

From Failed Union to Restored Sovereignty: The Legal Case for Somaliland Statehood

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Abstract

Since 1991, following Somaliland's withdrawal from the failed union with Somalia, no single country or international organization has granted it *de jure* recognition. This changed in December 2025, when Israel unilaterally recognized Somaliland as an independent and sovereign state. While international law does not impose a strict obligation on states to recognize new entities, it provides a framework for assessing statehood. This article critically examines the legal basis of Somaliland's claim to the restoration of statehood and its pursuit of international recognition within both classical and contemporary frameworks of international law. It analyses key instruments of hard law, including the Charter of the United Nations, the Montevideo Convention on the Rights and Duties of States, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Constitutive Act of the African Union, alongside relevant soft law instruments and customary international law, particularly state practice and *opinio juris* on recognition. It further assesses whether the legality of such a claim may be referred to the International Court of Justice (ICJ) through the advisory opinion procedure. The article concludes by identifying viable legal and institutional pathways through which Somaliland may advance its claim to international recognition.

Keywords: Somaliland, restoration of statehood, recognition, failed union, secession, dissolution, *de facto*, *de jure*

Introduction

In his book "The Creation of States in International Law," James Crawford (2006) states that at the beginning of the twentieth century there were about fifty acknowledged states worldwide. Immediately before World War II, there were about seventy-five. By 2005, there were 192 states. The emergence of so many new states represents one of the major political developments of the twentieth century. It has changed the character of international law and the practice of international organizations. It has been one of the major sources of international conflicts. Traditionally, the criteria for statehood have been regarded as resting solely on consideration of effectiveness. Entities with a reasonably defined territory, a permanent population, a more or less state government, and a substantial degree of independence from other states have been treated as states. Somaliland became an independent state in the Horn of Africa, which received its independence from Great Britain on 26 June 1960 as a British Somaliland Protectorate. The State of Somaliland immediately united with Italian Somalia to form the Somali Republic (Krennerich, 1999; Dualeh, 2002). The historical archives evidently highlight that over 34 countries recognized Somaliland after independence from Great Britain (Tannock, 2009). Following the collapse of the central government due to the civil war with the military regime, Somaliland reasserted its independence as the Republic of Somaliland (Schoiswohl, 2004). However, despite maintaining *de facto* relations with several states and international actors, Somaliland did not receive *de jure* recognition from any state or intergovernmental organization until December 2025, when Israel recognized Somaliland as an independent and sovereign state.

Recognition remains largely a sovereign and political decision exercised by individual states. Nevertheless, this discretion is not exercised in a legal vacuum. International law provides a structured framework of principles and criteria that guide the assessment of claims to statehood. Most notably the criteria for statehood and the right to self-determination are particularly significant. More importantly, there is no single comprehensive treaty governing the recognition of states. Instead, the legal framework is derived from a combination of customary international law, general principles, state practice and key legal instruments, particularly the Montevideo Convention on the Rights and Duties of States (Mullerson, 2004; Shaw, 2004). While these rules establish the minimum legal conditions for statehood, the ultimate decision to grant recognition is often influenced by political, strategic, and diplomatic considerations.

Against this background, Somaliland presents a unique and complex case in contemporary international law. Since declaring the restoration of its independence in 1991, it has maintained relative political stability, established functioning state institutions, vibrant democratic political culture and demonstrated many attributes commonly associated with sovereign statehood, yet it remains largely unrecognized by the international community (ICG, 2006). This article argues that Somaliland satisfies the legal criteria for statehood under international law and that its continued non-recognition status is not grounded in legal deficiency but in political considerations and diplomatic concerns. It further contends that Somaliland's strongest legal claim lies in the combined framework of decolonization and the dissolution of a failed union, rather than in unilateral secession.

The Legal Foundation of Statehood

The Montevideo Convention of 1933

The primary legal framework for determining statehood is the Montevideo Convention on the Rights and Duties of States (Kaczorowska, 2002; Crawford, 2006). Although the Convention was originally concluded by states of the Americas, its principles have gained broad acceptance in international legal practice and are widely regarded as reflecting customary international law. The Montevideo criteria are often applied in legal scholarship and diplomatic practice when assessing whether a political entity satisfies the minimum conditions required for statehood. Article 1 of the Convention provides that a state should possess four essential elements: permanent population, defined territory, an effective government, the capacity to enter into relations with other states (Hillier, 1999; Shaw, 2004). It is also important to note that Article 3 of the Convention affirms the declaratory theory of recognition, which provides that the existence of a state is independent of recognition by other states (Crawford, 2006). According to this view, recognition does not create statehood but merely acknowledges a legal reality that already exists. In contrast, the constitutive theory maintains that a state comes into existence only through recognition by other states.

Somaliland fulfils this first requirement of statehood, it has sovereignty over the territory of the former British Somaliland Protectorate, which existed as a distinct colonial entity prior to its independence in 1960. Article 2 of the Constitution of the Republic of Somaliland defines the territory of Somaliland as extending between latitude 8° and 11°30' north and longitude 42°45' and 49° east. The territory is bordered by the Gulf of Aden to the north, Ethiopia to the south

and west, Djibouti to the northwest, and Somalia to the east. Mesfin Wolde-Mariam (1977) argues that Somaliland has one of the best demarcated boundaries in the world.

Although territorial disputes exist in some borderland regions, international law does not require completely settled boundaries for statehood. Many recognized states have achieved statehood despite ongoing territorial disputes (Shaw, 2006). While many African states often control their territory indirectly, their ability to police such movements are limited. As such, most African countries had difficulties in controlling their own borders (Quinn, 2004). Accordingly, Somaliland's claim to a defined territorial base generally satisfies this criterion. Secondly, another requirement under the Montevideo Convention is the presence of a permanent population. Somaliland has an estimated population of approximately 6.2 million people, residing within its claimed territory and forming a stable and permanent community (ICG, 2006). International law does not prescribe a minimum population threshold for statehood. Rather, the requirement is satisfied where a stable population exists that is linked to a specific territorial entity (Crawford, 2006). Somaliland therefore appears to meet this criterion.

Third, Somaliland has an effective government capable of exercising authority over the territory and population. Since declaring independence in 1991, Somaliland has established functioning state institutions, including an executive branch, a bicameral legislature, an independent judiciary, and organized security forces (ICG, 2006). These institutions exercise effective administrative and political control over most of the territory claimed by Somaliland. Finally, Montevideo criterion requires the capacity to enter into relations with other states, reflecting a state's ability to conduct foreign affairs independently.

Although Somaliland is not formally recognized as a sovereign state by the international community, it has demonstrated practical capacity to engage in international relations. Somaliland maintains representative offices abroad and engages with various states, international organizations, and foreign investors, such as the Ethiopia, UK, USA, Djibouti, Kenya, Taiwan, the UN, and DP World, to name a few. A notable example is the concession agreement concluded between the Somaliland government and DP World for the development and management of the Port of Berbera (Ylönen & Ali, 2025). The agreement involved an investment commitment of approximately US\$442 million, illustrating Somaliland's ability to enter into complex international commercial arrangements independently (ICG, 2015). In addition, Somaliland maintains substantive diplomatic and cooperative relations with states such as Israel, Ethiopia, Taiwan, the United States, and the United Kingdom. Beyond economic and diplomatic engagement, Somaliland has cooperated with the United States, the European Union, and other international partners on maritime security, counter-piracy, and counter-terrorism initiatives in the Horn of Africa and the Gulf of Aden. Such cooperation has included information sharing, security coordination, and support for regional stability efforts. These engagements demonstrate that Somaliland possesses a functional capacity to interact with external actors and to undertake international commitments, a key element of international legal personality under the Montevideo Convention's criterion of the capacity to enter into relations with other states.

The Principle of Self-Determination

The Charter of the United Nations recognizes the right of peoples to self-determination as a fundamental principle of international law. This principle is explicitly articulated in Articles

1(2) and 55 of the Charter, which affirm the right of peoples to freely determine their political status and pursue their economic, social, and cultural development.¹ The principle of self-determination gained particular significance during the decolonization era following the adoption of United Nations General Assembly Resolution 1514 (XV) on 14 December 1960. This landmark declaration recognized the right of colonized peoples to independence and called for the rapid end of colonial rule.² As a consequence, numerous territories in Africa and Asia achieved independence and were subsequently admitted as member states of the United Nations, fundamentally reshaping the composition of the international community.

The right to self-determination has also been codified in major international human rights instruments. In particular, common Article 1 of both the International Covenant on Civil and Political Rights³ and the International Covenant on Economic, Social and Cultural Rights⁴ stipulates that all peoples have the right to self-determination and that, by virtue of that right, they freely determine their political status and pursue their economic, social, and cultural development. The inclusion of this principle in these legally binding treaties, together with its recognition in the UN Charter and General Assembly resolutions, underscores its central role in contemporary international law (Cassese, 2005). During the dissolution of Yugoslavia, the principle of self-determination was considered by the Badinter Arbitration Committee established by the European Community in 1991. In its opinions, the Committee indicated that the exercise of self-determination should respect democratic principles and the will of the people concerned. It suggested that where a people were united within a territorial unit, they could exercise self-determination leading to statehood, whereas in situations where populations were divided, the determination of their political future should be expressed through a referendum to ascertain the will of the people.⁵

A further important judicial authority on the principle of self-determination is the Western Sahara Advisory Opinion delivered by the ICJ in 1975. In this case, the Court considered whether Western Sahara was *terra nullius* prior to Spanish colonization and whether Morocco or Mauritania possessed sovereignty over the territory. The Court concluded that although certain historical legal ties existed between the territories and neighboring states, those ties did not amount to territorial sovereignty capable of negating the right of the people of Western Sahara to self-determination. The Court emphasized that the principle of self-determination required “the free and genuine expression of the will of the peoples of the Territory,” thereby affirming that the people of Western Sahara possessed the right freely to determine their political status in accordance with international law. This opinion became a significant judicial affirmation of self-determination within the decolonization context and reinforced the requirement that the wishes of the people concerned must remain central in determining sovereignty disputes.⁶

Against this framework, Somaliland presents a compelling case for the exercise of the right to self-determination. Like many African states that attained independence through the application of the principle of self-determination under the auspices of the United Nations, Somaliland qualified for and achieved independence on 26 June 1960. Upon independence, it emerged as a sovereign state and received recognition from more than thirty states.

Following the collapse of the Somali state in 1991, Somaliland's clans convened in the Burao Grand Conference and collectively decided to restore the sovereignty of the former

British Somaliland Protectorate. This decision was subsequently reaffirmed through a constitutional referendum in 2001, in which approximately 97% of voters supported independence, with over one million participants (Bradbury, 2008). These processes demonstrate a clear and sustained expression of popular will, consistent with the democratic standards emphasized in international law.

Furthermore, the principle of self-determination has been expressly incorporated into Somaliland's constitutional framework. Article 10 of the Somaliland Constitution affirms Somaliland's commitment to the principles of self-determination and sovereignty, reflecting the will of its people to determine their own political status. Accordingly, Somaliland's claim reflects both internal organization and external self-determination, satisfying the requirement that peoples freely determine their political status and pursue their economic, social, and cultural development under the UN Charter and related legal instruments.

The Badinter Commission Principles

In addition to the classical criteria of statehood reflected in the Montevideo Convention on the Rights and Duties of States, contemporary international practice increasingly considers normative factors such as democratic governance, the protection of human rights, and respect for minority groups when evaluating claims to statehood and recognition. These considerations were particularly emphasized by the Badinter Arbitration Commission during the Dissolution of Yugoslavia, and have since influenced modern recognition practices (Mullerson, 2004). The Commission was created in 1991 by the European Community to provide legal opinions entitled 'Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union' concerning issues arising from the disintegration of Yugoslavia and the recognition of newly emerging states (Pellet, 1992).

The Commission issued a series of influential legal opinions that articulated conditions relevant to the recognition of new states in the post-Yugoslav context. Among the key principles identified were: a) respect for the provisions of the Charter of the United Nations and commitments subscribed to in the final act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights; b) guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the Organization for Security and Co-operation in Europe (OSCE); and, c) respect for existing borders in accordance with the doctrine of *uti possidetis juris*, which can only be changed by peaceful means and by common agreement.⁷ These criteria played an important role in shaping the recognition process of states such as Slovenia and Croatia (Shaw, 2021).

By contrast, the Commission initially declined to recommend recognition of Bosnia and Herzegovina, noting that the clear will of the population regarding independence had not yet been sufficiently demonstrated. The Commission therefore recommended that a referendum be conducted and made accessible to all citizens of the territory. Following the referendum held in 1992, which expressed support for independence, Bosnia and Herzegovina subsequently received international recognition.⁸ Although the Badinter Commission was established specifically in the context of the Yugoslav dissolution, its legal opinions have exerted a lasting influence on contemporary international practice regarding the recognition of new states.⁹ The principles articulated by the Commission, particularly the requirements of democratic

governance, the rule of law, respect for human rights, and the protection of minority groups have increasingly been treated as important normative standards in international recognition processes. While these principles do not constitute formally binding rules of international law, they have been widely referenced and considered by states and international organizations when assessing the legitimacy and eligibility of emerging political entities seeking recognition (Crawford, 2006).

Democracy

Somaliland has established a multiparty democratic system since proclaiming independence in 1991. Following the adoption of the Constitution of the Republic of Somaliland through a popular referendum in 2001, the country has conducted a series of contested elections. To date, Somaliland has held nine consecutive elections including the 2001 popular referendum. These elections have resulted in peaceful transfers of political power, a feature that distinguishes Somaliland within the broader Horn of Africa region. International observers and scholars have frequently highlighted Somaliland's relatively stable democratic institutions and electoral processes (The Brenthurst Foundation, (2024) as an important component of its claim to international legitimacy (Bradbury, 2008).

Human Rights

The Somaliland Constitution also provides for the protection of fundamental rights and freedoms, including civil liberties, political participation, and judicial guarantees. Assessments by international monitoring organizations suggest that Somaliland demonstrates a moderate level of political and civil freedom. According to the 2025 Freedom in the World report published by Freedom House, Somaliland received a score of 47 out of 100, categorizing it as "Partly Free." Notably, this score is higher than several internationally recognized countries especially those in the East African region such as Uganda 34/100, Djibouti 24/100 and Ethiopia 18/100. While such rankings are not determinative under international law, they provide empirical indicators of governance standards that are increasingly considered in contemporary recognition debates.

African Union and Colonial Borders

At the regional level, the Constitutive Act of the African Union establishes key principles governing state sovereignty, territorial integrity, and interstate relations within Africa. Article 4(b) of the Act emphasizes the principle of respect for borders existing at the time of independence.¹⁰ And, the Cairo Resolution¹¹, which reaffirmed that all the states undertake to respect the boundaries existing at independence (Carroll & Rajagopal, 1993). This principle reflects the doctrine of *uti possidetis juris*, a rule of international law that aims to preserve colonial administrative boundaries following independence in order to prevent territorial disputes and conflicts between newly formed states (Shaw, 2021). The doctrine was strongly endorsed during the decolonization process in Africa and was reaffirmed by the Organization of African Unity (OAU), the predecessor of the African Union.

The principle has played a crucial role in maintaining territorial stability across the African continent by discouraging attempts to alter inherited colonial borders. As a result, African regional institutions have generally prioritized territorial integrity and the preservation of existing

borders when addressing questions related to statehood and recognition. The significance of this principle was further affirmed by the International Court of Justice in the Frontier Dispute between Burkina Faso and Mali in 1986, where the Court emphasized that the doctrine of *uti possidetis juris* serves as a fundamental mechanism for ensuring stability, preventing border conflicts, and safeguarding peace during the process of decolonization and state formation.

Somaliland maintains that its borders correspond to those of the former British Somaliland Protectorate, which achieved independence from the United Kingdom on 26 June 1960 before voluntarily entering into union with Somalia shortly thereafter. A 2005 fact-finding mission conducted by the African Union observed that Somaliland's state-building process was largely based on the restoration of the boundaries of the former British Somaliland Protectorate. The mission further noted that Somaliland's claim was "unique and self-justified in African political history."¹²

In the 1960s, Somalia rejected the principle which later OAU adopted in Cairo 1964, Somalia's rejection was largely driven by its commitment to the ideology of irredentism, particularly the vision of "Greater Somalia," sweeping many parts of the region which aimed to unify all Somali-inhabited territories in the Horn of Africa, including regions in Ethiopia, Kenya, and Djibouti (Krennerich, 1999). Accepting the Cairo Resolution would have meant recognizing colonial-era borders and abandoning these aspirations; therefore, Somalia rejected the principle in order to preserve its political objective of uniting Somali populations beyond its internationally recognized frontiers (Duyvesteyn, 2005).

Territorial Integrity and Recognition

Territorial integrity is a foundational principle of international law that safeguards the inviolability of a state's borders and prohibits external interference aimed at dismembering or altering those borders. It is primarily concerned with inter-state relations, requiring that states refrain from the threat or use of force against the territorial unity or political independence of others. This principle is codified in Article 2(4) of the United Nations Charter¹³, reaffirmed in the Helsinki Final Act,¹⁴ and elaborated in the Declaration on Principles of International Law concerning Friendly Relations, which links territorial integrity to states' compliance with self-determination and equal rights of peoples.¹⁵

In practice, territorial integrity is frequently invoked to oppose recognition of new states; however, the assumption that any act of secession automatically violates this principle is legally flawed. The rule constrains external actors rather than internal political processes, and international law contains no general prohibition on declarations of independence. This position was authoritatively clarified in the Advisory Opinion on Kosovo's Declaration of Independence, where the ICJ held that Kosovo's declaration did not violate international law, emphasizing that territorial integrity operates in relations between states and not against internal groups.¹⁶

Applied to Somaliland, the 1991 declaration is best understood not as an act of unlawful secession but as the restoration of a previously independent state following the collapse of a failed union. The declaration occurred in the context of the overthrow of the Siad Barre regime and the subsequent civil war, which resulted in the disintegration of central governmental authority and a prolonged period of state collapse in Somalia. The ensuing conflict produced

conditions often characterized as a Hobbesian "state of nature," marked by the absence of an effective central authority and widespread competition among armed factions. Against this backdrop, Somaliland's reassertion of sovereignty may be viewed as a response to the dissolution of the union rather than an attempt to fragment an existing and functioning state. As such, it does not engage the prohibition on external interference underlying territorial integrity. Consequently, recognition by other states, including Israel does not constitute a breach of Somalia's territorial integrity but rather reflects the discretionary, political nature of recognition in international law.

The Doctrine of Non-Recognition and Somaliland's Legal Position

The doctrine of non-recognition (negative recognition) in international law reflects the principle that unlawful situations should not be legitimized through recognition. States generally withhold recognition where an entity is created in violation of fundamental norms, including the illegal use of force, unlawful occupation or annexation, denial of self-determination, or other serious breaches of peremptory norms (*jus cogens*). This obligation is codified in Article 41 of the Articles on Responsibility of States for Internationally Wrongful Acts, which requires states not to recognize as lawful situations arising from grave breaches of international law.¹⁷

The modern doctrine originates from the Stimson Doctrine, developed in response to the Japanese invasion of Manchuria and the creation of Manchukuo. The United States and other states refused recognition, establishing the principle that territorial acquisition through force cannot create lawful sovereignty (Wright, 1932). This approach was subsequently reinforced in the post-1945 legal order, particularly through Article 2(4) of the Charter of the United Nations¹⁸ and the Declaration on Principles of International Law concerning Friendly Relations¹⁹, both of which affirm that no territorial acquisition resulting from the use of force shall be recognized as lawful.

State practice confirms this doctrine. The international community has refused to recognize entities such as Northern Cyprus, following United Nations Security Council Resolution 541,²⁰ and Southern Rhodesia²¹ due to its unlawful and racially discriminatory regime. Similarly, situations involving serious violations of international law, such as those associated with Republika Srpska, have attracted strong international condemnation and resistance to recognition.²² These examples illustrate that non-recognition is triggered by illegality in the creation of the entity.

In contrast, the case of Somaliland does not fall within these prohibited categories. Its emergence in 1991 did not result from external aggression or unlawful territorial acquisition but followed the collapse of the Somali state and is grounded in the boundaries of the former British Somaliland Protectorate. Moreover, its claim is often linked to arguments of remedial self-determination in response to grave human rights violations under the Siad Barre regime. Accordingly, Somaliland does not appear to be an entity that international law obliges states to refuse to recognize; rather, its continued non-recognition is more plausibly explained by political and diplomatic considerations than by the legal doctrine of non-recognition.

Routes to International Recognition

International law does not prescribe a single method through which new states emerge. However, historical practice reveals several recognized pathways to statehood. Major waves of state recognition began after World War II, particularly during the decolonization era. This was followed by the dissolution of federal states such as Yugoslavia in the early 1990s and the Soviet Union in 1991. More recent practice includes pathways such as consent of the parent state, unilateral secession, and the withdrawal of unions. These processes have played a central role in the creation of many contemporary states and have significantly shaped international practice concerning recognition (Shaw, 2021). The central objective of this study, therefore examines how Somaliland may fit within these pathways and assess which are most suitable in light of its factual and legal circumstances.

Decolonization

Decolonization occurs when a territory under colonial rule achieves independence based on the right of peoples to self-determination, this principle is embedded in the Charter of the United Nations, particularly in Articles 1(2) and 55,²³ which affirm the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. The normative framework for decolonization was further strengthened by United Nations General Assembly Resolution 1514 (XV) (1960), which proclaimed that all peoples have the right to freely determine their political status and to pursue their economic, social, and cultural development, while calling for the prompt and unconditional end of colonial rule.²⁴

To operationalize this principle, United Nations General Assembly Resolution 1541 (XV) (1960) clarified the possible outcomes for non-self-governing territories. It identified three legitimate options: independence, free association with an independent state, or integration with an existing state, provided that the decision reflects the freely expressed will of the people.²⁵ As a result, the decolonization process produced the largest wave of state creation in modern international law, particularly in Africa and Asia.

Somaliland was also among the territories that achieved independence through the process of decolonization. Somaliland obtained independence from the United Kingdom on 26 June 1960, becoming the State of Somaliland. The independence of Somaliland was formalized through constitutional instruments and the Royal Proclamation of Independence issued by Queen Elizabeth II, which terminated British protection over the territory. Contemporary accounts indicate that more than thirty states extended recognition to the newly independent state within a short period, including several major powers (Tannock, 2009; Schoiswohl, 2004). In this sense, Somaliland's brief period of independence aligns with the observation by Robert H Jackson (1990) that, within the post-1945 international system, former colonies that achieved formal independence were generally accepted as sovereign states within the international community.

Based on this historical context, one of Somaliland's principal legal arguments for statehood is that it emerged as an independent state through the same decolonization process that led to the creation of many newly independent states in Africa and Asia. Accordingly, Somaliland maintains that its independence was consistent with the international legal

framework governing decolonization, under which newly independent territories were generally accepted as sovereign states by the international community and the United Nations.

Dissolution of Federal Republics and Collapse of Soviet Union

Another recognized pathway to statehood occurs through the dissolution of a federal or multinational state, where constituent units become independent states following the collapse of the central authority. A classic example is the dissolution of Yugoslavia in the early 1990s. The Badinter Arbitration Commission concluded that Yugoslavia had dissolved as a state, rather than experiencing a unilateral secession by one constituent republic.²⁶ As a result, several new states emerged, including Croatia, Slovenia, Bosnia and Herzegovina and North Macedonia. Similarly, the dissolution of the Soviet Union in 1991 resulted in the emergence of fifteen independent states, including Ukraine, Kazakhstan, and Estonia, among others. These cases illustrate that statehood can arise through systemic political transformation, particularly where a federal structure collapses and its constituent entities assume sovereign independence (Crawford, 2006; Shaw, 2021).

A similar analytical framework may be applied when assessing the situation of the Somali Republic following the collapse of its central government in 1991. The fall of the Barre regime led to the disintegration of the state's central institutions, including the presidency, parliament, and other constitutional organs. The resulting civil war and the emergence of competing armed factions prevented the re-establishment of an effective national authority. In response to the humanitarian and security crisis, the United Nations deployed peacekeeping operations, including UNOSOM I²⁷ and UNOSOM II.²⁸ The subsequent political reconstruction process further demonstrates the collapse of the previous constitutional order: the state later adopted the new name Federal Republic of Somalia and continues to develop a new constitutional framework, with the provisional constitution still undergoing institutional consolidation as of 2026.²⁹ This transition indicates that the constitutional system of the former Somali Republic had effectively ceased to function. Within this context, the authorities in Somaliland declared the restoration of the independence that had previously been attained on 26 June 1960, arguing that the voluntary union formed in 1960 had terminated following the collapse of the Somali state. Alternatively, others argue that the Somaliland and Somalia contracts under the Somali Republic ceased to function when the military ended the state's civil rule and ousted the government in 1969, prompting the adoption of socialism.

From a legal perspective, comparisons are often drawn with the reasoning applied by the Badinter Arbitration Committee during the dissolution of the Socialist Federal Republic of Yugoslavia. The Commission concluded that where a federal state's central institutions collapse and cease to function, the entity may be regarded as dissolved rather than continuing, allowing its constituent units to assume sovereign independence.³⁰ The Commission also applied the principle of *uti possidetis juris*, according to which existing internal administrative boundaries become international borders upon the emergence of new states.³¹ By analogy, proponents argue that the former boundaries of the British Somaliland Protectorate constitute the territorial basis of Somaliland's restored statehood following the collapse of the Somali union.

Recognition Based on Consent of the Parent State

Recognition based on the consent of the parent state is widely regarded as one of the most legitimate pathways to statehood in international law. When a parent state agrees to the independence of a territory through legislation, treaty arrangements, or acceptance of a referendum the creation of the new state is generally considered lawful and consistent with the principles of territorial integrity and self-determination. This consensual process reduces international disputes and encourages rapid diplomatic recognition by other states and international organizations (Shaw, 2017).

African state practice provides clear examples of this doctrine. One prominent case is the independence of Eritrea in 1993 following an UN-supervised referendum conducted with the consent of Ethiopia. After Eritreans overwhelmingly voted for independence, Ethiopia formally accepted the result and recognized Eritrea as a sovereign state (Abraham, 2004). This consensual separation significantly contributed to Eritrea's swift international recognition and admission to the United Nations (Crawford, 2006). Another example is the creation of South Sudan in 2011 after the government of Sudan agreed, under the Comprehensive Peace Agreement (CPA), to allow a referendum on self-determination for Southern Sudan. The referendum resulted in an overwhelming vote for independence, which Sudan formally accepted, enabling South Sudan to gain rapid recognition by the international community and membership in the United Nations. These examples illustrate that independence achieved with the explicit consent of the parent state greatly enhances the legitimacy and acceptance of new states under international law (Dersso, 2012).

Although Somaliland and Somalia were originally separate states that entered into a voluntary union based on political will albeit one that lacked a fully satisfactory legal foundation, Somalia cannot be strictly regarded as a "parent state" in the classical sense. Nevertheless, Somaliland has sought to pursue a consensual pathway to recognition, in line with international practice. During the presidency of Ahmed Mohamed Mohamoud Silanyo, Somaliland attempted a consensual approach with Somalia, in line with international practice where negotiated settlement can facilitate recognition. The dialogue process began in 2012 following the London Conference on Somalia and led to several rounds of talks hosted by international mediators. Between 2012 and 2016, at least six major meetings were held, including talks in Chevening House in the UK in June 2012, Dubai in June 2012, Ankara in April 2013, Istanbul in July 2013, and Istanbul in January 2014, and later follow-up meetings in Turkey. These meetings produced a number of communiqués committing both sides to dialogue, cooperation on security issues, and practical arrangements such as development assistance coordination and joint technical committees.³²

One of the most significant agreements reached during the talks concerned civil aviation and airspace management. In the Istanbul Communiqué of July 2013, the parties agreed that control of Somali airspace previously administered by the UN would be transferred to a Joint Air Traffic Control body headquartered in Hargeisa, with joint management and revenue-sharing arrangements.³³ However, Somaliland later accused Somalia of violating this agreement by unilaterally assuming control of the airspace and negotiating directly with international aviation bodies without Somaliland's participation. This move was viewed by Somaliland as a breach of the Istanbul agreements and of the wider dialogue framework.³⁴ As a result of these disputes and

Somalia's alleged failure to implement several previously agreed commitments, the Somaliland government eventually suspended participation in the talks, arguing that meaningful dialogue could not continue without respect for prior agreements.³⁵

If Somaliland were to pursue this pathway again, it would be advisable for any renewed negotiations to be conducted under structured international and regional mediation. A process facilitated by the African Union, with diplomatic support from partners such as the United States and the United Kingdom, could provide stronger guarantees for the implementation of agreements. Such a framework could ultimately lead to an internationally supervised referendum in Somaliland on the question of separation, monitored by the United Nations and international observers. A referendum conducted through an agreed legal process and accepted by Somalia would significantly strengthen Somaliland's claim to recognition under international law.

Unilateral secession

Unilateral secession has emerged in contemporary international law as a debated but increasingly recognized in academic debate pathway to statehood, particularly where a people's right to self-determination is persistently denied. While the traditional interpretation of self-determination was primarily limited to decolonization, modern scholarship and practice have expanded the concept to include situations in which a population suffers serious political exclusion, systematic discrimination, or denial of meaningful internal self-government. In such circumstances, some scholars argue that remedial secession may arise as a last-resort remedy when internal self-determination cannot be realized within the parent state (Shaw, 2017). Although this doctrine remains contested, it reflects the evolving understanding that the principle of self-determination may, in exceptional circumstances, justify claims to independence where fundamental political rights are persistently violated.

More importantly, international law does not expressly prohibit unilateral declarations of independence. This position was clarified in the advisory opinion of the ICJ in the *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (2010), where the Court concluded that international law contains no general prohibition on declarations of independence.³⁶ However, the legality of a declaration of independence does not automatically guarantee international recognition or effective statehood. In practice, the success of unilateral secession often depends heavily on political considerations, particularly the ability of the emerging entity to persuade other states that it possesses the attributes of statehood and contributes to regional stability (Crawford, 2006).

From the perspective of Somalia, Somaliland's claim to independence is frequently framed within the narrative of unilateral secession from a single Somali state. Some Somali political leaders and intellectual elites argue that no separate Somaliland state existed in a legally meaningful sense prior to the union in 1960. According to this view, the territories that once formed the British and Italian administrations merely constituted the northern and southern regions of Somalia, which voluntarily united to create one sovereign state. Consequently, they characterize Somaliland not as the restoration of a previously sovereign state but rather as a regional entity seeking to separate from the territorial integrity of Somalia (Lewis, 2002).

Debates surrounding Somaliland highlight divergent terminological and legal framings. Some international media outlets, such as the BBC, have referred to Somaliland as a “self-declared state”—a term that, according to local sources, was used without prior consultation with the Somaliland authorities. In contrast, certain states have adopted alternative diplomatic language. For instance, in its recognition discourse, Israel reportedly characterized Somaliland’s status as a “re-assertion” of sovereignty, rather than as the creation of a new separatist entity. This phrasing aligns with the long-standing argument advanced by the Somaliland government: that the territory previously existed as the independent State of Somaliland before its voluntary union with Somalia in 1960, and that its 1991 declaration therefore constituted a restoration of prior statehood rather than a novel act of secession (Lewis, 2002; Schoiswohl, 2004).

Dissolution and withdrawal of Union

The withdrawal of a union between previously independent states represents a distinct phenomenon in international law, differing from both secession and decolonization. In such situations, sovereign states voluntarily merge through a legal or constitutional arrangement and may later terminate that union, thereby restoring their separate international legal personalities. Because the participating entities were already recognized states prior to union, the dissolution does not normally create “new” states but rather revives the previously existing ones. Scholars therefore treat dissolution as a process of state continuity or restoration, rather than the emergence of a new state through secession (Crawford, 2006).

An example is the Senegambia Confederation Treaty, concluded between Senegal and The Gambia in 1981 and implemented in 1982. Both states had previously possessed full international legal personality and separate seats in the United Nations. The treaty created the Senegambia Confederation, a confederal structure designed to coordinate defence, foreign policy, and economic cooperation while preserving the sovereignty of each state. The treaty was deposited with the United Nations in accordance with Article 102 of the UN Charter. However, political and institutional disagreements particularly regarding integration of armed forces and decision-making structures led Senegal to withdraw from the arrangement in 1989, peacefully dissolving the confederation and restoring the fully separate operation of the two states (Shaw, 2017).

Another historical example is the political union between Egypt and Syria, which formed the United Arab Republic in 1958. Unlike the Senegambia arrangement, this union did not originate from a formal treaty but from political agreement followed by referendums and constitutional changes in both states. The new entity adopted a unified constitution, established a single presidency under Gamal Abdel Nasser, and represented both territories with one seat in the United Nations. Nevertheless, internal political tensions and dissatisfaction with centralized governance led to a Syrian military coup in 1961, after which Syria withdrew from the union and restored its independent statehood. Egypt continued temporarily to use the name United Arab Republic but eventually reverted to its previous constitutional identity, demonstrating once again that the dissolution of a union can revive the separate sovereignty of the original states (Ibid).

Another situation in which a union may arise is where incorporation occurs involuntarily through annexation rather than through a voluntary constitutional or treaty-based arrangement. The case of Lithuania illustrates this circumstance. Lithuania had originally established its

independence on 16 February 1918, but in June 1940 it was occupied and annexed by the Soviet Union and incorporated into the Union of Soviet Socialist Republics as the Lithuanian Soviet Socialist Republic. Many Western states refused to recognize the legality of this annexation and continued to regard the Baltic states as illegally occupied rather than lawfully integrated into the Soviet Union. On 11 March 1990, the Supreme Council of Lithuania adopted the Act of the Re-Establishment of the State of Lithuania, declaring that the sovereign powers of the Lithuanian state suppressed in 1940 were restored. The declaration was therefore framed as the restoration of a previously existing state rather than the creation of a new one. Following the weakening of Soviet authority, the international community progressively acknowledged Lithuania's restored independence, with the Soviet Union itself formally recognizing Lithuania on 6 September 1991 (Mullerson, 2004). The Lithuanian example thus demonstrates that where incorporation occurs through unlawful annexation, the subsequent re-emergence of the state is generally treated in international law as the restoration of statehood rather than secession from the annexing state.³⁷

In sum, international practice indicates that the restoration of sovereignty may occur whether a union was formed voluntarily or imposed through annexation. When the legal or political basis of such a union collapses, the previously sovereign entities may re-emerge as independent states. In these circumstances, international law generally treats their reappearance as the restoration of prior statehood rather than the creation of new states, and such restoration has often been accepted by the international community.

In contemporary debates, Somaliland advances a similar legal argument by characterizing its 1991 declaration not as secession from Somalia but as the dissolution of a voluntary union between two previously independent states. The territory of Somaliland briefly existed as the State of Somaliland after gaining independence from the United Kingdom on 26 June 1960 and was recognized by more than thirty states before entering into voluntary union with the former Italian Somaliland on 1 July 1960 to form the Somali Republic. From this perspective, Somaliland Government argues that the collapse of the Somali state in 1991 enabled the restoration of the earlier sovereign entity rather than the creation of a new state through unilateral secession (Lewis, 2002). Somaliland scholars and officials contend that the union was never legally perfected due to a series of procedural and constitutional irregularities (Contini, 1969). The historical sequence of events is commonly summarized as follows:

- 1884–1886: Somaliland clan leaders concluded a series of protection treaties with the United Kingdom, establishing the British Somaliland Protectorate. In contrast, the territory that later became Somalia was colonized by Italy beginning in 1889.
- 1950–1960: Italian Somaliland was administered as a United Nations Trust Territory under Italian administration for a transitional period of ten years.
- 16 and 22 April 1960: Political leaders from Somaliland and Somalia met in Mogadishu and agreed in principle to form a union following independence.
- 26 June 1960: Somaliland gained independence from the United Kingdom and was recognized by more than thirty states, including the United States, the United Kingdom, and Israel.
- 27 June 1960: The Somaliland Legislative Assembly passed the Union of Somaliland and Somalia Law (Law No. 1 of 1960).

- 30 June 1960: The Legislative Assembly of the Trust Territory of Somalia adopted a different legal instrument known as the *Atto di Unione* (Act of Union), the provisions of which differed significantly from the Somaliland text.
- 1 July 1960: Somalia became independent, and the Somali Republic was proclaimed. On the same day, the provisional President Aden Abdulle Osman issued a decree-law containing a shortened version of the *Atto di Unione*. This decree was never presented to the National Assembly for ratification as required by Article 63 of the Constitution, and therefore never formally entered into force.
- 31 January 1961: An attempt was made to retroactively legalize the union through Act of Union No. 5 of 1961, which repealed the earlier Somaliland legislation.
- 1961: The constitutional referendum was widely rejected in the northern regions (present-day Somaliland).
- 1969–1991: Constitutional governance in Somalia collapsed, followed by prolonged political instability and armed conflict.
- 1991: Somaliland declared the reassertion of its sovereignty following the collapse of the Somali central government.
- 2001: A constitutional referendum in Somaliland reaffirmed the decision to remain an independent state.

In light of these developments, Somaliland argues that no valid treaty of union was ever concluded between the two states and therefore maintains that the union lacked a proper legal foundation. The International Crisis Group (ICG) in its 2003 report *Somaliland: Democratisation and Its Discontents*, noted that “the two Acts of Union approved by the respective legislatures differed somewhat, and no single legal document actually bound the two territories together,” underscoring the procedural and legal defects surrounding the 1960 Somaliland–Somalia union. Additional support for this position is often drawn from the aftermath of the 1961 northern officers’ coup attempt, when a group of military officers in the former State of Somaliland sought to challenge the authority of the new Somali Republic. The accused were tried before the Court in Mogadishu. In acquitting several of the defendants, the court reportedly held that the legal instruments relied upon to establish the union had not been properly enacted in accordance with the required constitutional procedures and that the legislative acts passed in the British Somaliland and Italian Somalia were inconsistent. The judgment has consequently been cited by Somaliland scholars as early judicial recognition that the union lacked a clear and valid legal basis at the time of its formation. On this reasoning, Somaliland claim is grounded in the principles of state continuity and the restoration of the sovereignty of the former State of Somaliland, which existed as an independent state prior to its union with Somalia in 1960. Accordingly, Somaliland maintains that its claim represents the reassertion of a pre-existing sovereign status rather than the creation of a new state through secession.³⁸

Strategic Pathways for Somaliland

Based on the pathways outlined earlier, Somaliland can most convincingly ground its claim to statehood in the decolonization framework, which underpinned the emergence of many African states, as these territories achieved independence from colonial rule and subsequently attained statehood through the process of decolonization. Secondly, it may assert a legal basis in the dissolution of a failed union, arguing that the union with Somalia no longer satisfies the requirements of a valid and functioning political arrangement.

On this basis, Somaliland could pursue a range of strategic approaches at both international and regional levels to advance its claim to recognition. First, Somaliland may continue to prioritize engagement with the African Union. The AU is particularly relevant because African international law places strong emphasis on respect for colonial borders (*uti possidetis juris*) under the Constitutive Act of the African Union.³⁹ Somaliland's argument that it restores the boundaries of the former British Somaliland Protectorate fits squarely within this doctrine. The 2005 AU fact-finding mission already recognized that Somaliland's case is historically unique and should not automatically be treated as a secessionist precedent.⁴⁰ Building on this finding, Somaliland could request a formal legal review emphasizing that its claim represents the restoration of a previously independent state rather than the fragmentation of an existing one. Somaliland could also seek to follow the membership application procedure used in comparable contested cases such as Western Sahara, whose representation through the Sahrawi Arab Democratic Republic was accepted into the Organization of African Unity in the 1980s despite political disagreement among member states.⁴¹ Under Article 29 of the Constitutive Act, any African state may submit an application for membership to the Chairperson of the African Union Commission, who then circulates the request to all member states; admission is decided by a simple majority of Member States.⁴² Somaliland could therefore lobby supportive states to sponsor or endorse such an application.

Second, Somaliland could significantly strengthen its legal position by advancing its case within the framework of the United Nations, particularly through its principal legal organ, the ICJ. One potential avenue would be to seek an advisory opinion from the Court on "Whether, under international law, a political union between two previously independent entities may be regarded as legally binding in the absence of a duly concluded and ratified treaty in accordance with the requirements of international treaty law; and, if such a union was not legally perfected and subsequently collapsed following the breakdown of central governmental authority and the occurrence of serious violations of fundamental human rights, whether one of the entities may lawfully withdraw from that union or treat it as having ceased to exist."

To pursue this pathway, Somaliland would need to work with supportive UN member states to sponsor a request through the General Assembly. A carefully framed legal question, focusing on the dissolution of union, state continuity, and the right to self-determination, could provide much-needed legal clarity. A favorable opinion could, in turn, encourage states to reassess their positions and potentially move toward recognition. Third, Somaliland should consider seeking recognition within the United Nations General Assembly as a Non-Member Observer State as an incremental and strategically prudent pathway toward eventual full membership. In the current geopolitical context, a direct application under Article 4 of the Charter of the United Nations faces significant legal and political constraints. Admission to full membership requires a decision of the General Assembly upon the recommendation of the United Nations Security Council, where any permanent member may exercise a veto, effectively blocking the application regardless of broader international support.⁴³ This creates a substantial risk that Somaliland's bid for full membership could be indefinitely stalled at the Security Council level.

By contrast, the conferral of Non-Member Observer State status is determined exclusively by the General Assembly and is not subject to Security Council recommendation or veto.⁴⁴ As demonstrated by Palestine, this approach can enhance international legal personality,

expand diplomatic engagement, and build momentum toward eventual recognition. Accordingly, it represents a legally viable and politically attainable intermediate step for Somaliland.

Fourth, Somaliland should pursue a focused strategy of securing bilateral recognition from a selective group of strategically important states. Priority should be placed on countries with existing diplomatic engagement, economic interests, or security partnerships in the Horn of Africa, particularly the United States and the United Kingdom, given their historical involvement in regional stability and governance processes. In addition, attention may be extended to states that have demonstrated openness to self-determination-based outcomes, such as Sudan, as well as other countries that have previously engaged Somaliland through development cooperation, security collaboration, or political dialogue. This approach should be supported by structured diplomatic outreach and clear legal advocacy. Somaliland can gradually formalize existing informal relations through representative offices, bilateral agreements, and cooperation frameworks, while presenting well-articulated legal arguments grounded in international law. Over time, the accumulation of such recognitions can strengthen its international legal personality and contribute to broader acceptance within the international community.

Lastly, Somaliland should actively strengthen its presence within international legal and academic arenas to shape global understanding of its statehood claim. Engagement with international law conferences, policy institutes, and scholarly publications can help position Somaliland's case within established doctrines of statehood, including decolonization, state continuity, and remedial self-determination. This approach is particularly important in correcting misconceptions that frame Somaliland solely as a unilateral secessionist entity. In addition, sustained academic and expert engagement can contribute to the gradual development of supportive legal narratives within international discourse. By encouraging scholarly analysis, publishing legal arguments in peer-reviewed forums, and participating in global policy debates, Somaliland can influence *opinio juris* and long-term perceptions of legitimacy, thereby complementing its diplomatic and legal strategies at both regional and international levels.

Conclusion

In light of the foregoing analysis, Somaliland presents a compelling legal case for statehood under contemporary international law. It demonstrably satisfies the classical criteria of statehood as articulated in the Montevideo Convention on the Rights and Duties of States, including a defined territory, a permanent population, an effective government, and the capacity to enter into relations with other states. Beyond these traditional requirements, Somaliland also aligns with emerging normative considerations in international practice, including democratic governance, respect for human rights, and the protection of minority groups. While these factors are not constitutive requirements of statehood, they increasingly inform the assessment of legitimacy in recognition practice.

Furthermore, Somaliland's claim is reinforced by the principle of self-determination, as reflected in the Charter of the United Nations and further developed in instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Within the African regional legal order, the doctrine of *uti possidetis juris*, reflected in the Constitutive Act of the African Union and the Cairo Resolution 1964, further supports the preservation of inherited colonial boundaries, which Somaliland argues

correspond to the former British Somaliland Protectorate. Taken together, these elements support the conclusion that Somaliland constitutes a *de facto* state, that is, an entity which exercises effective control over a defined territory and population, maintains functioning governmental institutions, and operates with a significant degree of independence in practice, notwithstanding the absence of widespread formal recognition.

The central challenge, therefore, lies not in meeting the substantive criteria of statehood, but in achieving *de jure* recognition, namely the formal acknowledgment of statehood by existing members of the international community. To achieve this objective, Somaliland should continue to pursue a structured, law-based strategy grounded in established pathways to recognition. These include the decolonization framework, the argument of restoration of a previously independent state following the collapse of a failed union, and sustained engagement with key international and regional institutions, particularly the African Union and the United Nations, alongside targeted bilateral diplomacy. In conclusion, while recognition remains a discretionary act influenced by political considerations, Somaliland's case represents a legally grounded and normatively supported claim within contemporary international law, the success of which ultimately depends on the convergence of legal debate, diplomatic engagement, and evolving state practice.

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Notes:

¹ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, arts 1(2) and 55.

² UN General Assembly Resolution 1514 (XV), *Declaration on the Granting of Independence to Colonial Countries and Peoples* (14 December 1960) UN Doc A/RES/1514(XV).

³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 art 1.

⁴ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 art 1.

⁵ European Community Arbitration Commission (Badinter Committee), Opinion No 2 (1992) 31 ILM 1497

⁶ *Western Sahara* (Advisory Opinion) [1975] ICJ Rep 12, para 59.

⁷ Conference on Yugoslavia Arbitration Commission, Opinion No 1 (1991).

⁸ European Community Arbitration Commission (Badinter Commission), Opinion No 4 (1992) 92 ILR 173.

⁹ *Ibid.*

¹⁰ Constitutive Act of the African Union (adopted 11 July 2000, entered into force 26 May 2001) 2158 UNTS 3, art 4(b).

¹¹ Resolutions Adopted by the First Session of the Assembly of Heads of State and Government held in Cairo, O.A.U Res. AHG/16(I), July 21, 1964.

¹² African Union, *Report of the African Union Fact-Finding Mission to Somaliland* (2005) 7.

¹³ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 2(4).

¹⁴ Conference on Security and Co-operation in Europe, *Helsinki Final Act* (1975).

¹⁵ UNGA Res 2625 (XXV) (24 October 1970) *Declaration on Principles of International Law concerning Friendly Relations*.

¹⁶ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (Advisory Opinion) [2010] ICJ Rep 403.

¹⁷ International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts* (2001) UN Doc A/56/10, art 41.

¹⁸ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 2(4).

¹⁹ Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (24 October 1970) UNGA Res 2625 (XXV).

²⁰ UN Security Council Res 541 (18 November 1983) UN Doc S/RES/541.

²¹ UN Security Council Res 216 (12 November 1965) UN Doc S/RES/216.

²² UNSC Res 787 (16 November 1992) UN Doc S/RES/787.

²³ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI arts 1(2), 55.

²⁴ United Nations General Assembly Resolution 1514 (XV) (14 December 1960) UNGA Res 1514 (XV).

²⁵ United Nations General Assembly Resolution 1541 (XV) (15 December 1960) UNGA Res 1541 (XV).

²⁶ Badinter Arbitration Commission, *Opinions on the Legal Status of the Former Yugoslavia* (1992) UN Doc S/25533.

²⁷ United Nations Security Council, *Resolution 751* (1992) UN Doc S/RES/751 (24 April 1992).

²⁸ United Nations Security Council, *Resolution 814* (1993) UN Doc S/RES/814 (26 March 1993).

²⁹ Federal Government of Somalia, *Provisional Constitution of the Federal Republic of Somalia* (adopted 1 August 2012).

³⁰ Badinter Arbitration Committee, *Opinion No 1* (29 November 1991) 92 ILR 162.

³¹ Badinter Arbitration Committee, *Opinion No 3* (11 January 1992) 92 ILR 170.

³² Ankara Communiqué between the Federal Government of Somalia and the Government of Somaliland (13 April 2013); see also meetings following the Chevening House Declaration (2012).

³³ Communiqué of the Somaliland–Somalia Dialogue held in Istanbul (7–9 July 2013) para 1.

³⁴ The Somalia–Somaliland Airspace Dispute: A Historical Overview' (Somaliland Chronicle, 2024).

³⁵ Analysis of stalled Somaliland–Somalia dialogue and suspension of talks following failure to implement agreements.

³⁶ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* (Advisory Opinion) [2010] ICJ Rep 403, para 84.

³⁷ Act of the Re-Establishment of the State of Lithuania' (11 March 1990).

³⁸ *The State v Hassan Farah and Others* (Higher Court of Mogadishu, 1961), discussed in Paolo Contini, 'The Somali Republic: An Experiment in Legal Integration' (1969) 16 *International and Comparative Law Quarterly* 789, 804–806.

³⁹ Constitutive Act of the African Union (adopted 11 July 2000, entered into force 26 May 2001) 2158 UNTS 3 art 4(b).

⁴⁰ African Union, *Report of the AU Fact-Finding Mission to Somaliland* (30 April to 4 May 2005) para 5.

⁴¹ Organisation of African Unity, *Council of Ministers Resolution on the Admission of the Sahrawi Arab Democratic Republic* CM/Res 1044 (XXXV) (1982).

⁴² Constitutive Act of the African Union (n 1) art 29.

⁴³ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 4(2).

⁴⁴ UNGA Res 67/19 (29 November 2012) UN Doc A/RES/67/19.