally, ethnically, nor historically different from the rest of Somalia. As such, the two Resolutions (1541) (XV) and (2649) (XXV) of the General Assembly,<sup>15</sup> which govern and arbitrate issues of secession, hardly apply to the “impromptu” secession declared by “Somaliland.”

### **Secession Experience in the Horn of Africa<sup>16</sup>**

Ethiopia, an ancient empire in the horn of Africa region, with several major ethnic, religious and regional groupings, offers glaring and more valuable lessons in the history of secessionist movements. Secessionist movements in Ethiopia trace their origins back to the concept of lack of equality for ethnic groups, whose claim for self-determination, as a result, are measured in varied interpretations. As early as the 1970s, responding to growing secessionist sentiments, Ethiopia was gripped by debates on “the question of nations and nationalities.” Kifflue Taddese, in his [largely memoir] book, *The Generations*, traces back these debates to the radical students’ discourses at the then Haile Selassie University,<sup>17</sup> which housed the country’s elite children. The question of what done with nations and nationalities in the peripheral regions, such as Eritreans, Somalis, Oromos, Afars, to just name a few, that “were less integrated into the Ethiopian political life,” was at the center of the debates.<sup>18</sup> The undying Somali secessionist movements in the Somali region of eastern Ethiopia, with a life span of over a half century, is seemingly resilient and still grips western newspapers’ headlines to date.<sup>19</sup> Likewise, the Oromo question was raised in the 1970s.<sup>20</sup>

Most of all, though, the Eritrean question occupied the center of the debates, mainly for two reasons: One, the war for independence in the

Eritrean front, first started by Muslim Eritreans and the Awaita group, was having negative social and political impacts on Addis Ababa, due to the capital's proximity to the front line. Second, Eritreans inside Ethiopia, particularly those actively participating in the radical university students' debates, were playing a decisive role in shaping the debates, hence positioning the Eritrean question in the center.

The Eritrean war for secession against Ethiopia's imperial court, and later on against the autocratic rule of the Dergue, was one of the longest wars for secession in history.<sup>21</sup> Unlike other African secessionist movements, the Eritrean question was born out of Ethiopia's violent *nullification* (emphasis added) of the federation status that the former had, dismissing the free and independent national parliament of Eritrea. It was that nullification of the spirit of federalism, plus the banning of the Tigrinya language for popular use, a different language from Ethiopia's national Amharic, that triggered the Eritrean war of independence, which started in earnest in 1962.<sup>22</sup>

The existence of secession-inducing factors such as linguistic, cultural, and historical differences between Eritrea and Ethiopia have sustained and fed the vigor and determination of secessionist sentiments among Eritreans, irrespective of several administrative reforms introduced by subsequent Ethiopian governments all of which were intended to abate ethnic demands.<sup>23</sup> In 1991, a combined army of Tigrean Peoples Liberation Front (TPLF) and Eritrean Peoples Liberation Front (EPLF) successfully defeated the Dergue army and quickly put the whole country under their joint control. Even with over thirty years of war under their belt, and a *de facto* independence from Ethiopia due to a military victory over the powerful Dergue army, Eritrean leaders, unlike those of the SNM in "Somaliland," did not declare a unilateral secession. On the contrary, they waited for three long years and eventually accepted Ethiopia's

proposals for a settled solution - a referendum prior to official secession. On September 15, 1994, a jointly administered referendum was held to vote on whether to secede from the rest of Ethiopia, or stay in a federally reorganized Ethiopia.

The yes vote for independence of that plebiscite affirmed and legitimized the secession of Eritrea both in the eyes of the sitting Ethiopian government and in the rest of the world community. Without such a negotiated settlement, the case of the Eritrean secession could have stalled, and the hands of the AU and UN in particular to apply Resolutions (1541) (XV) and (2649) (XXV) of the General Assembly may have been tied up to do anything other than maintain the status quo. It is the agreed referendum at which the two sides arrived that made the Eritrean case an amicably settled divorce. Likewise, in the case of Somalia, international instruments would stipulate that "Somaliland" must first seek its objectives within the framework of the "parent" state.<sup>24</sup> Mogadishu's say so in this case is a key to any future "negotiated settlement."

Matt Bryden, one of the more vocal advocates for "Somaliland's" secession and a key figure until recently at the influential International Crisis Group (ICG), underscores the problematic issue of getting recognition for Somaliland's unilateral secession.<sup>25</sup> In a brief typology of "negotiated settlements" for conflicts in the Horn of Africa, Bryden concludes that both the Eritrean experience (a successfully negotiated secession) and the Southern Sudan peace model (a potentially autonomous region) would pose serious challenges for "Somaliland." In both cases, the aggrieved regions are obligated to negotiate with their respective national governments. The course that Eritrea traveled in its pursuit for secession is what Mat Bryden calls the "Eritrean model," a model not seemingly viable

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in “Somaliland” due to what he calls an ill-advised “**impromptu**” secessionist move by SNM.

Until the Buroa Convention of May 18, 1991, when the SNM declared a unilateral secession and in doing so unexpectedly undermining a “Draft Proposal for A Transitional Government”<sup>26</sup> proposed by Ahmed Silanyo, former chairman of the front, the SNM advocated federalism.<sup>27</sup> According to Bryden’s assessment, secession can only succeed if “Somaliland” first reverses its unilateral action and starts afresh negotiations with the South to either mutually nullify the “Act of Union” of 1961 between ex-British “Somaliland” Protectorate and ex-Italian Somali territory, or seek some other [federal] arrangement. This proposal is plausible and could be the only way to resolve the current stalemate characterizing the Northern question. The brief period M. Farah Aydiid ruled Mogadishu (1991-1994) represents a missed opportunity too for proponents of secession. Because Aid was so desperate to consolidate his rule that secessionists could possibly have reached a quid pro quo deal where Mogadishu could have let Hargaysa go. But a democratically negotiated settlement in the north, observed and preferably supervised by a third party, with a prominent role reserved for the Transitional Federal Government of Somalia, could have led to broaden both the ranks of participants and the scope of the negotiation; voices that were not adequately heard in the previous Buroa Convention (May 18, 1991) could under this scenario prominently play a unionist role, and that might not have augured well for full-blown secession.

#### **Separatism versus Unity in Somalia’s Clan-based Society**

Beginning with the 1930s, owing to the clan segmentary system, before there was a Somali republic, traces of separatism were feasible among Isaaq elites. But the surge of Somali nationalism in the 1940s, the

unification of the ex-British and ex-Italian Somaliland regions on July 1, 1960, and the unconditional adoption of the “Act of Union” on January 1961, by sanctioning the creation of the Somali Republic seem to have created insurmountable challenges to the current secessionist sentiment.

With Somali nationalism taking full shape by the end of World War II, there emerged dual, yet contradictory, political views among the elite in the North vis-à-vis Somali nationalism (one separatist and the other unionist). The genesis of these contending views is found in the political environment surrounding the anti-colonial struggle mounted by the Somali nationalist leader, Sayyid Mohamed Abdulla Hassan who challenged British rule at the turn of the last century. The arming of 3,000 “tribal levies” by the British colonial administration to fight and pursue Sayyid Mohamed Abdulla Hassan and his Derwish army defined the battles of the two sides to the Somali question.<sup>28</sup> Following suit and in the aftermath of the defeat of Sayyid Muhammad, the Isaaq Association in East Africa in the 1930s through the 1940s, most of whom were elements from the ranks of the so-called “tribal levies,” resisted any effort to forge an inclusive, all-Somali oriented movement to collectively pressure the British colonial government for a non-native status; the association rather emphasized the separateness and what a British colonial officer and an observer of the Somali question referred to as “chauvinistic”<sup>29</sup> values. Parallel to this was, however, another strand of elites that espoused Somali national unity beyond parochial sectarian goals. A case in point is Hajji Farah Omar. Educated in India and an admirer of Gandhi-style nationalism, Haji Farah, among other things, was a factor in the transformation of the nativist movement (first started in East Africa as a movement to demand identity certificate for its constituents, and later on, expanded to the territories) into a movement for national independence and Somali unity.<sup>30</sup>

As the following excerpts from a long report written by the Nairobi colonial office on June 21, 1941 explains, the sectarian Association's outlook both in East Africa and in the home front suddenly collapsed in 1941 in the face of a growing and expanding Somali nationalist movement:

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However, the development of mass Somali nationalism in the post-Second World War period challenged the traditional goals of the Isaq...: one group, initially consisting mostly of members of the younger generation, joined the nationalist movement; while a minority remained faithful to the Isaq Association, which continued to exist under a new name, and to its old ideals. Yet, Isaq clan superiority had..... proved to be a heavy liability in the 1950s greatly diminishing the appeal of the Association and providing an example of the tribal chauvinists. Its membership declined drastically and its political influence disappeared, the more energetic and popular nationalist movement which attracted the support of the great mass of the Isaq themselves precisely because it seemed to offer a real chance of improved status.

It is evident from this report that, with the exception of a small number of the elite, the masses of the Isaaq have been patriotic and they were then in sync with the same ideals the rest of the Somali community adhered to, i.e., in search of its independence and reunification goals. The report goes on to state that "there was a considerable difference between Isaq tribal chauvinism and post Second World War Somali nationalism."<sup>32</sup>

Separatists' bid for a unilateral secession since reunification has been an on-again-off-again phenomenon, albeit always less thought-out and clan-driven. Right after the establishment of the Somali Republic, in December, 1961 (only a year and six months after unification), separatist

sentiments within the ranks of the elites surfaced.<sup>33</sup> Generally called the Hassan Kayd mutiny, a number of young and inexperienced junior officers in the unified national army took up arms and attempted an aborted mutiny. There are conflicting views on what exactly caused the mutiny, some claiming it to be a secessionist attempt while others suggesting that it was trade-based grievances. Nonetheless, the mutiny, with narrow appeal, was quickly put down by the unified government, although it has since then become a cause célèbre for secessionists. However, between 1961 and 1977, separatism in the north, although close to the hearts of an insignificant small minority, has been waning and had “increasingly muted as northerners in general, and Isaaqs in particular, gained more and more economic and political power.”<sup>34</sup>

Owing to multiple external and internal factors (e.g., the war with Ethiopia in 1977/78, the 1974/75 drought that had inadvertent impacts on the North and the suffocating political climate under the autocratic regime of Said Bare), the “muted” separatism re-emerged once again, leading this time to the formation of an armed separatist group, most importantly the SNM. Unlike other movements in the Horn of Africa region, the SNM movement was *inclusive of all* Isaaq sub clans, but *exclusive* of other clans who shared the region as cohabitants with the Isaaq clan. Why the SNM opted for an exclusive clan-based resistance is a matter of significant debate among Somalis of all persuasions. Nonetheless, the clan factor in the struggle waged by the SNM arguably served as a two-edge-sword. First, the lineage-based segmentary clan system in the Somali society is so powerful that founders and leaders of the SNM quickly seized on it to mobilize their clan members [only] to fight against Siyad Barre and his clan members. But, equally important is the refusal of other clans in the region to cooperate with the Isaaq, thus reducing the entire SNM, rightly or wrongly, to a single clan fighting against the government of Siyad Barre.<sup>35</sup>

Daniel Compagnon, who traveled with the SNM soldiers as they freely moved in Isaaq dominated villages in the north, succinctly and more poignantly captures this single-clan image of the SNM, where, in turn, clan and semgmentary lineage system were deliberately utilized as a modern political resource:<sup>36</sup>

The SNM voluntarily confined war operations to the Isaaq territory and the surrounding areas, a deliberate strategy more than a result of limited military abilities. SNM officials usually justify it in saying that their guerrillas would not benefit from the same support from people of the other clans [17]. It is way to admit that the "national liberation struggle" is in fact superseded by an affiliation....that secession of the North is the 'hidden agenda' of this movement.

In 1989, with the hope to articulate a non-clan based national front, Ali Jima'ale of the Hawiya-based United Somali Congress (USC) proposed to form a united front between his USC and Somali National Movement (SNM) forces against the Barre regime. But the SNM leadership, which by this time found a level of strength within its Isaaq clan members, turned down the offer.<sup>37</sup> During the same period, writes Compagnon, the SNM was exhibiting a high level of animosity against non-Isaaqs, a position consciously promoted by the front's leaders. Clan is seemingly utilized as a political resource in the same way that Robert Jackson and Carl Rosenberg described it in their book, *Personal Rule in Black Africa*<sup>38</sup> when seeking political power. In other words, clan is a potent resource, just like Islamic fundamentalism, often used to achieve political objectives by a given interest group. Before we tackle the issue of whether secession is justified or not, a brief discussion on the time-line of the reunification of the two territories is due here.

*The Horn of Africa* <http://hornofafrica.newark.rutgers.edu>  
**Reunification of the Somali Territories: Myth vs. Reality**

Technically speaking, prior to the advent of European colonialism at the turn of the 19<sup>th</sup> century, the term “Somaliland” applied to all Somali speaking regions in the Horn of Africa. The British carved out British Somaliland Protectorate, and since its independence in 1960, was confined to the Northern region. The former British Somaliland Protectorate, with a total area of 137,600 sq. km. and a coastline of 850 km. is bordered by Djibouti (ex-French Somaliland) and the Gulf of Aden to the north, Ethiopian occupied territories to the west and ex-Italian Somaliland to the east and south.<sup>39</sup> The region is home to about 2.5<sup>40</sup> million inhabitants comprising several major clans, notably the Isaaq, Daarood (Dhulbahante and Walsangali), Gadabursi, Issa, Gaboye, and a host of smaller clans. In the later parts of the 19<sup>th</sup> century, Her Majesty Queen Victoria of Great Britain signed individual and separate treaties with major clans in the region, excepting the Dhulbahante.<sup>41</sup> Such treaties were signed in the latter half of the 19<sup>th</sup> century, and later on posed challenges to the nationalist sentiments of Sayyid Muhammad Abdullah Hasan and his Dervish movements. The British in turn used its treaties with separate clan leaders as the basis for their claim to provide protectorate status. Exception to this rule was, however, the Dhulbahante clan who never ratified an Anglo-Dhulbahante treaty. As such, territorial administrations were merely clan-based, and fiercely independent from each other, as if a prescriptive Lord Lugard’s “Indirect Rule” was implemented with precision.

By the 1940s, with the winds of change for independence sweeping the entire Somali-inhabited regions, clans established separate political parties along clan lines. The most globalist and inclusive party at the time was the pan-Somali Youth League (SYL); other smaller but equally nationalist yet clan-based parties included the Somali National League (SNL), National United Front (NUF)), and later on the United Somali

Party (USP). Although Political reintegration among clans was achieved only at or after the reunification of the two ex-colonies, the political objective for reunification of the two colonies originated in earnest with the rise of Somali nationalism at the end of WWII, during which time "the question of the ex-Italian Somaliland and its future was raised at the Paris Peace Conference in 1946, at which point the British Foreign Secretary put forward proposals for the creation of a "Greater Somaliland "by the fusion of British Somaliland, Italian Somaliland and the Ogaden into a single administration under British trusteeship. This scheme found a wide measure of support among enlightened Somalis, who felt that it faced up to the economic, ethnical and geographical realities of the situation."<sup>42</sup>

By 1956, Britain could no longer avoid, agreeing to a gradual introduction of a representative government and an eventual independence for its protectorate.<sup>43</sup> As the independence of the Italian Somaliland approached, the British authorities facilitated and proceeded with speed for its Protectorate's independence and reunification with the ex-Italian territory, thus prompting "The British government... in principle to end its rule in time for British Somaliland to reunite it with the Italian trust territory on the July independence date that had already been decided by the UN".<sup>44</sup> The reunification of ex-British and ex-Italian Somalilands, therefore, was not an overnight love affair, in which one side won at the expense of the other, but an evolving political consciousness of a people "in search of a nation," thus hitting a high note with the British colonial Secretary (Mr. Alan Lennox-Boyd) stating in February 1959 that his government would facilitate the voluntary and unstoppable reunion of the two territories. In February 1960, Mohamed H. Ibrahim Egal, was elected a Premier, for 4 days, <sup>45</sup> by a wide unionist vote in the constitutional election. With the sponsorship and facilitation by the United Nation, Egal led a delegation to Mogadishu and met Southern counterparts at the