Somaliland and Secession:

Does the self-proclaimed state of Somaliland have a moral right to secede?

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Abstract

This paper aims to inquire whether Somaliland’s secession from Somalia is morally right considering Buchanan’s theories regarding secession. The paper analyses the notion of self-determination and secession from the perspective of Somaliland. Further the analysis also discusses the deficiencies when it comes to international law and secession. The analysis also inquires regarding the insubstantial criteria for the right to secede and the unwillingness from the outside world to shed light on the case of Somaliland. The material for this paper consists mainly of literature, published work and research from political scholars. The paper concludes that Somaliland does in fact have a moral right for secession and formal statehood. However, the absence of a negotiating partner (Somalia) and geopolitical location suppresses the chances for international recognition.

Keywords: Somaliland, Somalia, Secession, Independence
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List of acronyms

AU - African Union

NGO - Non Governmental Organization

SNM - Somali National Movement

UN - United Nations

USSR - Union of Soviet Socialist Republics
1. Introduction

Around the world there are countless examples of secession states or groups that are currently fighting for independence and sovereignty. However what will make their claim for independence one of success is far from precise. And in the absence of a “world-court” it is the task of the United Nations member states to collectively decide about the fate of these secession states that long for recognition. The case for recognition of Somaliland as a sovereign state is undoubtedly strong, at least from a legal standpoint.\(^1\)

The state of Somaliland has been striving for independence for the past 26 years. The government of Somaliland considers itself as the successor state to the British Somaliland protectorate, yet it is not formally recognised by any state in the international community. Nonetheless it can legitimately claim to fulfil the Montevideo criteria for statehood. The criteria are, a permanent population, a defined territory, a government, and the capacity to defend and represent itself but importantly it has to gain a near universal support for independence. However fulfilling this criteria does not necessarily grant a state recognition from the international community. The main obstacle to gain independence is not merely Somalia’s refusal to agree to a political divorce. But also, the fact that for two decades there has been virtually no functioning “mother” state to which they could apply for secession from, as Somalia still is regarded as a failed state.\(^2\)

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1.1 Aim

By examining the case of Somaliland the aim of this study is to inquire the arguments that favor and are against international recognition of the self-proclaimed independent state. Allen Buchanans theories on the morality of secession are applied to the Somaliland case in order to examine whether they posses a just case for secession. Therefore if the arguments for a moral secession are in favor of Somaliland’s claim for secession, this will further provide a stronger claim for the state entering the international community of nations. The analysis will also include an examination of the possible motives behind the repression of Somaliland's claim for independence in order to gain further understanding of this complex issue.

1.2 Thesis

By examining the case of Somaliland the aim of this study is to inquire the arguments that favor and are against international recognition of the self-proclaimed independent state and discover whether Somaliland has a strong moral ground for secession.

1.3 Delimitations

The limitations to this research can be attributed to the choices of method, theory and materials. The limits to the case study approach have been discussed above, but the delimitations include the possible negative implications of not choosing another methodology, which could sometimes possibly lead to other results. However I intend to narrow this risk by closely assessing my chosen theory from various perspectives. Furthermore, the specific wording of the research question has effectively removed other possible problems associated with the topic Somaliland or secession.

A case study such as the one regarding Somalia and Somaliland does not necessarily contain a right or wrong answer and is a subject that can be viewed upon by International relations scholars in different eyes depending on the theoretical backgrounds and perspective.
However I find that Buchanan’s work offers the possibility to view the research question from various different aspects. Therefore have I chosen to limit my work by analyzing my thesis through mainly Buchanan’s work and the theoretical framework that it brings. One could argue that a theory can be functioned to structure the paper into predicting certain answers, thus affecting the overall answers and consequently the general research outcome. But in this case Buchanan’s work gives an outstanding and detailed approach to the theory regarding secession in regards to the limited volume that has been produced thus far.

1.4 Disposition

This paper is divided into eight main sections. The first chapter includes the introduction where I introduce my case and why it is of interest. To continue, my aim and thesis is presented and further how I delimited the paper. Furthermore my second section is dedicated to the methodology and why I chose the case study format. Also I present the material chosen for this paper.

The third section is where I present a more historical background on Somaliland and how it broke ties with Somalia and briefly about their political system.

The fourth section of this paper consists of the prior research. Here I present some prior research that is written by Allen Buchanan. For the fifth part of the essay I used Buchanan’s work yet again for my theoretical framework. I chose to divide it into two sections where I address the moral arguments for and against secession.

The sixth passage of this work is more extensive and consists of my analysis that is sectioned into three parts where I first implement the arguments for and against secession onto the case of Somaliland. And conclusively for the analysis, a discussion regarding what moral justification for secession offers the state of Somaliland. Further, a conclusion is presented in the final passage, followed by a short segment regarding future studies.
2. Methodology

The method which I used to conduct paper is through a qualitative normative case study. I have created this paper with the assistance of secondary sources in the form of diverse literary sources such as research papers from experts and books from authors and such. As it is a literature based study it involves research followed by applying the theory to the literature in order to analyse and answer the research question.

A case study within the field of political science often addresses various studies of one or several states. What is viewed as essential in a case study is that the researcher enhances the most important factor in the sole case. With other words a case study is when you gather as much information or data as possible regarding a phenomenon. Using a case study format is particularly suitable for this paper as the theoretical framework calls for an in depth analysis that is characteristic for a case study.

2.1 Material

The scope of the study is to apply the principles of the just secession theory to the case of Somaliland in order to reach a conclusion about the morality of this secession.

The material that has been used to conduct this essay derives from secondary sources consisting of academic literature about Somaliland, self-determination and secession. Furthermore an empirical field study could perhaps create a more nuanced and elaborate aspect to this study. Within the selected topic the material is limited which affects this paper as the information is rather narrow especially research material regarding Somaliland.

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3 Johannessen Asbjörn, Tufte Per Arne, Introduktion till samhällsvetenskapligt till samhällsvetenskaplig metod, Liber, 2003, p. 56
Map of Somaliland

British Protectorate of Somaliland:

Self-proclaimed State of Somaliland:

4 http://www.stampworldhistory.com/wp-content/uploads/2015/06/British-Somaliland2.png
5 https://www.eth.mpg.de/3588746/mhoehne-02_jpg_2127639726-1424439791.jpg
3. Somaliland | Background

The modern political history of Somaliland begins with the establishment of the British Somaliland Protectorate in 1884. Which, except for a brief Italian occupation during the Second World War, lasted until June 26, 1960, when the territory received its independence. The notification of Somaliland’s independence was communicated to the United Nations and some thirty-five members gave the new state diplomatic recognition. Several days later, the Italian-administered UN trust territory of Somalia also received its independence. The two states then entered into as some considered a rather hasty union that a number of legal scholars have argued fell short of the minimal standards for legal validity. The constitution and political arrangements that were crafted after the independence were according to democratic principles and the power between the two regions was compromised fairly. The presidency was reserved for the former Italian Somaliland and the prime-minister post was allocated to the former British Somaliland. Appearance wise this was a seemingly equal compromise, in reality however this generated a marginalisation and estrangement from the central state towards the former British Somaliland. And in addition the democratic system was quickly declining and clan politics came to cultivate corruption and a divisive Somalia.

Moreover, the Somalilanders quickly regretted the union due in no small measure to the discrimination which the predominantly Isaaq northerners were subjected to. At first at the hands of the numerically superior members of clans from other regions of Somalia, and then under Siyaad Barre’s dictatorship, which carried out a campaign that came to systematically pillage and raze the northern territory in the 1980s. Since 1982, the Somali National Movement (SNM), a guerrilla movement drawn chiefly from the northern Isaaq clan, had struggled to unseat the military government of General Siyaad Barre. The conflict had escalated dramatically in 1988, when the SNM seized control of the major northern towns and the government responded with a scorched earth campaign that left tens of thousands of civilians dead and forced nearly half a million into neighbouring Ethiopia as refugees.

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6 Pham, Peter J. Somalia: Where a state Isn’t a state, The Fletcher Forum On World Affairs, 2011, p. 142
7 Bereketeab, Redie, Self-Determination and Secessionism in Somaliland and South Sudan Challenges to Postcolonial State-building, Nordiska Afrikainstitutet, 2012, p. 5
The political instability and injustice came to gather political and traditional elders at the northern town of Burao in Somaliland. The aim of the uproar was not initially secession which came as a surprise to many but on 18 May 1991 they reached the unexpected decision. They decided to dissolve Somaliland’s 1960 union with Somalia, and restore its sovereignty as an independent state. They had initially come to discuss peace, not secession. This event coincided with the collapse of the central state in Somalia.

In the years since the self-reclamation of independence Somaliland has been successful in resolving a number of internal conflicts and has established a seemingly stable state. Successes have also occurred at a local level in other parts of the Somali region. Although Somaliland is the most prominent in establishing a more broader and lasting stability founded on local agreements, the region of Puntland has also prospered in similar means. Simultaneously there has been sixteen major externally funded peace conferences for Somalia. In contrast Somaliland has maintained a policy of non-involvement in these meetings, instead accentuating an internal process for resolving conflicts.

The new administration’s successful demobilization of former fighters, formation of national defense and security services, and the extraordinary resettlement of over one million refugees and internally displaced persons fostered the internal consolidation of its renascent polity. The many establishments of independent newspapers, radio stations, and a host of local NGOs and other civic organizations reinforced the nation-building exercise. In May 2001 a referendum was held where 97 percent of the voters approved a permanent constitution which also led to the establishment of an executive branch of government consisting of an elected president and vice-president. Furthermore they have appointed ministers, created a bicameral legislature consisting of an elected House of representatives, an upper chamber consisting of traditional elders and finally an independent judiciary.

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9 Pham, Peter J. Somalia: Where a state Isn’t a state, The Fletcher Forum On World Affairs, 2011, p. 142
10 Walls Michael, The emergence of a Somali state- Building Peace from Civil War in Somaliland, African Affairs, 2009, p. 372
11 Pham, Peter J. Somalia: Where a state Isn’t a state, The Fletcher Forum On World Affairs, 2011, page 142-144
12 Pham, Peter J, State Collapse, Insurgency, and Counterinsurgency: Lessons from Somalia, 2013, p. 29
4. Previous Research

Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law, Allen Buchanan

In the publication “Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law” Allen Buchanan writes about self-determination and secession. This work by Buchanan is a call for a more comprehensive theory regarding self-determination that not only accounts for the right to secede but also the normative evaluation of self-determination that will help us comprehend the claims to self-determination. Buchanan also realizes the need of understanding that the culmination of self-determination does not have to result in independent statehood as the ultimate goal. Furthermore the author argues that secession is the most dramatic form of self-determination that can take place. Buchanan claims that mostly or even exclusively focusing on secession will distort theory and impede progress in practice. Buchanan offers two theses, firstly international law should recognize a remedial right to secede however not a general right of self-determination meaning the right to secede for all peoples or nations. From the viewpoint of international law the right to secede without consent or constitutional authorization should be seen as a last resort due to serious injustices. Secondly international law should encourage alternatives to secession by supporting and working with international human rights norms that prohibit ethno-national and religious discrimination. Buchanan argues that the need for a more principled stance on self-determination has never been greater. Large scale violent conflicts tend to occur within states rather than between states. Many times self-determination is an issue in these conflicts and sometimes even the most central issue.

The prevailing opinion among international legal scholars appears to be that at present there is no international legal right to secede except in two rather specific circumstances. Firstly “classic” decolonization, when a foreign colony seeks to liberate itself from metropolitan control, and secondly the reclaim of state territory that is subject to unjust military occupation. Some

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scholars would add a third circumstance which is where a racial group has been denied meaningful access to participation in government\(^{14}\).

5. Theoretical framework

My thesis will be analyzed through the moral arguments for and against secession that are presented in Allen Buchanan’s scholarly work “Secession - The morality of Political Divorce from Fort Sumter to Lithuania and Quebec”.

The moral right to secede includes two factors, firstly “that it is morally permissible for those who have this right to secede, and that others are morally obligated not to interfere with their seceding.”\(^{15}\) In this work Buchanan offers arguments for conditions where secession is morally justifiable and that forcible resistance towards it would be considered as morally unjustifiable.\(^{16}\)

Furthermore Buchanan also offers moral arguments against secession. To list all of Buchanan's cases for and against secession would be to extensive therefore I will present in total six selected arguments from both sides (three each) that are particularly valid for my case study. I chose to not present arguments that I felt did not apply or were related to this case. Arguments that are not presented in this essay are those who I found would be rather difficult to relate to the case of Somaliland or they simply were weak arguments when applied to my topic. For instance an argument concerning the `preservation of cultures´ can justify secession and Buchanan brought forth the case of Quebec to serve his point.\(^{17}\) However in order to cultivate a valid point for Somaliland’s secession this particular argument does not relate with the history of Somalia/Somaliland as they do not seek to secede to preserve a distinct culture or society. The same goes for some of Buchanan's arguments against secession. Perhaps one of the more appealing arguments for secession that was mentioned by Buchanan was the larger political


\(^{15}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 27

\(^{16}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 27

\(^{17}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 52
unit’s right to preserve itself. Buchanan argues that this argument shamelessly denies the secessionist cause and right to secede on the ground that the state as it was will no longer exist. Further the author presents a long and varied account for this “self-defence” argument however I chose not to incorporate it in my case study as the argument is based on the notion of dissolving a sovereign state which Somalia currently fails to be categorized as. Nonetheless to uphold transparency and clear the essay from being biased the arguments that were not incorporated will be listed below.

The arguments for secession that were not included:

B. Furthering Diversity
D. The Limited Goals of Political Association
E. Making Entry Easier
F. Escaping Discriminatory redistribution
G. Enhancing Efficiency
H. The Pure Self-Determination or Nationalist Argument
I. Preserving Cultures
J. Self-Defence
L. Consent

The arguments against secession that were not included:

II. Self-Defence (as a justification for resisting secession)
IV. Minimization of Strategic Bargaining
V. Soft Paternalism
VII. Preventing Wrongful Taking
III. Protecting Majority Rule

Conclusively the arguments that construct the base for my analysis have been chosen based on their relevance to the particular case.

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18 Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 91-92
5.1 The moral arguments for secession

1. The first justification for seceding is highly intertwined with the value of liberty. Although the concept of liberty naturally would favor the right to secede it also must come with limitations. The limits of liberty is often specifies that it is impermissible to interfere with an individual as long as his or hers choice does not harm others. This notion suggests that it is also impermissible to interfere with a group of individuals effort to secede, if these efforts do not harm others\textsuperscript{19}.

Now to understand the meaning behind “harm” and to know what counts as harming others there is a principle to it known as the Harm principle. The meaning of harm that Buchanan adopts in this work is that a \textit{harm is not just a setback to an interest but a setback to an interest that constitutes the violation of a right}. Not in all cases where someone’s interest suffers a setback counts as a violation of that person's rights. To limit “harm” to those setbacks to interest that constitute violations of rights is created to achieve the needed restriction\textsuperscript{20}.

When connecting this idea to secession it is evident that all arguments against the right to secede claim that secession threaten certain interests. Nonetheless these arguments are incomplete if they only assume that these interests weigh highly morally to the extent that their protection justifies the use of force to suppress secession\textsuperscript{21}.

The case for secession based on the concept of liberty emphasizes the value of freedom of groups and individuals and the principle that the state must uphold liberal rights such as freedom of expression, freedom of religion and freedom to participate to political processes. However if the members of the state cannot coexist in the liberal framework and wish to not remain within the liberal state should they not be able to free themselves of the political authority? If they wish to do so and it does not bring harm upon others it should be seen as

\textsuperscript{19} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 29
\textsuperscript{20} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 30
\textsuperscript{21} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 30
morally justifiable\textsuperscript{22}. Moreover the most morally significant interest of others that is harmed by secession is the interest of the state or its peoples in preserving its territory and the resources that comes with it. Secessionists challenge the authority of the state by denying the state’s jurisdiction not only over themselves but also of a part of the state’s acclaimed territory. When secession involves wrongfully taking of land and resources that belongs to others then it counts as a harmful act. Further if taking land should be classified as a violation depends on whether those whom it is taken from are in fact the rightful owners of it. Therefore whether the Harm principle and the notion of liberty it is founded upon favor secession will depend on who has the valid ownership of the territory\textsuperscript{23}.

2. The second argument to justify secession tackles the value of diversity. Advocates of liberalism argued for a liberal state existing with diversity among groups and individuals. Thus it is not so clear why this stops at the boundaries of the state. Hence if diversity is favorable and the secession of a group contributes to diversity it should also be considered as prosperous\textsuperscript{24}. Still, secession does not necessarily ensure that diversity is realized if not individuals are in actuality not able to participate in diversity. Diversity provides consideration for secession solely when free interaction between political units are created as a consequence of secession\textsuperscript{25}.

3. An additional argument for secession brought by Buchanan is one regarding ‘Rectifying past injustice’. This argument can be seen as one of the most appealing for secession. This argumentation reasons that a region has the right to secede if it is considered that it was wrongfully incorporated into a state from which the members now wish to secede from\textsuperscript{26}. This unjustifiable unionization can present itself in two various ways, either as a consequence of directly annexing the seceding region or it may have been unfairly incorporated by an earlier state that is the predecessor of the current state. The initial scenario can be exemplified through

\textsuperscript{22} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 31
\textsuperscript{23} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 32
\textsuperscript{24} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 32
\textsuperscript{25} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 33
\textsuperscript{26} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 67
viewing the former Baltic Soviet Republics and the latter scenario can be illustrated by the secessionist movement in Bangladesh. Along with the other regions in the Indian subcontinent Bangladesh was incorporated into the British Empire, and when colonial rule ended Pakistan was created by joining West- and East Pakistan. East Pakistan later acquired the name Bangladesh and seceded from Pakistan\textsuperscript{27}. The strength of this argument is that it makes the assumption that secession in these cases is merely the reappropriation of power to its legitimate owner. To simplify, secession or the right to secede is claiming what is rightfully one’s own.\textsuperscript{28} The simple interpretation of this argument is favourable for secession however if the seceding group does not possess clear relations to the group whose land was unlawfully taken or perhaps fails to demonstrate that they are legitimately entitled to it, things are less simple.

5.2 The moral arguments against secession

The moral case against secession possesses arguments that not only demonstrate when secession is morally unjustifiable but also that it can be morally permissible to resist secession with the use of force. The opponents of secession present arguments that conclude that there is no a moral right to secede and also no or very limited moral constitutional right to secede\textsuperscript{29}.  

1. The first argument that is presented by Buchanan is one regarding ‘Protecting legitimate expectations’. Here the opposition denies that secession can be justifiable even in cases where the secessionists have valid grounds that their land was illegitimately annexed to a state. This argument is suggests that there are legitimate expectations that would be circumvented if secession was allowed\textsuperscript{30}. To illustrate this argument Buchanan raises another

\begin{itemize}
\item \textsuperscript{27} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 67
\item \textsuperscript{28} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 67
\item \textsuperscript{29} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 87
\item \textsuperscript{30} Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 87
\end{itemize}
example from history. If the case were to be different and the Soviet Constitution did not include a right to secede and that Lithuanians claimed that they had the moral right to secede due to the fact that their country was forcibly and unjustly annexed by the Soviet Union in 1940. Here the anti-secessionists believe that as Lithuania has been a part of the Soviet Union for over 50 years, consequently expectations have been produced\(^\text{31}\). People that had no part in the initial injustice have constructed their lives based on these expectations and allowing secession would disrupt these innocent people's lives. Those who stand behind this argument realize that secessionist have the right to secede if their territory was unjustly annexed however this right does weigh heavier than of those that have been given legitimate expectations. In a more simple explanatory manner, the strength of this argument is that it concludes that historical grievance can fade with time. Furthermore it suggests that the right to rectification can diminish\(^\text{32}\).

2. Another argument against the justification of secession rejects the right to secession altogether as it poses a threat for the ‘emergence of anarchism’. This anti-secessionist argument suggests that if secession is permitted there will be no end to it, resulting in chaos. If large groups have the right to secede, then why not smaller groups or even perhaps individuals? This argument insinuates that secession leads to more fragmentation than what is tolerable\(^\text{33}\). Notably this argument assumes without verification that if secession occurs the right to secede must be an unlimited right for all. Ultimately one does not have to allow everything simply because one allowed something. Evidentially even cases for secession shows that the right to secede cannot be unlimited and pro-secessionists also limit the right to secede. However the prediction of anarchy gains credibility if one takes into account the normative nationalist principle that implies that all “peoples” or ethnic groups have a right of self-determination. Therefore unrestricted efforts to act upon this principle would undoubtedly culminate in disruption and loss of human lives\(^\text{34}\). In addition several documents in international law including

\(^{31}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 88  
\(^{32}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 88  
\(^{33}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 102  
\(^{34}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 102
UN resolutions have promoted an unqualified principle of self-determination leading to a more broader justification of nearly limitless secession. However if one contemplates the actuality of the matter, attempts at secession occur quite infrequent in comparison to the many numbers of groups that have aspirations to have political independence\(^{35}\).

3. The final anti-secessionist argument to be presented is one regarding ‘distributive’ justice. The argument is based upon the theory of distributive justice and the unresolved issues that lie at its core. It raises the question: “To whom are obligations of justice owed?”\(^{36}\) The situation that often applied on this particular argument is if “the haves” wish to secede from “the have-nots”. The anti-secessionists argue that secession under these circumstance is morally impermissible because it is unjust. This being that the group that attempts secession are avoiding their responsibilities of distributive justice to those that have lesser. Buchanan states that in many actual cases in which the better off wish to secede, their motivation for doing so is the aspiration to end sharing their wealth. Nonetheless all bids for secession do not entail uncharitable motives, some proponents of secession are motivated by governmental inefficiency and thus wish for secession in order to escape the restraint of bad government\(^{37}\).

6. Analysis

The following analysis is divided into three parts. The first part will discuss Buchanan’s three arguments for secession applied to Somaliland. The second part will deliberate the three arguments against secession. In order for the analysis to be as unbiased as possible pros and cons will be discussed for each claim when implemented onto Somaliland. The final part of the analysis seeks to examine the actual importance of moral justification for secession and the role it plays when searching for international recognition and sovereignty.

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\(^{35}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 103

\(^{36}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 114

\(^{37}\) Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 115
6.1 For Somaliland's secession

This part of the analysis consists of the arguments for secession that were presented in section 5.1. The aim of the first part of the analysis is to compare Buchanan's three arguments for secession to the case of Somaliland, in order to examine if the secessionists have a moral and valid claim for secession.

The first moral justification for seceding discusses the values of liberty. In this instance the notion of liberty suggests that it is morally permissible for a state to secede if this action does not bring harm upon others. As previously mentioned Buchanan defined “harm” as not just a setback of an interest but a setback of an interest that would constitute into a violation of a right. Now this applied to the case Somalia against Somaliland brings some difficulties. The principle of liberty gives the Somalilanders the right to make a claim for secession as it is impermissible to interfere with a group's effort to secede if these efforts do not harm others. However the anti-secessionists would argue that secession would be considered as a violation of a right and morally unjust as it consequently would harm Somalia as it would lose a significant part of its territory and the resources that come along with it. Buchanan has taken this counterargument into consideration as it develops by assessing the matter of who is rightfully entitled to the territory. In Somaliland's case there is a slight lack of clarity in whom is the rightful owner to the territory as it prior to the creation of the independent state of Somalia in 1960 was divided between several different colonial powers. But as I mentioned in the background, the British protectorate of Somaliland was given its very own independence in June of 1960 before it engaged in a hasty union with the rest of the newly independent Somali regions. This is an implication that the Somaliland territory that was proclaimed as an independent territory in 1960 is the territory that justifiably belongs to the Somaliland secessionists. And as secession in this sense would not not involve wrongfully taking of territory and resources this argument evidently favors Somaliland’s cause for secession. Also, technically this argument further favors Somaliland's claim for secession as the state has been in control of its own resources through self-governance since the
Somali state collapse in 1991. This notion further diminishes the idea that it would be a setback of an interest for the state of Somalia.

Additionally, the second argument for secession is one concerning diversity. This argument suggested that secession would contribute to diversity and in this case it would perhaps mostly provide political diversity in the region. The region around the Horn of Africa has been plagued with civil war, corrupt political leaders and adversity of all sorts. By giving a state such as Somaliland the chance to continue its development and flourish it could reinforce diversity to its neighbouring states. Diversity in this sense is created when people are free to participate between various political units as a consequence of secession. However to argue that diversity will heighten simply due to secession is difficult to validate as secession in this case also possibly could increase nationalistic ideas for the Somalilanders and thereupon inflate further conflict.

And if one chooses to view the example of South Sudan a newly recognized state not far from the region, independence did not fully solve the problems that long plagued its peoples. In 2013 two years post independence the newly formed state faced an outbreak of violence leading to a humanitarian crisis and displacing a large number of people. Here secession did not lead to regional stability at least not in the few years since independence, however, South Sudan had very different prerequisites than Somaliland. What favors Somaliland in comparison to other secessionist states is the state's self-sufficiency. The failure of the central state in Somalia has lead to self-governance that shares similarities to any other sovereign state in the world. Therefore, the likelihood that secession would induce conflict is much smaller.

Lastly, the third argument presented for secession concerned rectifying past injustices is according to Buchanan the most appealing argument for secession. This case for secession claims that if a region was wrongfully incorporated into another state, the secessionists have a morally justifiable right to secede. There are two different ways of interpreting the Somaliland-Somalia unification of 1960. On one side one could claim that it was not a wrongful incorporation as those of newly independent Somaliland intentionally united to be a part of a “Greater Somalia”. Some scholars have however argued that the union had little legal and moral

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38 UNMISS, United Nations Mission In South Sudan - Background, United Nations, 2017
validity and in an 2005 report a African Union fact-finding mission lead by the former AU Commission Deputy Chairman Patrick Mazimhaka was quoted concluding :“The fact that the union between Somaliland and Somalia was never ratified, and also malfunctioned when it went into action from 1960 to 1990, makes Somaliland’s search for recognition historically unique and self-justified in African political history.” This reinforces the notion that the incorporation of former British Somaliland into the remainder of what we know as Somalia today could be argued as illegitimate.

The strength of this argument stems from the ground that secession in this aspect basically is the repossession of lost property. So, secession in this case would be the same as the right to reclaim what belongs to one. This argument however is somewhat weakened due to one important detail. The fact that even though scholars argue that the unification of the former Italian Somali colony and British Somali Protectorate was lacking in legal validity, British Somaliland was never forcefully incorporated into the formation of Somalia in 1960. However, this does not exclude the fact that the incorporation of Somaliland into Somalia can be seen as an unjust annexation.

6.2 Analysis

Against Somaliland's secession

In this section I will analyze the arguments against secession that I presented in the chapter 5.2. Based on the background of the case Somaliland I will apply these counter arguments against secession to Somaliland in order inquire whether they are plausible.

The first argument against those who are for a Somaliland secessionist movement is the theory regarding protecting legitimate expectations. These expectations are created in the duration while the seceding region has been a part of the country from which it seeks to secede from. Thus those who have constructed their lives on these legitimate expectations posses a heavier right to the

40 Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, 1991, page. 67
continuation of their reality than those who wish to secede. This argument cannot gain much strength when applied to Somaliland. If we take a look back in the history of Somaliland and Somalia they have been united less than they have been separate units. The two parts became unified in 1960 and it lasted up until 1991 when Somaliland reclaimed their independence. Prior to year 1960 they had been colonized and controlled by different colonial powers. Undoubtedly legitimate expectations may had been formed. However, legitimate expectations had also been generated prior to this junction. This anti-secessionist plea fails to elaborate on which legitimate expectation is of higher importance, is it the most recent expectation or simply the expectations that were formed during the union. It is also of importance to take into account that Somaliland has functioned as an independent political entity for the past 26 years and nonetheless more recent expectations have been cultivated. It is also estimated that a majority of the 3.5 million people living in Somaliland were born after the region declared its independence thus they have never been members of a unitary Somalia. A scenario where they would be reincorporated into Somalia would surely fuel conflict.\footnote{Pham, Peter J. Somalia: Where a state Isn’t a state, The Fletcher Forum On World Affairs, 2011, p. 147}

The argument against the justification of secession next in order rejects the right to secession altogether as it could pose a threat for the emergence of anarchism. This claim indicates that a direct consequence of secession is that if secession is permitted it will lead to the advancement of chaos, and a rapid increasement of secessionist movements. However as previously mentioned history has proven that attempts at secession occurs rather infrequent. Since the year 1990 a total of 34 new countries have emerged, 19 of these states are the result of the dissolution of the USSR and Yugoslavia. And the most recent newcomer is South Sudan as it seceded from Sudan in 2011\footnote{Rosenberg Matt, The World’s Newest Countries Since 1990, ThoughtCo, 2017}.

Seemingly these prosperous secessionist movements did not result in anarchy of any sort. Conclusively, the argument that alleges that secession paved the way for anarchy can be disregarded as an exaggeration as its has been proven that most secessionist movements fail.

In the aftermath of Eritrea's independence in the early 1990s predictions were made that it would subsequently open the Pandora’s box of secessions throughout the African continent however the later seceding state would become South Sudan and neither did it flourish more
secession movements. As Somaliland already functions as a de facto sovereign state and probably deserves recognition would surely not serve as catalyst for increasing secession movements. So in this instance international recognition of the state of Somaliland would not necessarily give birth to a more chaotic ambience in the international community.

However, although the counterarguments for the rise of anarchism are strong, one particular detail in the Somali region backs up this argument. In the aftermath of the collapse of the Somali state in 1991 another Somali region declared its independence. The state goes by the name Puntland and shares many similarities to its neighbour Somaliland, and the two regions share the same border. The case of Puntland could insinuate that secession inspires further secessionist movements, however in this case Puntland unlike Somaliland plans to rejoin Somalia as a semi-autonomous state in a future federalist Somalia. Yet, it is impossible to predict the future and if the scenario plays out that the state of Somalia loses both great regions, a third and perhaps a fourth regions decides to seek secession. Nevertheless, the state of Puntland and those who govern it have been adamant that they do not wish to become a fully sovereign state.

The final anti-secessionist argument was the one regarding distributive justice. In short it laid emphasis on the fact that secession is impermissible if the situation was that the “haves” wished to secede from the “have-nots” in order to escape from sharing their wealth. If we apply this theory to Somaliland the argument succeeds in some terms to gain legitimacy if the perspective is that Somaliland is better off than Somalia. However the question regarding distributive wealth weakens in some sense as Somalia has a notably larger territory, longer coastline and is guaranteed higher in resources. Nonetheless Somaliland has since the outbreak of Somali civil war in early 1990 succeeded in rebuilding its infrastructure, economy and overall the establishment of the nation as mentioned above in the background.

But to further analyze this segment regarding distributive justice, Somalia might be richer in resources if we consider its territorial size and long coastline but it is not rich in terms of stability and peace. One could argue that as long as Somaliland in technicality is a part of Somalia, peace partially prevails in its region. In the eyes of the international community

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Somaliland is still strongly connected to Somalia and could function as an example for the rest of the nation in terms of development and post war state-rebuilding. Hence the argument of distributive justice can be applied to this case in the sense that opponents of secession could argue that the Somalilanders wish to secede from Somalia in order to sustain their own development. Still, this can be seen as a positive factor and negative depending on the perspective one has on secession in Somaliland. Buchanan also argued that all claims for secession do not need to motivated by uncharitable causes. Distributive justice also embodies the will to seek secession in order to escape governmental inefficiency. This can be a legitimate argument against secession in the instance mentioned in the background, the Somalilanders were rather unpleased with the central government prior to reclaiming their independence in 1991. If governmental inefficiency was a major cause that lead to the secessionist movement and made the Somalilanders establish their own state this argument against secession gains validity.

Although the argument that is distributive justice makes valid claims in this particular case it is not essentially a strong argument when applied to Somaliland as it perhaps is not the strongest contention against secession compared to the two arguments presented above and offered low persuasiveness.

6.3 Analysis

What does moral justification for secession offer Somaliland?

This final part of the analysis questions what moral justification offers a seceding state such as Somaliland. And it concludes with examining the strongest and weakest arguments according to the two previous analytical sections.

In Somaliland’s case moral justification offers merely one credible element. Theoretically it gains the secession movement legitimacy and strengthens its right for self-determination thus it does not offer sovereignty or international recognition which is the aim for the secession movement. So the question is: What does this convey when a state despite reaching these
qualifications still does not reach full statehood? Although the aim of this paper was to examine secession from a moral aspect, the legal aspect also plays a significant role. Based on the Montevideo criteria for statehood that entails that a state must require permanent population, a defined territory, a government, and the capacity to defend and represent itself and lastly a near universal support for independence, Somaliland fulfills all listed except one. Undoubtedly there are no exact guarantees that the fulfillment of these requirements will obtain a nation or grant the secession movement an independent state or the right to secede. One must therefore question the legitimacy of international law and their willingness to shelter the right for self-determination. Somaliland has continually proven to be self-sufficient and solved their issues and domestically, however their abilities are incapacitated as their strive for independence are in the hands of the international community.

In order to persuade the external world that the claim for secession is just, the secessionists must have a valid case as to why the wish to secede. An unique and separate identity has been proven to be a compelling reason to the right for self-determination as secession would enhance the group's perseverance. In an attempt to convince the global community that they are entitled to a sovereign state Somaliland has for the past 20 years worked on constructing a distinctive identity opposed to Somalia. Compared to other successful secessionist movements the claim of differentiability is somewhat weakened in this case as Somalia as a whole is often depicted as one of the most homogenous nations in the world. It is estimated that 85 % of the people living in Somalia are ethnic Somali and the remaining 15% are non-somali minorities such as Bantu peoples and Arabs.

The Somaliland secessionists however argue that colonialism has contributed to the construction of separate identities in the sense that it provided different norms, traditions and values as the two region were subjected to different colonial powers. One of Buchanan's arguments for secession that I chose not to include touches on the question regarding identity, ‘the preservation of cultures’. I previously stated that I found this argument inadequate in this case as it mainly lays emphasis on ‘culture’ rather than national identity.

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45 Bereketeab, Redie, Self-Determination and Secessionism in Somaliland and South Sudan Challenges to Postcolonial State-building, Nordiska Afrikainstitutet, 2012, p. 22
46 United Nations, Country Facts- Somalia
Additionally the Somalilanders secessionist movement often use the international law and the UN's right of peoples subjected to colonialism to exercise self determination. This argument alleges that Somaliland is the product of British Colonialism and therefore has the right to sovereignty and as that process has yet occurred in actuality, the decolonisation process has yet ceased. This is one of the strongest claims for morally justified secession for Somaliland as it can find strength in Buchanan’s theory as it would make the secessionists the rightful owners of the territory.

So to conclude Somaliland does not only possess morally justifiable reasons for secession but can also find support in international law. The strongest moral claim for secession that was applied to Somaliland was Buchanan’s first argument for secession which was the right to liberty. This value of liberty suggests that every group and individual has the right to freedom and participate in political processes. If the state, in this case Somalia, fails to uphold these liberal rights and the people within this state cannot coexist or wish to stay within the state they are permissible to secede.

Moreover the Somalilanders right to secede does not bring harm upon others, denying them the right to a sovereign state however does harm the population in the self-declared state. It hinders them from participating in the global political arena and prohibits their development.

The strongest claim against Somaliland’s secession is distributive justice. The argument distributive justice suggests that secession is impermissible as it is the “haves” wishing to secede from the “have nots” due to the advantages that secession would bring. This is the strongest argument against secession in this case as it characterizes the adverse aspect of secession. The region of Somaliland can been seen as one of the few successes that has derived out of conflict plagued Somalia in its recent history. Somaliland could be used as a model for post war development to Somalia and allowing formal secession could possibly lead to antagonism instead of cooperation and the sharing of ideas.

Although in reality the most probable argument against recognizing states such as Somaliland is the second argument against secession that was offered, the emergence of anarchism. The international community is often cautious in granting new states independence as

47 Bereketeab, Redie, Self-Determination and Secessionism in Somaliland and South Sudan Challenges to Postcolonial State-building, Nordiska Afrikainstitutet, 2012, p. 23
it is commonly believed that it could trigger further secession movements. As mentioned in the previous chapter of the analysis most new states were the result of the dissolution of larger states such as the USSR. And if we yet again observe the example of South Sudan, the secessionist movement was successful due to pressure on the international community as a consequence of the severe discrimination and injustices. Unless major conflict would erupt between Somaliland and Somalia, the need for secession could by the global community not be interpreted as acute.

7. Conclusion

The analysis of Buchanan's theories on secession applied on the case Somaliland indicates that secession in this particular context should be considered morally justifiable. Although Somaliland’s secession can undoubtedly be morally justifiable it can also however be argued against. Based on the above analysis of both standpoints the moral arguments for secession obtains more substance.

Also a substantial case can be made based on the already existing governance structures that Somaliland is a more feasible state than other seceding states that have been granted independence.

As mentioned Somaliland has a strong moral foundation for secession and also the right to self-determination based on international law. Nonetheless the right to self-determination along with a moral right to secede does not seem to be enough to gain international recognition as a state. Complication occurs when you realize that there is a difference between saying that a group has a right to attempt to establish its own legitimate state and saying that it has a right to its own legitimate state. The international legal system might recognize that under certain conditions, such as colonization or unjust military occupation, a group is entitled to attempt to constitute a fully independent, primary political unit that will be recognized as such by the
international system, but might leave it up to existing states to accord legitimate statehood status to the group depending upon whether the new unit it constitutes meets certain requirements\textsuperscript{48}. Nevertheless Somaliland's quest for independence has been thwarted measurably by Somalia's refusal to a stamp of approval for a political divorce\textsuperscript{49}. But also due to the lack of interest from the international community to pay attention to this remarkable case.

8. Future studies

Since the material base for both Somaliland and also moral secession theory is rather limited, this may lead to a lack of diversity when dealing with the choice of materials for the study. When collecting material for this study it was very notable that most scholars prefered to research about South Sudan. The new African nation has become a popular example when exploring seceding states. This mainly due to the substantial media coverage it received during injustices that occurred prior to its secession. Therefore, a more detailed account of the two states similarities and differences would be an interesting research topic.

Also, the use of a different theoretical framework could be useful in further assessing the case of Somaliland. Instead of studying secession one could examine the impact of war and how state-rebuilding occurs with little to none outside intervention. Future studies might also include a postcolonial perspective on the formation of new states in the African continent.

Currently, this topic lacks thorough studies and research, further discussions and debate will not only bring more light to the issue but also lead to a deeper understanding of Somaliland.

\textsuperscript{48} Buchanan Allen, Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law, 2003

9. Bibliography

- Bereketeab, Redie, Self-Determination and Secessionism in Somaliland and South Sudan Challenges to Postcolonial State-building, Nordiska Afrikainstitutet, 2012, Uppsala


- Buchanan Allen, Secession- The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, Westview press, 1991

- Bryden, Matt, Somalia and Somaliland: Envisioning a dialogue on the question of Somali unity, African Security Review,


- Johannessen Asbjörn, Tufte Per Arne, Introduktion till samhällsvetenskapligt till samhällsvetenskaplig metod, Liber, 2003

- Johnson Martha, Smaker Meg, State Building in De Facto states: Somaliland and Puntland Compared, Africa Today, 2014


- Pham, Peter J. Somalia: Where a state Isn’t a state, The Fletcher Forum On World Affairs, 2011

- Pham, Peter J, State Collapse, Insurgency, and Counterinsurgency: Lessons from Somalia,2013


- UN, Country facts - Somalia.
  https://www.un.int/somalia/somalia/country-facts

- UNMISS, United Nations Mission In South Sudan - Background, United Nations, 2017

Maps:

- [https://www.eth.mpg.de/3588746/mhoehne-02_jpg_2127639726-1424439791.jpg](https://www.eth.mpg.de/3588746/mhoehne-02_jpg_2127639726-1424439791.jpg)