



Universiteit
Leiden
The Netherlands



Independence Monument in Somaliland, Hargeisa

The *De Facto* Recognition Problem: Somaliland

Thesis MA International Relations

Specialisation Global Conflict in the Modern Era

K.J. Veltman, S1599445

k.j.veltman@umail.leidenuniv.nl

Under Supervision of Dr. D.M.S.M Natermann

17-01-2021, Leiden

Abstract

This thesis explores the theory of State Recognition and its limits. Using the case of Somaliland as an example to discuss the problems regarding *de facto* recognition. With the help of diplomatic documents from the United Kingdom and the Netherlands, it tries to build a case that *de facto* recognition is problematic and often only serves the state that initiates that *de facto* recognition, as ultimately, the observed behaviour does not seem to indicate that the analysed states consider Somaliland to be a non-state. In conclusion, it is suggested that the situation where a *de facto* state suffers from non-recognition, but in interactions gets treated as a fully functioning state, can be described as the *de facto* recognition problem.

Inhoud

Abstract	1
1. Introduction.....	3
1.1 Problem Statement.....	4
1.2 Why Somaliland?.....	5
1.3 Research Question.....	6
1.4 Historical Overview of Somaliland.....	7
1.5 Theoretical Framework.....	8
1.6 Literature Review.....	11
1.7 Methodology.....	12
Chapter 2: Dutch Consideration for Recognition.....	14
2.1: Migration.....	15
2.2: Development Aid.....	18
2.3: Naval Security and Combating Piracy.....	21
2.4 Concluding Remarks on Dutch <i>De Facto</i> Recognition.....	22
Chapter 3: The United Kingdom's Intricate Relation with Somaliland.....	23
3.1 Migration.....	25
3.2 Development Aid.....	26
3.3 Naval Security and Combating Piracy.....	30
3.4 Concluding Remarks on British <i>De Facto</i> Recognition.....	31
4. Conclusion.....	32
Bibliography.....	34

1. Introduction

The importance of recognition in the theory of state recognition has been an important part of modern theories of state recognition. While the traditional idea of a state being the authority that has the monopoly of violence in a certain territory still rings true in some way or form, the multitude of actors in the international playing field seems to have complicated that understanding of a state. If the international community does not recognize that an entity has a legitimate claim to rule a territory, operating as a state seems impossible. Peter Radan writes that recognition is of fundamental importance even, as it allows the would be state to conduct all kinds of diplomatic actions, which it would else not be able to.¹ Interestingly, the world as we know it has some aspiring states that operate without internationally confirmed recognition, but who have an arguably valid claim to recognized statehood. This valid claim often comes forth from a defunct state from which they wish to secede. What then hinders the international community from recognizing these states, as they have often fared better than the defunct state?

Exemplary for this problem is the region of Somaliland. Situated in the north-western corner of modern-day Somalia, just west of the secessionist region of Puntland and wedged in between the borders of Djibouti and Ethiopia, it has been attempting to gain international recognition after unilaterally declaring independence from Somalia in 1991. While the former British colony has been recognized as an independent state in 1960, not only by Britain but the United Nations as well, it chose to give up this recognized independence by merging with the former Italian colony of Somalia.² Normally a state would not voluntarily give up its sovereignty, but Somalilanders had a strong national sense and belief in a 'Greater Somalia', which ultimately led them to this option.³ Even though we have recently seen some secessionist states gain international recognition in the form of Kosovo or South Sudan, Somaliland does not seem to be considered as being on equal footing with the aforementioned states. Even though academically it is often accepted that Somaliland has good papers to acquire recognition and subsequent statehood.⁴ Nicholas Eubank even describes Somaliland as being relatively more stable, because it had to build strong institutions with popular support to ensure constant tax collection, as Somaliland could not rely on foreign aid. This ensured that Somaliland has a

¹ Peter Radan, 'Recognition of States in International Law', in *Handbook of State Recognition*, ed. Gezim Visoka, John Doyle and Edward Newman, (London & New York: Routledge 2020): 48.

² Scott Pegg, 'Somaliland' in *Handbook of State Recognition*, ed. Gezim Visoka, John Doyle and Edward Newman, (London & New York: Routledge, 2020): 418.

³ Brad Poore, "Somaliland: Shackled to a Failed State," *Stanford Journal of International Law* 45, no. 1 (Winter 2009): 123-124.

⁴ Scott Pegg, 'Somaliland' in *Handbook of State Recognition*, ed. Gezim Visoka, John Doyle and Edward Newman, (London & New York: Routledge, 2020): 417.

relatively more stable state apparatus as it does not rely on foreign aid in its budget.⁵ This could then imply that there is an underlying reason for other states to steer away from recognizing Somaliland as a state, even though many states cooperate with the region in some way or form.

1.1 Problem Statement

Unfortunately for Somaliland, it is yet to be recognised by a member of the international community. Somaliland has failed to convince anyone to back their bid for independent statehood. Which could be seen as surprising, seeing as there are states that have a diplomatic mission in Hargeisa or recognise Somaliland's travel documents. While there are only a few states with representative offices in the capital, like the United Kingdom and Denmark for instance, Turkey even has a consulate in Hargeisa.⁶ Neighbouring states Djibouti and Ethiopia, while unsurprisingly having a consulate because of proximity, have explored all types of possible diplomatic relations, where Ethiopia is even allowed to use the port of Berbera, as Ethiopia does not have any natural harbours due to being landlocked.⁷ Normally, one would suppose such interactions could warrant international recognition, but surprisingly the contrary seems to be true in Somaliland's case. Djibouti and Ethiopia both have differing reasons to not recognising Somaliland. Djibouti has strong ties with the parties in power in Somalia, rendering recognition an unlikely option, due to existing grievances between the parties.⁸ Ethiopia on the other hand, is wary of once again creating international diplomatic backlash, as they have seen before when they allowed Eritrea to secede from their own state.⁹ Even though these states regularly deal with the sitting government in Somaliland, they choose not to formally recognise Somaliland.

This weak form of recognition is what is referred to as *de facto* recognition. *De facto* recognition does imply that the territory that the recognising state is dealing with has some form of capacity and ability to govern, but does not do anything for that territory with regards to international politics. *De facto* recognition is a considerable length away from *de jure* recognition, better known as official or formal recognition. How is it that these states that

⁵ Nicholas Eubank, "Taxation, Political Accountability and Foreign Aid: Lessons From Somaliland," *Journal of Development Studies* 48:4 (April, 2012): 469.

⁶ Turkish Ministry of Foreign Affairs, <http://www.mfa.gov.tr/relations-between-turkey-and-somalia.en.mfa> (29th of September, 2020).

⁷ Benjamin Farley, "Calling a State a State: Somaliland and International Recognition," *Emory International Law Review* 24 (2010): 808.

⁸ Iqbal Jhazbay, "Somaliland: Africa's best kept secret, A challenge to the international community?," *African Security Studies*, 12:4 (2003): 80.

⁹ Nasir M. Ali, "Ethio-Somaliland Relations Post-1991: Challenges and Opportunities," *International Journal of Sustainable Development*, 4:4 (2011): 5-6.

regularly cooperate with the territory of Somaliland on several levels then deny Somaliland *de jure* recognition? One would assume it would be these states that regularly cooperate with Somaliland that would have taken it upon themselves to guarantee a more secure future for the aspiring state, but that does not seem to be the case. However, the suspicion arises that the cooperation is often only out of a self-serving interest. States that *de facto* recognise seem to do so out of their own interest, something which could be described as the ‘*de facto* recognition problem.’

What could be the reason for this problem? While most of the literature focussed on the case of Somaliland considers arguments made by the Somaliland representatives themselves or gives explanations that are extrapolated from external data, this thesis wants to delve into the theoretical debate and argue that it is perhaps *de facto* and *de jure* recognition that is problematic, rather than focussing on why Somaliland has not been *de jure* recognised per se. Why do states keep arguing against recognizing a relatively more stable territory (Somaliland) in favour of maintaining an arguably defunct status quo (Somalia)? In this thesis, an attempt will be made to cover the gap that currently exists between the existing theory of state recognition and the well-argued case that could warrant recognition as presented by Somaliland. The gap here is that several states interact regularly with Somaliland and interact with their government, even though they refuse to formally recognise Somaliland. To try and cover this gap an attempt will be made to argue that *de facto* recognition is inherently problematic in a *de jure* world. In doing so, two *de facto* recognising states will be examined, to come to a better understanding of this supposed problem.

1.2 Why Somaliland?

Why then use Somaliland? Somaliland is exemplary of what could be called the *de facto* vs. *de jure* problem, as mentioned in the preceding paragraph. Where Somaliland has *de facto* recognition from Ethiopia and Djibouti and a looming bid from the United Kingdom for *de jure* recognition, it does not receive any benefits from this form of would be recognition.¹⁰ *De facto* recognition does entail that the recognising state of the aspiring state does recognise that aspiring states’ capabilities to do state-like actions, but does not plan to support that *de facto* states bid to change the international status quo while recognizing the actual disturbance of the status quo by the *de facto* state. *De facto* recognition is thus in a sense problematic. It does not do anything for the *de facto* state, but serve the interests of the states that give *de facto* recognition. The *de facto* recognition by Djibouti and Ethiopia is similar in that regard, which

¹⁰ Ali, “Ethio-Somaliland Relations Post-1991: Challenges and Opportunities,” 2-4.

will be addressed later in this thesis. When a state gives *de facto* recognition the status quo remains unchanged, yet there is an implication of an eventual change of the status quo. It is this implied eventual change which gives, often unwarranted, hope to the *de facto* state with regards to a potential *de jure* recognition. A problem which will be further explored in this thesis, using Somaliland as a case in point. Somaliland is an excellent case to demonstrate this problem, as they have been trying for nearly thirty years to gain *de jure* recognition, while none of their *de facto* recognising ‘friends’ have actually come through with a *de jure* recognition bid.

1.3 Research Question

To come to a better understanding of what causes this problem and its subsequent non-recognition, what this variable could pertain, the following research question follows from the aforementioned: ‘How do actions between Somaliland and the *de jure* states of the Netherlands and the United Kingdom exemplify the problem that theory of state recognition has in explaining the non-recognition of Somaliland?’ The first sub-question will be: ‘In what way have the United Kingdom and the Netherlands *de facto* recognised Somaliland and what implications do their actions have for a potential *de jure* recognition of Somaliland?’ The next question is more theory focussed, focussing on potential implications for existing theories of state-recognition. It continues on the previous question by asking what the implications are for the existing theory of state-recognition. The question leads as follows: ‘How are the actions analysed in the previous sub-question indicative for the *de facto* recognition problem?’ These three questions combined should lead to a deepening of the debate surrounding theories of state-recognition.

To create a structured overview, first some historical context for Somaliland will be provided, as the context matters for the cases that will be studied. Thereafter, a theoretical framework and a literature review will be given. Attempting to explain the nuances of both theory and existing literature. After giving this background, a methodological chapter will be presented, where a justification of the source material and analytical methods will be presented. In the first analytical chapter a case study of the Dutch sources will be done, where the relationship between the Netherlands and Somaliland will be examined. Subsequently, in the second analytical chapter, the United Kingdom will be examined similarly. After these two analytical chapters, an attempt will be made to answer the second sub-question, exploring the implications for the theory of state-recognition. Ultimately, there will be a concluding chapter where a summarizing overview will be given and concluding remarks will be made. It is here

where there will also be some critical notes regarding the research and where suggestions for further research will be made.

1.4 Historical Overview of Somaliland

In this chapter a historical overview of the intricacies regarding Somaliland will be given, where the situation with its neighbouring states and international partners will be discussed. Some of these were briefly mentioned in the introduction, but it would be unwise to not further elaborate on the topic, as understanding those dynamics helps to better understand the situation at hand. It helps to understand in what way or form the entity of Somaliland has existed and has been seen as a valid entity. First the historical background of Somaliland will be discussed after which the clan intricacies of the region will be addressed.

Like previously mentioned in the introduction, Somaliland has been a *de facto* state for nearly 30 years now. The political entity of Somaliland has, however, existed for longer than that. Since the 7th century, Somaliland often shifted rulers between several sultanates, like the Ajuran; Adal or Zanzibar sultanate, but in 1961 the earliest sign of an ‘independent’ Somaliland can be observed.¹¹ after the British Empire released the territory and its independent statehood got unanimously recognised by the United Nations.¹² Five days later, the newfound state decided to give up this newly acquired statehood, unknowing that it would never be able to reobtain it. Somaliland decided to merge in an union with the former Italian colony of Somalia.¹³ Reasons for this were based in practicality, rather than that there was a solid basis in doing so. The people living in both states were quite homogenous, and therefore did not object to a union. Gérard Prunier notes that the British did not impose a particular political system on the former territory of Somaliland and that the Italians had destroyed any form of political rule in Somalia, creating no systemic objections for unifying the two territories. And so it took only 3 days for the two former colonies to set the merging process in motion.¹⁴

After the union was formalized, Somalia enjoyed relative stability. It tried to function as a parliamentary democracy and did so up until 1969, when a coup changed the situation drastically.¹⁵ It was the moment Siad Barre ushered in his military rule and suspended the constitution, to allow for his party to be the only party in charge and institute the socialist

¹¹ Britannica Academic s.v., “Somaliland,” <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/Somaliland/68645>, (accessed 11th of November, 2020).

¹² Renders, *Consider Somaliland : State-building with Traditional Leaders and Institutions*, 15.

¹³ Pegg, “Somaliland,” 417-418.

¹⁴ Gérard Prunier, “Somalia: Civil War: Intervention and Withdrawal (1990 -1995),” *Refugee Survey Quarterly*, 15, no. 1, (1996): 37-39.

¹⁵ Prunier, “Somalia: Civil War: Intervention and Withdrawal (1990-1995),” 39-40.

Marxist regime he envisioned.¹⁶ In addition to that, Barre made severe efforts to establish a cult of personality. He and his government acquired full control over the press. Furthermore he made sure that his depiction was ever present. Making sure that his depiction was visible not only in government buildings, but even in ordinary shops and coffee houses.¹⁷ Barre's personality cult was well crafted, and his power went uncontested for a long time.¹⁸ His regime lasted from 1969 until January 1991, when he was ultimately violently deposed in a civil-war.¹⁹

Similarly to how it started, with a coup, the regime collapsed tumultuously. One of the parties involved in the civil-war that cost Barre his dictatorship, was the Somali National Movement (SNM). The SNM secured the area that was formerly known as the protectorate of British Somaliland.²⁰ Unfortunately, the government that had once agreed to merge Somaliland with Somalia, had not provided mechanism that would allow for a discontinuation of the union between the two states.²¹ These trigger mechanisms it could have greatly used. As the union with Somalia proved to be dysfunctional after some time. The SNM had seen enough of Somalia and decided to declare unilateral independence in May of 1991, declaring the Republic of Somaliland.

1.5 Theoretical Framework

To better understand the situation regarding Somaliland and the theoretical motivations behind the research question, it is paramount to first understand the theory of 'state recognition.' Afterwards a more detailed explanation of the more complex issue of *de facto* recognition will be given, which will be the main leading theory used within this thesis. The theory of 'state recognition' discusses what makes a state and if external recognition is a significant part of that states' being. Within the theory of state recognition there are two main traditional theoretical schools. On one hand you have 'declaratory theory' and on the other you have 'constitutive theory.'²² Modern theory often takes parts of both theories, as some aspects of the traditional theories are sometimes seen as dated, and combines them into hybrid theory. First, a closer look

¹⁶ Mohammed Hajji Ingiriis, *The Suicidal State in Somalia: the Rise and Fall of the Siad Barre Regime, 1961-1991* (Langham University Press of America, 2016): 65-66.

¹⁷ Ingiriis, *The Suicidal State in Somalia: the Rise and Fall of the Siad Barre Regime, 1961-1991*, 119-120.

¹⁸ Ibidem, 120-121.

¹⁹ Britannica Academic s.v., "Mohamed Siad Barre", <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/Mohamed-Siad-Barre/473314>, (accessed 15th of November, 2020).

²⁰ Britannica Academic s.v., "Somaliland," <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/Somaliland/68645>, (accessed 11th of November, 2020).

²¹

²² Roman Nicholson and Thomas D. Grant, 'Theories of State Recognition' in *Handbook of State Recognition*, red. Gözüm Visoka, John Doyle and Edward Newman (London & New York: Routledge, 2020): 25.

will be given to declaratory theory, followed by constitutive theory. After this the mentioned hybrid theory will be discussed. Ultimately, followed by an analysis of the intricacies regarding *de facto* recognition.

What does declaratory entail? Declaratory theory does not think recognition by other states is the main characteristic of what makes a state, but focuses more on what defines statehood. The terms that are defined by the Montevideo convention are a recurring theme in declaratory theory. The Montevideo convention set legal parameters for what makes a state, mentioning the following requirements for statehood: a permanent population, defined territory, a government and the capacity to enter relations with other states. The most important part of the theory is that recognition of other states does not play a factor in making a state.²³ Declaratorist explanations have somewhat gone out of style over the recent years, but parts of the theory are still useful. Perhaps specifically for the case of Somaliland.

The other main traditional theory with regards to the theory of 'state recognition' is constitutive theory. Constitutive theory is based on the premise that what makes a state, is the recognition of other states or an external actor. This is the main difference towards the declaratory school.²⁴ While constitutive theory does not necessarily exclude the legal parameters set by the declaratory school, it does see those parameters as being subservient towards recognition. Recognition is the main parameter that must be met to secure statehood.

It must be said that use of exclusively one of these theories rarely happens and often a more hybrid approach is taken. In fact, Nicholson and Grant even mentioned that traditional explanations toward state recognition have almost gone extinct.²⁵ Many hybrid theories of state recognition combine both the declaratorist and constitutive account to create a more nuanced explanation. Hybrid theories do often combine these theories with an element that manages to fuse them. One major school within the hybrid theories is established by Paul Gugenheim and Hans Kelsen. They suggest that there needs to be some kind of authoritative element that can recognize a state as being a state, like a major institution or certain other states. This could be a major body with significant power, like the United Nations for instance.²⁶

Another major hybrid school of thought comes from Hans Lauterpacht, he postulates that states have a duty to recognise entities that meet the required criteria, without taking into

²³ Nicholson and Grant, 'Theories of State Recognition,' 25-26.

²⁴ Ibidem, 28.

²⁵ Ibidem, 29.

²⁶ Ibidem, 31.

consideration their own interests.²⁷ While Lauterpacht's argument was strong on an ethical basis, it was critiqued for not being anchored in a legal reality.²⁸ Finally, there is the hybrid theory of non-recognition. The theory of non-recognition argues that states do have the legal obligation to, in principal, not recognise any seceding entities, unless otherwise prescribed by the United Nations Security Council.²⁹ However, actions of states have oftentimes proven that states do not act in accordance with this theory. These hybrid theories can thus be useful in explaining cases about recognition or non-recognition, but seem to fall short when it comes to explaining the non-recognition of Somaliland. While this is a basic introduction to 'state recognition', one could always turn to books like the excellently crafted *Handbook of State Recognition* by Visoka, Doyle and Newman to learn more.³⁰

After having introduced the theory of state recognition, it is also relevant to talk about what type of entity Somaliland is. Theory does not seem to be conclusive on why it is not a state, but perhaps the answer lies in what it is now. Somaliland is a *de facto* state, trying to enter a *de jure* world. It enjoys relations with other states, but not the recognition one would expect as a result of those relations. The preceding paragraphs mainly deal with what makes a state, but not what makes a *de facto* state. It is then important to understand the nuances regarding *de facto* states. A *de facto* state enjoys some form of recognition, to say that Somaliland is thus totally unrecognised would be a false statement. However, *de facto* recognition is substantially different than *de jure* recognition, which is most often used in theories of state recognition. Nina Caspersen states that: "The de facto states therefore argue that effective statehood can be created without international recognition; that internal sovereignty is, in other words, not ruled out by lack of external sovereignty."³¹ According to Caspersen, the *de facto* state does thus enjoy a form of respected sovereignty over the territory it exists in, albeit without internationally recognised borders. This respected sovereignty could then come forward in the form of recognised travel documents or that the authorities of the *de facto* state are treated as any regular state in maintaining relations for instance. Somaliland enjoys this *de facto* recognition, but in this thesis it will be argued that it should perhaps be deserving of more than just *de facto* recognition.

²⁷ Ibidem, 30.

²⁸ Josef L. Kunz, "Critical Remarks on Lauterpacht's "Recognition in International Law," *The American Journal of International Law* 44, no. 4, (October, 1950): 713-719.

²⁹ Nicholson and Grant, 'Theories of State Recognition,' 31-32.

³⁰ Nicholson and Grant, 'Theories of State Recognition,'

³¹ Nina Caspersen, "Playing the Recognition Game: External Actors and De Facto States," *The International Spectator*, 44, no. 4, (2009): 47.

1.6 Literature Review

Having outlined what issue will be addressed in this thesis and what theoretical framework will be adhered to, an overview of the literature will be given. Somaliland has been discussed before and there are some notable schools of thought to be identified in the field of study regarding Somaliland, which will be expanded upon in the theoretical framework chapter. Now a chronological overview of relevant literature will be given. Both articles regarding the broader theory of 'state recognition' and Somaliland will be considered in this review, as both could help in providing a better understanding of the problem at hand.

It would be unwise to ignore Marleen Renders contribution to the debate around Somaliland with her book titled *Consider Somaliland*. She provides an extensive oversight of the dynamics of the aspiring Somaliland state. She provides a good oversight of the arguments for the *de facto* state, but also adds to the debate about *de facto* states.³²

Alison Eggers provides us with an early account of the problem. As early as 2007 she notes that the problem has more to do with the fact that Somaliland does not have a functioning parent state to secede from, which does not give Somaliland any other choice than to just start acting as a functioning independent state.³³ Egger's account does however not give a solid explanation as to why states will then not recognize Somaliland. Benjamin Farley notes in 2010 that Somaliland, despite meeting the Montevideo convention criteria to statehood, Somaliland still does not garner international recognition, even though other states that do not meet these criteria are being recognized ahead of Somaliland.³⁴ In 2012 Mikulas Fabry wrote an article on state recognition. He reviews the cases of Kosovo, Abkhazia and Southern-Osetia. It discussed the power politics around the recognition of these states and the possible implications it has for further recognition of other would be states.³⁵ Nikola Pijovic wrote an overview of Somaliland's relations with other African states like Egypt, South-Africa and Ethiopia in 2013.³⁶ An account that explores a constitutive approach to Somaliland's African relations. In 2014 he follows it up with an article named 'To Be or Not to Be: Rethinking the Possible Repercussions of Somaliland's Statehood Recognition', which gives an overview of the issues raised by states as

³² Marleen Renders, *Consider Somaliland: State-building with Traditional Leaders and Institutions*, (Koninklijke Brill: Leiden, 2012).

³³ Alison Eggers, "When is a State a State? The Case for Recognition of Somaliland," *Boston College International and Comparative Law Review* 30, no. 1 (Winter 2007): 217.

³⁴ Farley, "Calling a State a State: Somaliland and International Recognition," 805.

³⁵ Mikulas Fabry, "The contemporary practice of state recognition: Kosovo, South Ossetia, Abkhazia, and their aftermath," *Nationalities Papers* 40, no. 2 (September 2012): 661.

³⁶ Nikola Pijovic, 'Seceding but not Succeeding: African International Relations and Somaliland's Lacking International Recognition' *Croatian International Relations Review* 19, no. 68 (2013).

to why they will not recognize Somaliland.³⁷ An account that could prove to be very useful for this thesis, as it could help identify a variable as to why there isn't a state that wants to take the initiative in recognizing Somaliland. A hallmark explanation given by Bridgett Coggins in 2014, argues that leaders try to coordinate recognition efforts and, more importantly, try not to unnecessarily infringe on the sovereignty of other states as to prevent possible diplomatic blunders.³⁸

Rebecca Richards and Robert Smith later in 2015 provide a good theoretical contribution. In their somewhat orientalistically titled article 'Playing in the Sandbox: State Building in the State of Non-Recognition', they do provide a valuable contribution towards the explanatory debate of state recognition. They try to explore the nuances of non-recognition and the consequences it has for the would be state. In an attempt to put an emphasis on strategic goals, they ultimately neglect to make any hard conclusions regarding that variable.³⁹ In 2019 a valuable contribution is made by Scott Pegg. In the *Handbook of State Recognition* he writes a chapter that is aptly named 'Somaliland', in which he explores possible explanations to the problem.⁴⁰ Pegg's contribution is of huge importance to this thesis. While his explanation reasons more from Somaliland's own arguments, these being: legal; normative; empirical and performative.

1.7 Methodology

In doing this research it is important to have good methodological accountability and to handle the sources responsibly. While recognizing some of the constraints this thesis has, such as locale and certain restrictions and challenges the COVID-19 crisis of 2020 presents, it does not void the requirements of adequate methodological responsibility. Perhaps the COVID-19 crisis even highlights the need for the proper usage of valid and good source material, as mis-information can be disastrous for any subject. In this chapter it will first be addressed what type of material will be used, after identifying the used source material an overview will be given on how these sources will be handled and what methodological theoretical framework will be utilised to correctly handle these sources.

³⁷ Nikola Pijovic, "To Be or not to Be: Rethinking the Repercussions of Somaliland's International Statehood Recognition," *African Studies Quarterly* 14, no. 4 (2014): 17-36.

³⁸ Bridgett Coggins, *Power Politics and State Formation in the 20th Century: The Dynamics of Recognition* (Cambridge, 2014): 10.

³⁹ Rebecca Richards and Robert Smith, 'Playing in the Sandbox: State Building in the State of Non-Recognition' *Third World Quarterly* 36, no. 9 (2015): 1730-1735.

⁴⁰ Scott Pegg, "Somaliland,"

What is the ontology? What are the sources that this thesis relies on? The interplay of fact and theory is one of the most important characteristics of the study of International Relations.⁴¹ First it should be mentioned that the research will be conducted in a historical manner, where an attempt will be made to produce a historical explanation to the problem at hand. There is no quantitative analysis, as research is being done on a statistical anomaly: Somaliland. This means that the thesis is heavily dependent on primary and secondary source material. In the theoretical framework and literature review an attempt is made to give a good indexation of the material that is available on Somaliland and what is taken from that material to use for this thesis. This material, or rather literature, consists of a diverse list of authors who have written articles in handbooks, have written handbooks or have published articles in scientific journals.

Secondly, this thesis relies on primary source material. In this case that would be statements from politicians, ministers and high-ranking members of society that could give valuable statements on the matter of Somaliland. To achieve this, parliamentary documents of both the Dutch and British governments will be used. The Dutch part will mostly be reliant on *de Handelingen der Tweede Kamer* and documents of the Dutch foreign office, *Het Ministerie van Buitenlandse Zaken*. The British part will mostly be addressed through the House of Commons Hansard and the House of Lords Hansard, where a detailed collection of the debates regarding Somaliland can be found. In addition to this, foreign policy documents will be used. The majority of the foreign policy documents regarding Somaliland, or regarding Somalia, are recent and can thus be accessed online. Dutch documents can be found at www.rijksoverheid.nl or <https://www.officielebekendmakingen.nl>. British documents can be accessed at www.gov.uk or <https://hansard.parliament.uk>. To adequately find sources related to Somaliland, there will also be attention for documents regarding Somalia, as Somaliland is officially not an entity that these states deal with. Ideally, there would be a study of Somaliland's documents, as that would offer insights from the subject at hand. Unfortunately, travel and language restrictions prevent this study.

With regards to epistemology, it is important to responsibly interact with the sources. To do that the method of qualitative historical analysis will be used. In particular the method of historical explanation. A form of process tracing that should help in trying to answer the research-question. This method will be used when examining the individual sources. This

⁴¹ Stephen H. Haber, David M. Kennedy and Stephen D. Krasner, "Brothers under the Skin: Diplomatic History and International Relations," *International Security* 22, no. 1 (Summer, 1997): 36.

particular method means that an attempt will be made to trace what events led up to that event that ensured non-recognition. Albeit events on the international stage or more local events that could have influenced the actors involved to go down a particular path.⁴² This method allows for the use of a multitude of sources that are in a relation to the subject at hand. Which leaves all kind of avenues open for research.

But in the use of diplomatic documents lies also a danger. Pablo de Orellana describes that diplomatic documents describe how actors recognise one another.⁴³ In this thesis recognition is one of the ontological subjects, but the problem at hand is the lack of recognition. This dichotomy must thus be accounted for when looking for the problem of *de facto* recognition with regards to Somaliland. Furthermore, in using diplomatic documents, lies the danger that there simply is no access to the documents that were used to inform official government policy. The danger thus exists that a very superficial judgement is made on the basis of the available documents, that might have a more informed decision than is initially thought.⁴⁴

Chapter 2: Dutch Consideration for Recognition

Now that a historical overview of the situation in Somaliland is given and the political situation has been explained further, the first case can be discussed. One could ask: why the Netherlands? Which is a fair question. The Netherlands is, perhaps unsuspectedly, one of the states that has been working with Somaliland. Officials from the Ministry of Foreign Affairs have spoken about how they believe Somaliland is a crucial partner in tackling piracy in the Gulf of Aden, for instance.⁴⁵ It is then odd that the Dutch strategy seems to be focussed on strengthening the Somaliland parliamentary structures, but does not support formal recognition.⁴⁶ By making an analysis of Dutch parliamentary and diplomatic documents, the problem of *de facto* recognition will be brought to the forefront once more.

When examining Somaliland-Dutch relations, there are three main subjects that are discussed within the Dutch chambers of government. These subjects are: migration; development aid and naval security. These subjects will also mark the subdivisions within this

⁴² James Mahoney, "Proces Tracing and Historical Explanation," *Security Studies* 24, no. 2 (2015): 203.

⁴³ Pablo de Orellana, "Retrieving how diplomacy writes subjects, space and time: a methodological contribution," *European Journal of International Relations* 26, no. 2, (2020): 470.

⁴⁴ De Orellana, "Retrieving how diplomacy writes subjects, space and time: a methodological contribution," 470-471.

⁴⁵ Tweede Kamer, dossier 29237, "Afrika Beleid," vergaderjaar 2010-2011, nr. 139, 15th of June, 2011, (accessed 27th of December, 2021): 3.

⁴⁶ *Ibidem*, 1.

chapter. Migration is the issue that has the longest history, with documentation of discussion dating back as far as the birth of the *de facto* Somaliland Republic in 1991. The other two issues, development aid and naval security, have other resurgent periods as stability in the region faltered or became better. All three of them will follow a similar analysis, based on the available parliamentary and diplomatic documents. At the end of this chapter, the case should be presented that Dutch diplomacy with regards to Somaliland was often self-serving. Indicating once more that *de facto* recognition only serves one party in diplomatic interaction and little for the party that receives the *de facto* recognition. In this case, the Dutch do indeed seem to prove this hypothesis.

2.1: Migration

Migratory policy is an important aspect of the day to day politics in the Netherlands and is as such often discussed within the chambers of government. Subsequently, it is also an important part of the relation between the government of the Netherlands and the *de facto* government of Somaliland. There has been, according to the Dutch ‘Centraal Bureau voor Statistiek’ (CBS), the governmental statistics agency, a population of 20.000 Somali’s in the Netherlands in 1996. This number grew to ca. 40.000 in 2019.⁴⁷ When looking at migratory background, Somalians have since 1996 been the second largest African group in the Netherlands.⁴⁸ It is important to note that the large number of Somali asylum seekers came forth from the civil war that lasted in that time. In 1996 a fact-finding mission of the Dutch did however establish that Somaliland was stable and wanted to make agreements with Somaliland to reduce the amount of asylum seekers.⁴⁹ The agreements that they tried to make are often discussed and the interactions regarding that should prove interesting for the debate about *de facto* recognition.

What is then the first instance where the lack of recognition of Somaliland becomes relevant with regards to migratory policy? On the 1st of October in 1997 de Tweede Kamer is taken by surprise by a series of faxes that it had received first from a minister of Somaliland and later President Egal of Somaliland. Earlier, secretary of state Elizabeth Schmitz of the Department of Justice had informed de Tweede Kamer per letter that an agreement was reached

⁴⁷ Centraal Bureau voor Statistiek (CBS), <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/37713/table?dl=48DC9> (5th of January, 2021).

⁴⁸ CBS, <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/37713/table?dl=48DC6> (5th of January, 2021).

⁴⁹ In the following paragraphs many sources from the Eerste- and Tweede Kamer will be used. These can be found on www.officielebekendmakingen.nl. They can be accessed both online and physical, hence they will have a reference to when they were accessed and use most of their physical archive’s attributes for referencing. Tweede Kamer, dossier 19637, “Vluchtelingenbeleid,” vergaderjaar 1999-2000, nr. 479, 30th of September, 1999, (accessed 5th of January, 2021): 6.

with the government of Somaliland with regards to the Somaliland authorities taking back a number of citizens that were currently residing in the Netherlands.⁵⁰ The aforementioned fax, however, heavily criticized the Dutch government and threatened to end the agreement until further notice. Member of Parliament (MP) Leoni Sipkes describes that the fax mentions a number of diplomatic blunders on the end of the Dutch government. President Egal heavily criticizes the Dutch government for not receiving the Somaliland delegation on a governmental level, but only on the ministerial level, as it does not formally recognise the country. Sipkes disapproves and then goes on to criticise Schmitz; Schmitz regularly spoke of ‘The president and his government’, so why did they not receive them on the governmental level if they recognise him as a president?⁵¹ Sipkes is right in her criticism, it is confusing that apparently the governments of both countries can come to an agreement, but not formally recognise one another. Finally Sipkes goes on to question the legality of the agreement, as she finds it unusual that an agreement between a government and a party that they do not formally recognise would enjoy any legality.⁵² MP Gerritjan van Oven adds to Sipkes remarks, wondering if any such agreement would not imply recognition of Somaliland, as a formal agreement means that both parties take each other seriously.⁵³ Schmitz fiercely responds, saying that the agreement does in no way or form imply formal recognition and that if any doubt remains about that matter, the MPs should direct their questions towards the Ministry of Foreign Affairs.⁵⁴ This first interaction concerning the implicit recognition of Somaliland is one of many to come. It is telling that while many MPs question how it can be that there is an agreement with an entity, there is no recognition of said entity.

The discussion in the last paragraph was eventually closed on a positive note. The Somaliland authorities did eventually still agree to take back some of its citizens. State secretary for the Department of Justice Job Cohen, Schmitz’s successor, informs the parliament that per the 21st of January 1998 an agreement has been made with regards to migration.⁵⁵ The dialogue between the two states does however only grow from that point onwards. The agreement that

⁵⁰ Tweede Kamer, dossier. n/a, “Interpellatie-Sipkes, gericht tot de staatssecretaris van Justitie, over uitgeprocedeerde Somaliërs,” vergaderjaar 1996–1997, 1st of October, 1997, (accessed 3rd of January, 2021).

⁵¹ Ibidem, 8-474.

⁵² Ibidem, 8-474.

⁵³ Ibidem, 8-480.

⁵⁴ Ibidem, 8-483.

⁵⁵ Tweede Kamer, ‘Aanhangsel van de Handelingen Vragen gesteld door de leden der Kamer, met de daarop door de regering gegeven antwoorden,’ vergaderjaar 1998–1999, 14th of October, 1998, (accessed 3rd of January, 2021).

was reached in 1998 is rescinded in February of 2000 by the Somaliland authorities, but unilaterally. The Netherlands vows to attempt to restore the agreement.⁵⁶ The constant back and forth between the two makes some Members of Parliament wonder why this dialogue exists in the first place. On the third of January MP Femke Halsema asks Cohen if the Dutch government considers it wise to allow the travel documents from Somaliland, as the government does not formally recognise the state.⁵⁷ Cohen responds that it does not matter if a state is recognised, but that a travel document is needed to deport Somaliland citizens back to Somaliland.⁵⁸ Recognising travel documents seems thus to be convenient when it serves a purpose to the state recognising the documents. In this instance it is a self-serving interest for the Dutch government to recognise the travel documents of the *de facto* state, as it cannot deport Somaliland citizens without that recognition. Subsequently, the government tries to assure its MPs that this does not constitute recognition of the state. This relation is thus somewhat dichotomous. On one hand the Dutch government respects travel documents and agreements of the Somaliland government, but on the other hand it does not accept its legitimacy.

Considering the last paragraph it would not be a strange thought that Somaliland would want to stop the dialogue with the Netherlands, as talks regarding migration seem to have often been rough and unsatisfying for the *de facto* state. The two entities have however re-opened talks concerning migration many times over the years. On the 1st of February of 2002, Cohen informs the MPs per letter that they are once more looking at the possibility to receive a high delegation of Somaliland to discuss migration.⁵⁹ Later, in 2009, there is a ‘Memorandum of Understanding’, between Somaliland and the Netherlands. Then Minister of Justice Ernst Hirsch Balin informs the government that it has been successfully carried out, but that due to a new government being elected in Somaliland, it must be renegotiated.⁶⁰ It seems that the Dutch government learned from its earlier mistake, where it had previously made a formal agreement, it is now an informal agreement. In 2017 a commission of the Department of Justice reports

⁵⁶ Tweede Kamer, dossier 19637 ‘Brief van de Staatssecretaris van Justitie aan de Voorzitter van de Tweede Kamer der Staten-Generaal’, vergaderjaar 1999–2000, 26th of September, 1997, (accessed 3rd of January, 2021): 3.

⁵⁷ Tweede Kamer, dossier 19637, ‘Vragen gesteld door de leden der Kamer, met de daarop door de regering gegeven antwoorden’, vergaderjaar 1999–2000, 3rd of January, 1999, (accessed 3rd of January, 2021): 1379.

⁵⁸ Tweede Kamer der Staten-Generaal, dossier 748, ‘Vragen van het lid Halsema (GroenLinks) aan de staatssecretaris van Justitie over erkenning van reisdocumenten,’ 3rd of January, 2000, (4th of January, 2021): 1635-1636.

⁵⁹ Tweede Kamer dossier 19637 and 26 646, ‘Brief van de Staatssecretaris van Justitie aan de Voorzitter van de Tweede Kamer der Staten-Generaal,’ 1st of February, 2002, (28th of December, 2020) , nr. 648, p. 23.

⁶⁰ Tweede Kamer, dossier 19637, vergaderjaar 2009–2010, letter nr. 1359, 16th of August 2010, (28-12-2020), 3

that the collaboration between the two entities is insufficient.⁶¹ From this point onwards the relation seems to have stagnated with regards to migration.

The migratory debate in the Dutch chambers of government is indicative for the problematic relationship that exists between states and states that they *de facto* recognise. MPs of the Dutch government seem confused why and how a formal agreement can be reached with an unrecognised entity and perhaps rightfully question the legality of such agreements. The Dutch government attempts to assure its MPs that working with the entity does not imply any recognition. Later the Dutch government even alters its interactions from a formal agreement to a ‘Memorandum of Understanding’, trying to take away the worry that an agreement might imply recognition. The Dutch government seems thus to make agreements with a *de facto* entity when it is self-serving. If they were not to recognise the travel documents issued by Somaliland or enter dialogue with the government of Somaliland, they would not be able to deport Somaliland citizens.

2.2: Development Aid

Where the preceding sub-chapter indicated the self-serving relationship between Somaliland and the Netherlands concerning migration, it would not be the whole story to only examine that aspect of the relation. The Dutch government has also provided money for several development projects in Somaliland. This comes forth from the strategy that the Dutch government pursues in the Horn of Africa. It believes that the solution in Somalia lies in strong regional political units.⁶² Interestingly, supporting and building up a republic that actively declared unilateral independence from Somalia fits within that strategy. Ministers of Foreign Affairs and ministers of Development Cooperation have both expressed that a strong regional political body is part of the imagined solution. In this sub-chapter an examination will be made of what projects the Dutch government has in Somaliland. A particular focus will be on projects that could be seen as problematic with regards to the *de facto* recognition of Somaliland. Projects related to migration or piracy, like the projects ‘Gefaciliteerde terugkeer naar Somaliland’ or the ‘Counter Piracy Trust Fund’, will not be discussed in this sub-chapter, as they will be discussed in their own respective chapters.

⁶¹ Tweede Kamer, dossier 34775 XVII, “Vaststelling van de begrotingsstaat van Buitenlandse Handel en Ontwikkelingssamenwerking (XVII),” vergaderjaar 2017-2018, 24th of November 2017, (accessed 28th of December, 2020): 23.

⁶² Tweede Kamer, dossier 29521, “Nederlandse deelname aan vredesmissies,” vergaderjaar 2010-2011, 12th of July, (accessed 6th of January, 2021): 15.

The first shift in the direction of development aid comes in 1997. Before Somaliland declared its independence from Somalia, the Dutch government followed the directions of the Somalia Aid Co-ordination Body (SACB). However, when the south of Somalia was more in need of emergency help, the Dutch government started providing in capacity building and rehabilitation projects in Somaliland.⁶³ At this point it is not yet specified what type of capacity building projects the government intends to support. Later, in 2007, there is mention of project CARE, an initiative to help deported Somalilanders to help reintegrate them after their return to Somaliland.⁶⁴ In 2008, the Netherlands also add Interpeace towards the list of Non-Governmental Organisations (NGO), an organisation that closely collaborates with The Academy for Peace and Development in Hargeisa. This is done in an effort to promote stability in the region.⁶⁵ This is however quickly followed by a remarkable shift in sentiment and increase in contact in the years after 2008.

On the 15th of June 2011 state secretary for Foreign Affairs Ben Knapen informs the government about a trip he made to Ethiopia and Somaliland.⁶⁶ This trip is a substantial development in the relations between the Netherlands and Somaliland. Knapen meets with a high delegation of Somaliland. He meets with then president Mohamoud, Minister of Foreign Affairs Omar and the Chairman of the Somaliland Parliament.⁶⁷ The purpose of the trip was to gain an understanding of what steps were being made towards the Millennium Development Goals and what the Netherlands could do to help advance that progress.⁶⁸ Knapen's visit was however filled with activities, some of them perhaps not befitting for the representative of a country that does not formally recognise the country he is visiting. Knapen laid the first stone for the new House of Elders, one of the legislative bodies of Somaliland. Furthermore Knapen inspected a renovated prison, which the Netherlands helped funding in its efforts to fight piracy and finally he pledged more money to stimulate the good efforts with regards to stability and democracy that Somaliland has made.⁶⁹ While all these particular instances are in relation to

⁶³ Tweede Kamer, dossier 26200, 'Vaststelling van de begroting van de uitgaven en de ontvangsten van het Ministerie van Buitenlandse Zaken (V) voor het jaar 1999,' vergaderjaar 1998–1999, 20th of August 1999, (accessed 28th of December, 2020): 11-12.

⁶⁴ Tweede Kamer, dossier 29693, 'Verbanden tussen ontwikkeling en migratie vergaderjaar 2006–2007, 16th of February, 2007, (accessed 28th of December, 2020): 10

⁶⁵ Tweede Kamer, dossier 22831, 'De Hoorn van Afrika,' vergaderjaar 2010–2011, 16th of September 2011, (accessed 3rd of January, 2021): 7.

⁶⁶ Tweede Kamer, dossier 29237, 'Afrika Beleid,' vergaderjaar 2010–2011, 15th of June 2011, (accessed 3rd of January, 2021): 1.

⁶⁷ Ibidem, 3.

⁶⁸ Ibidem, 1.

⁶⁹ Ibidem, 3.

projects that are sponsored by the Dutch government, such activities do not suggest that the Dutch government only *de facto* recognises the Somaliland government. It begs the question where a line should be drawn and a cumulative of similar actions could warrant recognition.

In 2013 Somalia signed the New Deal Compact with partners from the EU.⁷⁰ In this context the Netherlands supported several programmes from 2014 to 2016. Notable contributions towards Somaliland include a four million euro donation towards the Somaliland Development Fund (SDF).⁷¹ A substantial amount, considering the other programmes in this context received just over 11 million euros.⁷² One of the major programmes within this portfolio was The Association of European Parliamentarians with Africa (AWEPA). The programme was designed to promote institution building and democratic regimes.⁷³ Strengthening the government structures in a *de facto* state that you do not recognise formally, which is also attempting to secede from a state that you want to respect the *de jure* borders of, does seem contradictory. While AWEPA was deemed successful, it must be noted that the organisation ceased to exist in 2017 after fraud was uncovered.⁷⁴

In this sub-chapter it was argued that there exists a certain duality between supporting and advancing regional state-like entities like Somaliland while still advocating the sovereign integrity of the Somalian state. While the efforts of the Dutch government were well intentioned and aimed to promote stability and peace in the region, they oftentimes seemed to have forgotten that they were cooperating with an entity that they did not formally recognise. Indicative of this is the visit of state secretary for foreign affairs Ben Knapen to Somaliland. He met with a high delegation of the Somaliland government and had a visit that was akin to an official state visit. In addition to that, the Netherlands committed some of their monetary input towards AWEPA, a programme that was focussed on the strengthening of democratic institutions. A strategy that can be considered contrary towards the government policy of non-recognition, as it helps build up and strengthen the existing government of the *de facto* state.

⁷⁰ Center on International Cooperation, ‘A New Deal for Somalia? : The Somali Compact and its Implications for Peacebuilding, (New York, 2014): 3.

⁷¹ Tweede Kamer, dossier 29521, ‘Nederlandse deelname aan vredesmissies,’ vergaderjaar 2016–2017, 28th of February 2017, (accessed 3rd of January, 2021): 4.

⁷² *Ibidem*, 4.

⁷³ Tweede Kamer, dossier 29521, ‘Nederlandse deelname aan vredesmissies,’ vergaderjaar 2013–2014, 15th of November, 2013, (accessed 3rd of January, 2021): 6.

⁷⁴ NOS, ‘1,6 miljoen verdwenen bij ontwikkelingsorganisatie,’ <https://nos.nl/artikel/2197080-1-6-miljoen-verdwenen-bij-ontwikkelingsorganisatie.html>, (accessed 3rd of January, 2021).

2.3: Naval Security and Combating Piracy

Naval security is high on the Dutch security agenda. As a result, Somalia and Somaliland have often been a topic of discussion in the Dutch parliament, as the Horn of Africa was ridden with pirates as a result of the enduring instability in Somalia. From 1991 to 2005 piracy off the coast from Somalia experienced low volumes, but saw a steep increase thereafter. Especially from 2005 to 2008.⁷⁵ After this increase, the international community starts to react. In 2008 the European Union launches Operation Atalanta, to patrol in the Gulf. The Netherlands is also part of this operation. Subsequently the first debates concerning the situation are also observed in around 2008. Earlier migration and development aid were discussed, both showing the paradoxicality of interacting with a government that does – on paper – not exist. For naval security it is not much different and it on some parts ties in to the chapter regarding developmental aid. Why would a state regularly send warships and officials to visit Somaliland and assist in training personnel of that *de facto* state, while it does not recognise it? In this sub-chapter, an examination of the Dutch policy with regards to anti-piracy measures and naval security in the Gulf of Aden will be given, with a particular focus on the interactions with Somaliland. It is important to note that there will not be much focus on Operation Atalanta, as that operation considers Somalia as a whole, and not just Somaliland.

One of the first instances where piracy is debated within the Tweede Kamer is then in 2009. In this debate it is expressed that the power vacuum caused by Al-Shabaab is causing piracy and that it is raising concerns.⁷⁶ It becomes clear, however, that Somaliland is open to assisting in fighting the piracy that erupted in the Gulf of Aden. In the debates it is mentioned that Somaliland's authorities have captured 78 pirates, an effort that is welcomed by the secretary of state for foreign affairs Ben Knapen.⁷⁷ Minister for Foreign Affairs Uri Rosenthal even goes further in saying that Somaliland should be the actor the Netherlands should look to cooperate with, as they are one of the only actors in the region to take ownership of the problems.⁷⁸ One of the important issues is with regards to detention capacity. Somaliland is acting swiftly and has started renovating a prison to detain captured pirates.⁷⁹ Later, in 2013,

⁷⁵ Edward R. Lucas, "Somalia's 'Pirate Cycle' : The Three Phases of Somali Piracy," *Journal of Strategic Security* 6:1, (Spring, 2013): 57.

⁷⁶ Tweede Kamer, "Verslag van een schriftelijk overleg," doc. nr. 2009D35855, 28th of July, 2009, (accessed 6th of January, 2021): 3-4.

⁷⁷ Tweede Kamer, dossier 29237, 'Afrika Beleid,' vergaderjaar 2010–2011, nr. 139, 15th of June 2011, (3rd of January, 2021): 3.

⁷⁸ Tweede Kamer, dossier 29521, "Nederlandse deelname aan vredesmissies," vergaderjaar 2010-2011, 12th of July, 2011, (accessed 6th of January, 2021): 15.

⁷⁹ *Ibidem*, 15.

the Netherlands even starts to monetarily support this effort.⁸⁰ In a report by the IOB, the office of the Dutch ministry of Foreign Affairs that evaluates policy, it is also mentioned that the Dutch were looking to establish anti-piracy courts in Somaliland, but that it proved difficult to realise that wish.⁸¹ With all these commitments the Dutch governments is making towards Somaliland, there is a similar paradoxicality as in the preceding sub-chapter. Again the Dutch government seems to want to invest in capacity building in a state that they do not formally recognise, wanting to invest in prisons and courts. On the 17th of December 2014 Minister Bert Koenders of Foreign Affairs recognizes that issue and mentions that the Netherlands must strike a balance in giving support, as to not jeopardize the federal Somali state that is envisioned.⁸²

In later years focus seems to shift towards eliminating the root causes of piracy. Here the aforementioned overlap with the sub-chapter about development aid becomes evident. Take for instance the donation of 4 million euros towards the Somali Development Fund, which should strengthen Somaliland's local capacity.⁸³ Additionally the Netherlands also sent the frigate Zr.Ms. Tromp and its crew to train local officials and coast guard in Berbera.⁸⁴

It seems thus again that here it chosen to deal with Somaliland, because it benefits the Netherlands' own agenda. Decreased piracy in the region is a preferable situation. However, this comes with building capacity in Somaliland. Possibly threatening a future federal Somali government, as even the government of The Netherlands themselves recognises. Minister of Foreign Affairs Koenders ultimately mentioned that building too much capacity, was also not preferable.⁸⁵

2.4 Concluding Remarks on Dutch *De Facto* Recognition

In this chapter it was argued that the Dutch relationship with the government of Somaliland was often self-serving. With regards to migration it was concluded that the Dutch stance on dealing with Somaliland was often confusing towards Dutch MPs. They questioned the legality of

⁸⁰ Tweede Kamer, dossier 32706, "Beveiliging zeevaartroutes tegen piraterij," vergaderjaar 2012-2013, 8th of May, 2013, (accessed 6th of January, 2021): 2.

⁸¹ Directie Internationaal Onderzoek en Beleidsevaluatie, (IOB), "Investeren in stabiliteit. Het Nederlandse fragiele statenbeleid doorgelicht," 1st of April, 2013, <https://www.iob-evaluatie.nl/publicaties/evaluaties/2013/10/01/379---iob-evaluatie-investeren-in-stabiliteit.-het-nederlandse-fagiele-statenbeleid-doorgelicht>, (accessed 22nd of December, 2020): 215.

⁸² Tweede Kamer, dossier 29521, "Nederlandse deelname aan vredesmissies," vergaderjaar 2014-2015, 17th of December, 2014, (accessed 6th of January, 2021): 13.

⁸³ Tweede Kamer, dossier 29521, 'Nederlandse deelname aan vredesmissies,' vergaderjaar 2016-2017, 28th of February 2017, (3rd of January, 2021): 4

⁸⁴ Ministerie van Defensie, "Evaluatie Nederlandse bijdrage aan missies en operaties in 2016," 15th of May, 2017, (accessed 6th of January, 2021): 17.

⁸⁵ Tweede Kamer, dossier 29521, "Nederlandse deelname aan vredesmissies," vergaderjaar 2014-2015, 17th of December, 2014, (accessed 6th of January, 2021): 13.

making agreements with the unrecognised government, including the recognition of travel documents given out by the *de facto* government of Somaliland. Ultimately the Dutch government allowed such documents because it served their own interest on deporting Somaliland citizens back to Somaliland.

The sub-chapter about development aid argued that the Dutch stance towards Somaliland with regards to development aid is somewhat paradoxical. The Dutch government invests a large part of its budget in democratic capacity building in Somaliland, while it ultimately wants Somalia returned to its sovereign borders. Building up a parliamentary democracy in one of Somalia's provinces, will ultimately only hinder it from returning to a Somali state. Furthermore the sending of a Dutch delegation led by secretary of state for foreign affairs Ben Knapen towards Somaliland, was unbecoming of a state that does not formally recognise the receiving state. Ben Knapen carried out several actions that would normally suggest that there is some form of recognition towards Somaliland.

Finally an examination of the Dutch stance on naval security and combatting of piracy was made. Here it was concluded that, similarly towards the sub-chapter about development aid, the capacity building is paradoxical. With Minister for Foreign Affairs Bert Koenders even admitting that too much capacity building could potentially jeopardize a future federal Somali state. Ultimately the relationship between the two entities does thus seem to be rather self-serving for the Dutch. Somaliland does profit from the relationship, but the manner in which diplomacy is conducted between the two does not suggest that the Netherlands does not recognise the entity.

Chapter 3: The United Kingdom's Intricate Relation with Somaliland

The United Kingdom has its renown as a colonial powerhouse. It is then perhaps not a surprise that Somaliland, the subject at hand, has once fallen under British colonial rule. It was previously known as the Protectorate British Somaliland and attained its freedom of the British Crown in 1960.⁸⁶ Relations did not break down however, and the United Kingdom has always remained a keen interest in what was happening in its former protectorate. Furthermore, as a result of these colonial ties, there is a large Somali diaspora community living within the borders of the United Kingdom. There are, according to estimates by the Office for National Statistics,

⁸⁶ *Britannica Academic*, s.v. "British Somaliland," <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/British-Somaliland/471918>, (accessed January 12, 2021).

99.000 Somalis living in the United Kingdom, of which a large part are considered to be from Somaliland.⁸⁷ Both these facts make the United Kingdom a good unit of analysis. There is a strong historical connection and there is a relatively large diaspora community that would benefit from strong ties with Somaliland. These two factors combined would suggest that the United Kingdom would not be unwilling towards an independent Republic of Somaliland. The friendly relations have so far not culminated in formal recognition, however.

To study the United Kingdom's relationship with Somaliland a similar approach will be taken as when studying the Dutch relationship. An extensive study of the interactions in the House of Commons and the House of Lords should give a clear overview of the interactions the United Kingdom has had with the *de facto* state of Somaliland. The House of Commons gives a good overview of what MPs attempt to achieve with regards to Somaliland, while the House of Lords gives a more detailed view of actual government policy with regards to Somaliland. To create structure, a similar approach will be taken as in the previous chapter. Again there will be an analysis of the debates around migration, development aid and naval security. In addition, there will be an extra sub-chapter to address the Commonwealth. Because of the United Kingdom's colonial ties, there have been talks to add Somaliland to the Commonwealth. Ultimately these attempts stranded, but because of the strong cultural and post-colonial implications of this attempt, it would be unwise not to discuss it. After this analysis some concluding remarks will be given, reflecting on the interactions that have existed between the United Kingdom and Somaliland.

With regards towards the United Kingdom's stance on recognising Somaliland, it is important to note that their policy is that they deem it important that Africa takes the lead in any recognition efforts. Recognition should thus first be established by a regional actor and the United Kingdom will not take the lead in this matter.⁸⁸ What this chapter does then try to illustrate is that the relationship between the United Kingdom and Somaliland can be deemed as problematic with regards to recognition. Similarly to the Dutch government, the United Kingdom uses several legal loopholes, like a Memorandum of Understanding instead of a formal agreement, to avoid recognition. Examples will be given in the following sub-chapters.

⁸⁷ Office for National Statistics, "Table B: Population resident in the United Kingdom, excluding some residents in communal establishments, by individual country of birth, January 2019 to December 2019," 21st of May, 2020, (accessed 13th of January, 2021).

⁸⁸ Foreign & Commonwealth Office, "Freedom of Information Act 2000 Request Ref: 0328-17," 5th of June 2017, (accessed 13th of January, 2021).

3.1 Migration

The migratory debate in the United Kingdom is different than the debate in the Netherlands in certain aspects. Because of the good historical relations and familiarity that exist between Somaliland and the United Kingdom, the agreements over sending Somaliland citizens back seemed to have been easier to establish. The House of Commons and The House of Lords do not see many debates that are similar to the Dutch debates. The relative political instability of Southern Somalia is often discussed with regards to migratory policy, but the debate seems focussed on other aspects. While observing the Dutch debates, the government was regularly asked if agreements had finally been made and if there was a way to send back Somaliland citizens, where this is less so within the debates in the Houses of the United Kingdom. The focus will thus be more on the agreements that have ultimately been made with regards to migration, rather than the way that these agreements came to be.

Firstly, there will also be a focus on a Memorandum of Understanding that had been agreed to with Somaliland with regards to migration. Similarly to the Dutch government, the United Kingdom uses this informal tool to enter relations with Somaliland, and has done so on more than one occasion.⁸⁹ In similar fashion to the critique the Dutch MPs expressed over making such agreements, MP Tony Colman heavily critiques the government in a debate in February of 2004. He states:

“When it comes to the issue of recognition, in July 2003, the Home Office signed a memorandum of understanding with the Somaliland Government for the return of failed asylum seekers from this country. Denmark is the only other country to have done so. It is one of those strange fictions that we can have a memorandum of understanding to return failed asylum seekers to a country that we do not recognise.”

Again we can see that legal loopholes are being exploited to deal with a *de facto* state, while not formally recognising it. Later there is mention of a similar agreement that the United Kingdom has made with Somaliland. A Memorandum of Understanding agreed to in 2014 concerning the deportation of prisoners back to their country of origin, which could be described as an extradition agreement.⁹⁰ Then Parliamentary under-secretary for justice Jeremy Wright describes that Memorandum as follows:

We are working hard to negotiate compulsory prisoner transfer arrangements with high-volume countries and have recently signed agreements with Albania and Nigeria and a memorandum of understanding with Somaliland. Progress in transferring prisoners under the European Union prisoner transfer agreement is slower

⁸⁹ Ibidem.

⁹⁰ All references to the House of Commons and the House of Lords were accessed via the Parliamentary Hansard. The Hansard is accessible online via www.hansard.parliament.uk. Since the sources were accessed online, there will also be a reference to the date they were accessed. The documents referenced do not contain page numbers, but as they are of relatively small size, all references should still be able to be easily found. The referencing will then be done as follows: House of Commons, “Foreign National Prisoners,” vol. 583, debated on 1st of July, 2014 (accessed 5th of January, 2021).

than I would like but we are starting to see the number of transfers increase as more countries implement the agreement. All foreign national offenders sentenced to custody are referred to the Home Office for it to consider deportation at the earliest possible opportunity.⁹¹

The Memorandum of Understanding seems to be considered as being in the same vein as the formal agreements that exist with *de jure* states by the under-secretary. The only practical difference is the degree of formality of the agreements. Where the United Kingdom can cancel the Memorandum of Understanding whenever they like and when it suits them best.

In the preceding paragraph quoted MP Colman addresses perfectly where the problem lies in agreeing these Memorandums. Even though the government of the United Kingdom pleads that a Memorandum of Understanding is no formal agreement, the agreed upon policies are still enacted. For the people that are being sent back to Somaliland, the informal agreement is very formal. The United Kingdom can say that there is no legality or implications coming from these agreements, and in the legal sense that is indeed true, but there are consequences to the agreed upon terms. Citizens of a *de facto* state are being sent to that state by a country that does not recognise that state.

3.2 Development Aid

The United Kingdom has, since Somaliland declared unilateral independence from Somalia, tried to offer help. Albeit largely monetary help, there have also been other initiatives to help the fledgling republic. In this analytical sub-chapter there will be an analysis of development initiatives aimed at Somaliland from the United Kingdom. Some initiatives encountered in this chapter were also discussed in the chapter about the Netherlands, but the United Kingdom's perspective on these initiatives should still be able to offer valuable insights. Additionally, visits from delegations and conferences will also be discussed in this sub-chapter. To give extra structure, first

As mentioned in the preceding paragraph, the United Kingdom was quick to assist the Republic of Somaliland in its early days, when it started to form its own administration in 1991. They tried to administer help towards the newfound regime that was called by the Somali National Movement (SNM), even before they officially declared independence on the 18th of May in 1991.⁹² This comes forth from the fact that there is a debate on the 18th of March in the House of Commons, which discussed giving a monetary donation to the United Nations High Commissioner for Refugees (UNHCR). This donation consisted of 430.000 pounds, a

⁹¹ Ibidem.

⁹² Seth Kaplan, "The Remarkable Story of Somaliland," *Journal of Democracy*, vol. 19, no. 3, (July, 2008): 147-149.

considerable amount and indicating that they took the situation quite serious.⁹³ Later, on the 12th of March 1992 MPs Alun Michael and John Bowis ask several questions if there is already a solution in sight for the situation in Somalia and if there is aid towards Somaliland in particular. Then Minister of State for Foreign and Commonwealth Affairs Lynda Chalkers assures them that the United Kingdom has divided two million pounds over various NGOs like Oxfam, Save the Children, Action Aid and Rimfire (a demining firm).⁹⁴ From the onset the United Kingdom does thus seem to take the new Republic of Somaliland serious.

This help continues over the years. In a debate regarding Somaliland in February of 1994, MP Simon Coombs asks then secretary of state for Foreign and Commonwealth Affairs Alastair Goodlad if he will make a statement on the aid directed towards Somaliland. Coombs answers that: ‘Since May 1991, Britain has committed £3.8 million-worth of bilateral humanitarian assistance to north-west Somalia.’⁹⁵ It is somewhat particular that he uses the term bilateral, as that would suggest direct payments between the two governments. However, later he seems to somewhat correct himself in saying that it would be impossible without the help of the earlier mentioned NGOs, which they divided the money over.⁹⁶ What is also remarkable is that the United Kingdom attempted to help in re-establishing a police force in Somaliland. While first reluctant, later an official of the Metropolitan Police was sent, to help set up the police force that was practically non-existent in the nascent republic.⁹⁷

Similarly to what was examined with the Dutch government, some MPs have in April of 1994 been to Somaliland. It must be mentioned that this early visit was not an official visit by a high-ranking member of the government. The MPs that went, Mark Robinson and Tony Worthington, were even briefly kidnapped during their visit, but were luckily released shortly thereafter by their captors.⁹⁸ Tony Worthington, who thus has a valid reason to critique the government, perhaps rightfully asks the Minister:

⁹³ House of Commons, “Somalia,” vol. 188, debated on the 18th of March, 1991, (accessed 4th of January, 2021).

⁹⁴ House of Commons, “Somalia,” vol. 205, debated on the 12th of March, 1992, (accessed 4th of January, 2021).

⁹⁵ House of Commons, “Somaliland,” vol. 238, debated on the 28th of February, 1994, (accessed 4th of January, 2021).

⁹⁶ *Ibidem*.

⁹⁷ House of Commons, “Somaliland,” vol. 238, debated on 28th of February, 1994, (accessed 4th of January, 2021); House of Commons, “Somalia,” vol. 241, debated on 18th of April, 1994, (accessed 4th of January, 2021).

⁹⁸ AP News, “British Lawmakers Freed in Somalia,” February 11th, 1994, <https://apnews.com/article/ca8d8839ebc9c5395d77e42a7aaf0ab1> (13th of January, 2021).

“We want to know from the Government just what they regard as British responsibility. What do they consider to be the British link? When we ask questions of the Government about areas of concern in Africa, they understandably express nervousness and say that they do not want to be deeply involved in every trouble spot.”⁹⁹

It indicates perhaps the confusion that has also arisen from the point of the MPs. On one hand the United Kingdom provides in bilateral aid and sends MPs to observe the *de facto* Republic of Somaliland, but on the other it does not want to recognise it internationally. This non-recognition is in tandem making the aid more difficult to be given, Worthington adds.¹⁰⁰ It is also indicative of the post-colonial relationship the United Kingdom has with Somaliland. The MPs feel some form of responsibility for the former protectorate, but do not know how to act upon that feeling of responsibility or what is expected from them from Somaliland.

Ten years later, in 2004, then secretary of state for international development Hilary Benn even acknowledges the good efforts that have been made Somaliland, proclaiming that: “It has a police force, a defence force, its own currency and a relatively free and lively press.”¹⁰¹ The aid that is being given to Somaliland, seems to reach its intended goals and purpose. The police force the United Kingdom contributed to is realised and several economic projects seem to be successful in the region.

It is also in 2004 that the question of recognition is again put on the table by MPs like Worthington and Michael.¹⁰² Surprisingly, Chris Mullin, then Foreign and Commonwealth Office Minister for Africa, met with “the head of Somaliland authorities” in Hargeisa, to try and stimulate a dialogue between Somalia and Somaliland.¹⁰³ Here a similar problematic visit as with the Netherlands occurred. A high ranking government official goes to meet with the leader of a government that they do not recognise. The meetings of high-ranking officials is a recurring theme. In 2009 lord Malloch-Brown, Minister of State for the Foreign and Commonwealth Office, addresses the house of lords on questions on Somaliland, where he states that the foreign secretary will meet with the president of Somaliland, but again assures the lords that the United Kingdom will wait for African states to act first in recognising Somaliland.¹⁰⁴ Similarly to the Dutch, it seems to be a diplomatic action that is not in line with

⁹⁹ House of Commons, “Somalia,” vol. 241, debated on the 18th of April, 1994, (accessed 4th of January, 2021).

¹⁰⁰ Ibidem.

¹⁰¹ House of Commons, “Somaliland,” vol. 417, debated on 4th of February, 2004, (accessed 4th of January, 2021).

¹⁰² House of Commons, “Somaliland,” vol. 417, debated on 4th of February, 2004, (accessed 4th of January, 2021).

¹⁰³ House of Lords, “Somalia,” vol. 666, debated on 9th of November, 2004, (accessed 4th of January, 2021).

¹⁰⁴ House of Lords, ‘Africa: Governance and Law,’ vol. 708, debated on 5th of March, 2009, (accessed 4th of January, 2021).

the enacted government policy of non-recognition. One cannot have high ranking representatives of state keep meeting with officials of a party they do not accept as legal. Meetings like this ultimately only do one thing, which is conveying the wrong message. The message that they do indeed recognise the *de facto* authority as a valid state-like entity.

Finally, the United Kingdom were also involved in democratic institution building in Somaliland. Even though the United Kingdom seemed to be only limitedly involved with organisations like AWEPA, as there seems to be only mention of parliamentarians functioning in that programme and not so much the funding of it, the United Kingdom MPs oftentimes stressed the importance of good and stable democracy in Somaliland.¹⁰⁵ The United Kingdom, to ensure that good and stable democracy, additionally in 2009 funded observers to ensure a good and fair elections in Somaliland.¹⁰⁶ Later, in 2010, then Prime Minister David Cameron reacts on the well conducted elections stating that: “They are an example of genuine democracy in an area of the world not noted for it. The UK provided funding for election supervision, and we are keen to engage with the new Government.”¹⁰⁷ While the United Kingdom does not formally recognise the Republic of Somaliland, it does thus seek to engage with the democratically elected government of this republic. Which is a contradictory statement, which contributes heavily to the problem of *de facto* recognition.

In conclusion, this sub-chapter attempted to single out some of the developmental programmes that the United Kingdom initiated to help Somaliland. It was observed that in the early days of the nascent republic the United Kingdom felt a responsibility to help its former colonial protectorate. This early help was later converted to permanent support, where even some official visits were conducted. Similarly to the Dutch approach, the United Kingdom saw no problem in official meetings with a government they do not formally recognise, even though that seemed to be confusing towards the United Kingdom’s own MPs. It was again concluded that such visits convey the wrong message towards these governments. Finally, the United Kingdom’s efforts to ensure democratic elections in Somaliland were briefly reviewed. There it was concluded that it is contradictory that, even though the United Kingdom supports Somaliland’s elections and its Prime Minister says he looks forward to collaborating with the

¹⁰⁵ House of Lords, ‘Africa: Strengthening Parliaments in Africa,’ vol. 703, debated on 17th of July, 2008, (accessed 4th of January, 2021);

¹⁰⁶ House of Commons, ‘Somaliland (Elections), vol. 501, debated 2nd of December, 2009, (accessed 4th of January, 2021).

¹⁰⁷ House of Commons, ‘Engagements,’ vol. 513, debated on 7th of July, 2010, (accessed 4th of January, 2020).

new government, the United Kingdom does not formally recognise Somaliland. All of these factors combined contributing to the problematic position of states that are *de facto* recognised.

3.3 Naval Security and Combating Piracy

Naval security and the combatting of piracy is high on the security agenda for the United Kingdom as well. As Somalia and Somaliland are often the centre of discussion when piracy is on the agenda, it will also be discussed in this sub-chapter. Similarly to what is observed in the debates in the Netherlands, the piracy debate starts around 2008.

The first instance of piracy coming on the agenda is a debate in the House of Lords on the 4th of December, 2008. Here Lord Avebury pleads that the United Kingdom should perhaps motivate the African Union to recognise Somaliland, as Somalia has become a haven for pirates and terrorists, as he puts it.¹⁰⁸ These opinions do not seem to limit themselves to the House of Lords, as in the Commons MP Mark Hendrick mentions that:

“If we are going to stop the piracy off the Gulf of Aden, Somalia must become a stable state, rather than the failed state that it is at the moment. Until there is a stable Somalia alongside a UN-recognised Somaliland, that piracy will continue, no matter how many warships we send to the area.”¹⁰⁹

The United Kingdom’s strategy seemed to initially want to strengthen Somaliland. This gets emboldened by a statement of Lord Malloch-Brown a few days later, who adds: “The lesson to be drawn from the present threat from piracy in Somali waters, with which the international community is trying to cope, is surely that such efforts cannot stop at the water’s edge if they are to be genuinely effective.”¹¹⁰ Indicating that the United Kingdom will prefer to engage in capacity building in the region.

However, capacity building does not seem to be the only goal in tackling piracy in the region. The United Kingdom also chairs the anti-piracy taskforce and establishes the headquarters for Operation Atalanta in Northwood.¹¹¹ The United Kingdom is thus fully engaged in the anti-piracy effort. Lord Anderson of Swansea adds later that there are also investments in the coast guard of Somaliland happening, to assist the large-scale operation.¹¹² The United Kingdom’s MPs are also generous in their compliments, as they commend the

¹⁰⁸ House of Lords, “Queen’s Speech,” vol. 706, debated 4th of December, 2008, (accessed 7th of January, 2021).

¹⁰⁹ House of Commons, “Foreign Affairs and Defence,” vol. 485, debated 10th of December, 2008, (accessed 7th of January, 2021).

¹¹⁰ House of Lords, “Africa: Governance and Law,” vol. 708, debated on 7th of March, 2009, (accessed 7th of January, 2021).

¹¹¹ House of Lords, “Piracy: Operation Atalanta (EUC report),” vol. 722, debated on 10th of November, 2010, (accessed 7th of January, 2021).

¹¹² Ibidem.

actions taken by Somaliland's government to upgrade the detention and legal facilities.¹¹³ To help upgrade the legal capability the United Kingdom has sent two prosecutors to help assist and train the Attorney General's Office in Somaliland.¹¹⁴ The successful endeavours of Somaliland are again appraised in an interaction between MP Alun Michael and Parliamentary under-secretary for Foreign Affairs Henry Bellingham, where it becomes apparent that a very low number of the captured pirates seem to hail from Somaliland.¹¹⁵ As a result of the positive results Somaliland has achieved, the Foreign and Commonwealth Office even opens a branch in Hargeisa in 2012.¹¹⁶

The debate about piracy seemed to have somewhat died down after 2012, especially with regards to Somalia and Somaliland. Looking at the preceding analysis, there are two remarkable interactions with regards to *de facto* recognition. With regards to capacity building, most of it has been said in the chapter about the Dutch, but there is a small element here which catches the eye. The United Kingdom sent two persecutors to assist the Attorney General's office. If the United Kingdom does not recognise Somaliland as a state, one would assume that it would then also not recognise its system of justice. Here the United Kingdom's actions seem contradictory to their policy. Secondly, the opening of a Foreign and Commonwealth Office branch in Hargeisa can only be dubbed surprising. As a state that does not want to take the lead in formal recognition, the United Kingdom does take action that do imply they do heavily favour eventual recognition of this actor.

3.4 Concluding Remarks on British *De Facto* Recognition

In this analytical chapter the relationship between Somaliland and the United Kingdom was examined. It was observed that with regards to migration, the United Kingdom and Somaliland managed to establish treaties more easily because of their good historical relations. In addition, the United Kingdom also exploited the legal loophole that exists around the Memorandum of Understanding, where they make an agreement without legal implications. Stressed was, however, that even though this Memorandum does not enjoy any legality, it does have very real implications for the people that it is about.

¹¹³ House of Lords, "Somalia: Piracy," vol. 734, debated on 11th of January, 2012, (accessed 7th of January, 2021).

¹¹⁴ House of Lords, "Somalia: Piracy (EUC report)," vol. 744, debated on 11th of March, 2013, (accessed 7th of January, 2021).

¹¹⁵ House of Commons, "Somalia," vol. 540, debated on 9th of February, 2012, (accessed 7th of January, 2021).

¹¹⁶ House of Lords, "Piracy," vol. 740, debated on 24th of October, 2012, (accessed 7th of January, 2021).

Secondly, the dealings between the United Kingdom and Somaliland with regards to development aid have been observed. The United Kingdom seemed to feel a post-colonial responsibility in ensuring that the *de facto* state enjoyed some stability. It invested in democratic capacity building and was one of the most staunch monetary donors for the nascent republic. Additionally, they helped establish a police force. Similarly to the Dutch, officials from the United Kingdom had similar problematic meetings of high-ranking government officials.

Finally, the joint effort of the combatting of piracy was analysed. The United Kingdom took a leading role in fighting piracy. It did however in this capacity also take some odd decisions for a state that does not recognise Somaliland. The two problematic aspects for this sub-chapter were the sending of two prosecutors to the Attorney General's Office of Somaliland and the establishment of an Foreign and Commonwealth Office in Hargeisa. Both actions which would normally only occur between two states that formally recognise each other.

4. Conclusion

In this thesis an analysis of the interactions between Somaliland and the Netherlands was made, followed by an analysis of the interactions between Somaliland and the United Kingdom. Here an answer was sought for the question: 'How do actions between Somaliland and the *de jure* states of the Netherlands and the United Kingdom exemplify the problem that theory of state recognition has in explaining the non-recognition of Somaliland?' An answer to this question was first sought in answering the sub-question, which looked in what manner the United Kingdom and the Netherlands had *de facto* recognised Somaliland. In the analysis it became clear that both states did so significantly. If it was useful, both states would agree to Memorandums of Understanding with Somaliland. Additionally, both states had various interactions at a high diplomatic level, where secretaries of state met with the government of Somaliland. It is then perhaps fair to even say that they treated Somaliland as if it was a state, but tried to avoid actually recognising it. Prime example of this would for instance be the branch of the Foreign and Commonwealth Office that opened in Hargeisa in 2012. It is not quite the same as an embassy, but fulfils similar diplomatic duties. This also has implications for theory of state-recognition, which will be discussed below.

After having argued that the Netherlands and the United Kingdom dealt with Somaliland as if it were a recognised state, it is the important to look at what implications this has for theory of state-recognition and answer the final sub-question. The relationship between the entities was argued to be mostly self-serving. It has become apparent that the states studied in this thesis

both accept that Somaliland can enter relations with them as a state and fulfil the duties of a state, for example the provision of a legitimate justice system. While there is no legal ground to make states recognise Somaliland for working with them, as Lauterpacht would have suggested as he considers it their duty, there must be some theoretical middle ground.¹¹⁷ This would also be a pitfall, as Josef Kunz once critiqued Lauterpacht in being too much ethically motivated, while disregarding the legality of his argument.¹¹⁸ Gugenheim and Kelsen's theory neither seems to be able to help Somaliland in this situation, an arbitrary force could potentially help, but the United Nations or the African Union, the relevant institutions in this case, do not seem willing to accept that position.¹¹⁹

The proposed amendment towards theory of state recognition is that the situation in which Somaliland currently presides can be described as the *de facto* recognition problem. A situation where many states dealing with the *de facto* state recognise their capacity to govern and rule within the territory, the ability to enter relations with other governments and cooperate with them, but avoid making legal commitments that could potentially force them to commit to formal recognition. It would perhaps offer room for the theoretical debate to come to a solution to this unique situation in which Somaliland currently presides.

Conclusively, this thesis suffered from space and COVID-19 constraints, and thus only focussed on two case studies that were accessible and available, without travel. Ideally, a continuation of this research would take place in Somaliland. From the diplomatic perspective of Somaliland could come a multitude of eye-opening documents that could enlighten the debate with regards to state-recognition, especially since there proved to be already a multitude of sources available in the Netherlands and the United Kingdom alone.

¹¹⁷ Nicholson and Grant, 'Theories of State Recognition, 30.

¹¹⁸ Josef L. Kunz, "Critical Remarks on Lauterpacht's "Recognition in International Law," *The American Journal of International Law* 44, no. 4, (October, 1950): 716-719.

¹¹⁹ Nicholson and Grant, 'Theories of State Recognition,' 31.

Bibliography

- Bradbury, M., Abokor, A.Y., and Yusuf, H.A., 'Somaliland, choosing politics over violence', *Review of African Political Economy* 30, no. 97 (2003): 455-478
- Buur, L., *State Recognition and Democratization in Sub-Saharan Africa: A New Dawn For Traditional Authorities?*, New York: Palgrave Macmillan, 2007.
- Buyse, A., and Lawson R., 'State Recognition: (Ad)Mission Impossible', *Leiden Journal of International Law* 20 (2007): 785-795.
- Caspersen, N., "Playing the Recognition Game: External Actors and De Facto States," *The International Spectator*, 44:4, (2009), 47-60, DOI: 10.1080/03932720903351146.
- Coggins, B. *Power Politics and State Formation in the Twentieth Century: The Dynamics of Recognition*. Cambridge: Cambridge University Press, 2014. DOI: 10.1017/CBO9781107239050.
- Eggers, A.K., 'When is a State a State? The Case for Recognition of Somaliland' *Boston College International & Comparative Law Review* 36, no. 211 (2007), 211-222.
- Eubank, N., 'Taxation, Political Accountability and Foreign Aid: Lessons From Somaliland' *Journal of Development Studies* 48, no. 4 (April, 2012): 465-480.
- Fabry, M., 'The contemporary practice of state recognition: Kosovo, South Ossetia, Abkhazia, and their aftermath', *Nationalities Papers* 40, no. 2 (September, 2012): 661.
- Farley, B., 'Calling a State a State: Somaliland and International Recognition', *Emory International Law Review* 24 (2010): 777-820.
- Haber S.H., Kennedy D.M. and Krasner S.D., "Brothers under the Skin: Diplomatic History and International Relations," *International Security* 22, No. 1 (Summer, 1997): 34-43, DOI: 10.2307/2539326.
- Ingiriis, M.H., *The Suicidal State in Somalia: the Rise and Fall of the Siad Barre Regime, 1961-1991*, Langham University Press of America, 2016.
- Jhazbay, I., "Somaliland: Africa's best kept secret, A challenge to the international community?," *African Security Studies* 12, no. 4, (2003), 77-82, DOI: 10.1080/10246029.2003.962725.
- Kaplan, S., "The Remarkable Story of Somaliland," *Journal of Democracy*, vol. 19, no. 3, (July, 2008), 143-157, doi:10.1353/jod.0.0009.
- Lucas, E.R., "Somalia's 'Pirate Cycle' : The Three Phases of Somali Piracy," *Journal of Strategic Security*, vol. 6, no 1, (Spring, 2013): 54-63.
- Kunz, J.L., "Critical Remarks on Lauterpacht's "Recognition in International Law," *The American Journal of International Law* 44:4, (October, 1950): 713-719.
- Mahoney, J., 'Proces Tracing and Historical Explanation' *Security Studies* 24, no. 2 (2015): 200-218.

de Orellana, P., "Retrieving how diplomacy writes subjects, space and time: a methodological contribution," *European Journal of International Relations* 26, no. 2 (2020): 469-491, DOI: 10.1177/1354066119868514.

Pijovic, N., 'Seceding but not Succeeding: African International Relations and Somaliland's Lacking International Recognition' *Croatian International Relations Review* 19, no. 68 (2013).

Pijovic, N., 'To Be or not to Be: Rethinking the Repercussions of Somaliland's International Statehood Recognition' *African Studies Quarterly* 14, no. 4 (2014): 17-36.

Poore, B., "Somaliland: Shackled to a Failed State," *Stanford Journal of International Law* 45, no. 1 (Winter 2009): 117-150.

Prunier, G., "Somalia: Civil War: Intervention and Withdrawal (1990 -1995)," *Refugee Survey Quarterly*, 15, no. 1, (1996): 35-85, <https://doi-org.ezproxy.leidenuniv.nl:2443/10.1093/rsq/15.1.35>.

Renders, M., *Consider Somaliland: State-building with Traditional Leaders and Institutions*, Koninklijke Brill: Leiden, 2012.

Richards, R., and Smith, R., 'Playing in the Sandbox: State Building in the State of Non-Recognition' *Third World Quarterly* 36, no. 9 (2015): 1717-1735.

Trachtenberg, M., *The Craft of International History*, Princeton University Press, 2006.

Visoka, G., Doyle, J., and Newman, E., *Handbook of State Recognition*, London & New York: Routledge, 2020.

Additional Sources

AP News, "British Lawmakers Freed in Somalia," February 11th, 1994, <https://apnews.com/article/ca8d8839ebc9c5395d77e42a7aaf0ab1>, (accessed 13th of January, 2021).

Britannica Academic s.v., "Mohamed Siad Barre", <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/Mohamed-Siad-Barre/473314>, (accessed 15th of November, 2020).

Britannica Academic s.v., "Somaliland," <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/Somaliland/68645>, (accessed 11th of November, 2020).

Britannica Academic s.v., "British Somaliland," <https://academic-eb-com.ezproxy.leidenuniv.nl/levels/collegiate/article/British-Somaliland/471918>. (accessed 12th of January, 2021).

Centraal Bureau voor Statistiek, <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/37713/table?dl=48DC9> (accessed 5th of January, 2021).

Centraal Bureau voor Statistiek, <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/37713/table?dl=48DC6> (accessed 5th of January, 2021).

Center on International Cooperation, “A New Deal for Somalia? : The Somali Compact and its Implications for Peacebuilding,” (New York, 2014).

Directie Internationaal Onderzoek en Beleidsevaluatie, (IOB), “Investeren in stabiliteit. Het Nederlandse fragiele statenbeleid doorgelicht,” 1st of April, 2013, <https://www.iob-evaluatie.nl/publicaties/evaluaties/2013/10/01/379---iob-evaluatie-investeren-in-stabiliteit.-het-nederlandse-fragiele-statenbeleid-doorgelicht>, (accessed 22nd of December, 2020).

Foreign & Commonwealth Office, “Freedom of Information Act 2000 Request Ref: 0328-17,” 5th of June 2017, (accessed 13th of January, 2021).

Handelingen der Eerste Kamer der Staten-Generaal & Handelingen der Tweede Kamer der Staten-Generaal, accessible through <https://www.officielebekendmakingen.nl/>.

House of Commons Hansard and House of Lords Hansard, accessible through: <https://hansard.parliament.uk/>.

NOS, ‘1,6 miljoen verdwenen bij ontwikkelingsorganisatie,’ <https://nos.nl/artikel/2197080-1-6-miljoen-verdwenen-bij-ontwikkelingsorganisatie.html>, (accessed 3rd of January, 2021).

Office for National Statistics, “Table B: Population resident in the United Kingdom, excluding some residents in communal establishments, by individual country of birth, January 2019 to December 2019,” 21st of May, 2020, (accessed 13th of January, 2021).

Turkish Ministry of Foreign Affairs, <http://www.mfa.gov.tr/relations-between-turkey-and-somalia.en.mfa> (accessed 29th of September, 2020).

Front Page Photograph

Alamy, “An independence monument in Hargeisa, Somaliland.”