



Reports

Thomas Paul Schirrmacher

The Case for Somaliland's Sovereign Statehood

A Consolidated Argument

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International Institute
for Religious Freedom



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for Religious Freedom

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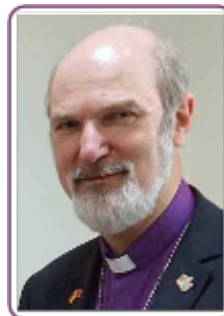
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Preliminary remark

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1. It meets the Montevideo statehood criteria in practice

The 1933 Montevideo Convention on the Rights and Duties of States sets out the four classic criteria of statehood under international law: a permanent population, a defined territory, an effective government, and the capacity to enter into relations with other states. Somaliland has a permanent population estimated at roughly 4–5 million,¹ a clearly defined and controlled territory matching the old colonial protectorate, an effective government with its own courts, police, currency, and taxation, and a demonstrated capacity to conduct foreign relations — diplomatic offices, trade agreements, and, since December 2025, a formal recognition agreement with Israel.² The African Union's own 2005 fact-finding mission acknowledged Somaliland's case as “historically unique and self-justified,” recommending it not be treated as a Pandora's box precedent.³

2. It does not disturb the colonial-borders principle

This is the strongest legal counter to objections rooted in African border stability. Somaliland claims no territory beyond its own former colonial boundaries, delimited by 19th-century Anglo-French, Anglo-Italian, and Ethiopian treaties. Recognizing it would not redraw African borders — it would restore ones that already existed at independence, consistent with the principle of *uti possidetis juris* (“as you possess under law” — the rule that new states inherit their pre-independence administrative borders unchanged) that the OAU/AU itself was founded to protect.

¹ Somaliland's own government put the figure at 6.2 million in a 2024 count; independent estimates, in the absence of an internationally verified census, range lower. “Somaliland population reaches 6.2 million, government reports,” Hiiraan Online (2024), https://hiiraan.com/news/4/2024/Apr/195933/somaliland_population_reaches_6_2_million_government_reports.aspx.

² “Israel becomes first country to recognize breakaway Somaliland as independent state,” The Times of Israel, 26 December 2025, <https://www.timesofisrael.com/israel-becomes-first-country-to-recognize-breakaway-somaliland-as-independent-state/>; see also “Somaliland: Israel becomes first country to formally recognize region as independent state,” CNN, 26 December 2025, <https://cnn.com/2025/12/26/africa/israel-recognizes-somaliland-latam-intl/>; cf. also “Israel–Somaliland relations,” Wikipedia, https://en.wikipedia.org/wiki/Israel%E2%80%93Somaliland_relations, as an initial overview.

³ African Union Fact-Finding Mission to Somaliland, 30 April–4 May 2005, <https://www.americanrhetoric.com/speeches/PDFFiles/au-fact-finding-mission-to-somaliland-30-april-to-4-may-2005.pdf>.

3. A comparatively strong democratic and security record

While Somalia has cycled through fragile transitional governments, clan-based patronage, and dependence on AMISOM troops, Somaliland has held multiple peaceful elections and transfers of power since 2003, including one presidential race decided by a mere 80 votes with a peaceful concession by the loser.⁴ It is widely regarded as the most stable, democratic polity in the Horn of Africa, and has contributed to counter-piracy and counter-terrorism efforts in the region largely on its own resources.

4. Restoration, not secession: continuity and a unique historical foundation

International law recognizes that a state's legal personality can survive interruption — through occupation, annexation, or a political union — without extinguishing its sovereignty, provided that sovereignty was never lawfully surrendered. This is not a fringe theory: it is the same doctrine that allowed Estonia, Latvia, and Lithuania to resume their seats among the community of nations in 1991 without being treated as newly created states, despite five decades of Soviet annexation.⁵ Combined with the Stimson Doctrine's principle that territorial changes procured without valid consent create no lawful title,⁶ state continuity explains why Somaliland's 1991 declaration is properly understood as the re-assertion of a sovereignty that had been suspended, not the birth of a new state seeking to break away from one.

Somaliland was a separate British protectorate that gained internationally recognized independence on 26 June 1960 — acknowledged by 35 states, including the US and UK — before voluntarily uniting with the former Italian Somaliland five days later. When that union collapsed in 1991, Somaliland did not carve out new territory from a sovereign neighbor; it reverted to internationally recognized

⁴ Berit Nising Lindeman, NORDEM Report: Somaliland Presidential Election 2003 (Norwegian Centre for Human Rights, 2003), https://www.somalilandlaw.com/NORDEM_Report_on_the_2003Pres_Elections.pdf; see also International Republican Institute, "Somaliland Holds Credible Presidential Election," <https://www.iri.org/news/somaliland-holds-credible-presidential-election/>; cf. also "2003 Somaliland presidential election," Wikipedia, https://en.wikipedia.org/wiki/2003_Somaliland_presidential_election, as an initial overview.

⁵ Welles Declaration, Statement by Acting U.S. Secretary of State Sumner Welles, 23 July 1940, U.S. Department of State; see also Ineta Ziemele, "The Baltic States Between 1940 and 1991: Illegality and/or Prescription?," in *State Continuity and Nationality: The Baltic States and Russia* (Leiden: Brill/Nijhoff, 2005), ch. 3, <https://brill.com/display/book/9789004464896/BP000014.xml>; cf. also "State continuity of the Baltic states," Wikipedia, https://en.wikipedia.org/wiki/State_continuity_of_the_Baltic_states, as an initial overview.

⁶ Note from Secretary of State Henry L. Stimson to the Governments of China and Japan, 7 January 1932, reproduced in U.S. Department of State, Office of the Historian, <https://2001-2009.state.gov/r/pa/ho/time/id/16326.htm>; see also John Trone, "The Stimson Doctrine of Non-recognition of Territorial Conquest," *University of Queensland Law Journal* 19 (1996): 199, <https://classic.austlii.edu.au/au/journals/UQLawJl/1996/9.pdf>; cf. also "Stimson Doctrine," Wikipedia, https://en.wikipedia.org/wiki/Stimson_Doctrine, as an initial overview.

colonial borders that already existed. Legal scholars note that the 1960 Act of Union was never properly ratified under either side's constitutional procedures, meaning the union arguably lacked a sound legal foundation from the outset.⁷ This distinguishes Somaliland from almost every other secessionist case (South Sudan, Eritrea, Kosovo), none of which existed previously as recognized sovereign states. The closest parallel is instead a dissolution, not a secession: when the Senegambia Confederation between Senegal and the Gambia — itself a voluntary union of two previously independent states — was dissolved in 1989, both states simply reverted to their prior independent status without requiring fresh recognition from the international community.⁸ Somaliland's 1991 return to separate statehood follows the same legal logic.

5. An additional legal basis: *rebus sic stantibus*

A further, independent legal basis lies in the principle of *rebus sic stantibus*, codified in Article 62 of the 1969 Vienna Convention on the Law of Treaties, which permits withdrawal from an agreement following a fundamental change of circumstances.⁹ The complete collapse of the Somali state in 1991 — the disappearance of any functioning partner to the 1960 union — was precisely such a change, releasing Somaliland from whatever residual obligations the union might otherwise have entailed.

6. An independent footing: remedial self-determination

Even setting the legal defect of the 1960 union aside, Somaliland's claim rests on an independent footing: the doctrine of remedial self-determination, under which a people that has suffered serious and sustained human-rights violations, and exhausted peaceful alternatives, may justifiably claim independence as a remedy of last resort. Between 1988 and 1989, the Barre regime's aerial bombardment of Hargeisa and Burao killed tens of thousands of Isaaq civilians and left both cities in ruins — a campaign later characterized by international ob-

⁷ Gulaid Yusuf Idaan, "Comprehensive Legal Foundations Supporting Somaliland's De Jure Sovereign Recognition Under International Law," Legal Memorandum, Horn of Africa Peace & Strategic Institute, April 2025, https://www.academia.edu/144246413/Comprehensive_Legal_Foundations_Supporting_Somaliland_s_De_Jure_Sovereign_Recognition_Under_International_Law. (Idaan is a Senior Lecturer in International Law and Diplomacy at Gollis University, Somaliland.)

⁸ Agreement between the Republic of Senegal and the Republic of the Gambia (Confederation of Senegambia), registered as United Nations Treaty Series No. 26845, <https://www.un-ilib.org/content/books/9789210594677s002-c035>; see also "Historical, Political and Institutional Aspects of Senegambia Confederation (1982–1989)," <https://www.academia.edu/128638881/>; cf. also "Senegambia Confederation," Wikipedia, https://en.wikipedia.org/wiki/Senegambia_Confederation, as an initial overview.

⁹ Vienna Convention on the Law of Treaties, opened for signature 23 May 1969, 1155 UNTS 331, Art. 62, <https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>; cf. also "Vienna Convention on the Law of Treaties," Wikipedia, https://en.wikipedia.org/wiki/Vienna_Convention_on_the_Law_of_Treaties, as an initial overview.

servers as genocide.¹⁰ The 1991 declaration followed directly from this history, not merely from the state's institutional collapse.

That such a declaration is lawful is not merely Somaliland's own position. In its 2010 Advisory Opinion on Kosovo, the International Court of Justice held that "international law contains no prohibition on declarations of independence"¹¹ — confirming that unilateral declarations, absent an accompanying breach of a peremptory norm such as an unlawful use of force, do not themselves violate international law. Somaliland's case is stronger still than Kosovo's: unlike Kosovo, it had already been an internationally recognized sovereign state prior to the union it was leaving.

7. Recognition does not violate Article 2(4) of the UN Charter

International law treats recognition as a violation of legal norms in only three specific circumstances: premature recognition of an entity that has not fulfilled the criteria of statehood; recognition of an entity created through unlawful foreign intervention, as with Northern Cyprus;¹² and recognition expressly prohibited by a binding UN Security Council resolution, as when the Council barred recognition of Iraq's annexation of Kuwait.¹³ Somaliland falls into none of these categories: it satisfies the Montevideo criteria, its statehood was not created by foreign intervention, and the Security Council has passed no resolution barring its recognition. Article 2(4) itself, moreover, is a prohibition on the threat or use of force against a state's territorial integrity — it does not reach diplomatic acts of recognition.

This is not merely a theoretical distinction. When Israel recognized Somaliland in December 2025, IGAD — the regional bloc of Somalia's neighbors — objected that any unilateral recognition "would violate the United Nations Charter," without specifying which provision.¹⁴ The two Charter articles most often invoked in this context in fact cut the other way: Article 2(4) prohibits only the threat or use of force, which recognition plainly is not, and Article 2(7), which bars intervention

¹⁰ "In the Valley of Death: Somaliland's Forgotten Genocide," The Nation/Pulitzer Center, <https://thenation.com/article/archive/in-the-valley-of-death-somalilands-forgotten-genocide/>.

¹¹ International Court of Justice, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion of 22 July 2010, <https://www.icj-cij.org/case/141>.

¹² UN Security Council Resolution 541 (1983), 18 November 1983, <https://unscr.com/en/resolutions/541/> (declaring the Turkish Republic of Northern Cyprus's declaration of independence "legally invalid" and calling on states not to recognize it); cf. also "Northern Cyprus," Wikipedia, https://en.wikipedia.org/wiki/Northern_Cyprus, as an initial overview.

¹³ UN Security Council Resolution 662 (1990), 9 August 1990, <https://unscr.com/en/resolutions/662/> (declaring Iraq's annexation of Kuwait "null and void"); cf. also "United Nations Security Council Resolution 662," Wikipedia, https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_662, as an initial overview.

¹⁴ "IGAD extends support to Somalia, rejects Israel's unilateral recognition of breakaway region," Anadolu Agency, <https://www.aa.com.tr/en/middle-east/igad-extends-support-to-somalia-rejects-israels-unilateral-recognition-of-breakaway-region/3782588>.

“in matters which are essentially within the domestic jurisdiction of any state,” is by its own terms addressed to the United Nations and its organs, not to the diplomatic choices of individual member states. Formal recognition of Somaliland is therefore a lawful diplomatic and political act, not a violation of Somalia’s sovereignty or of the UN Charter.¹⁵

8. A strategic and economic asset for Ethiopia

The Berbera corridor gives landlocked Ethiopia — a country that routes an estimated 95 percent of its foreign trade through Djibouti alone¹⁶ — a viable alternative to sole dependence on that single port. Formal recognition would also let Somaliland access international financing, counter-terrorism cooperation, and border-policing capacity that remain largely closed to it as an unrecognized entity.

9. A moderate, democratic partner against Islamist extremism, as opposed to Somalia’s vulnerability to it

Somalia’s federal institutions remain deeply exposed to Islamist influence at two levels. First, al-Shabaab, an al-Qaeda affiliate, remains, in the assessment of the UN Panel of Experts on Somalia, the most significant threat to the country’s peace and security. It continues to control territory in south-central Somalia, repel government offensives, and carry out regular attacks on military and civilian targets, prompting some analysts to warn openly that Somalia risks becoming a jihadist state.

Second, and separately from al-Shabaab’s insurgency, analysts have documented the longstanding influence of Damul Jadiid, a faction descended from Al-Islah, the Somali branch of the Muslim Brotherhood, within Somalia’s federal government itself.¹⁷ Members of this network have held senior ministerial posts across successive administrations, and observers link the country’s foreign-policy reorientation toward Qatar and Turkey, both prominent regional backers of Muslim Brotherhood-affiliated movements, to this influence.

Somaliland presents a marked contrast. It practices a moderate, Sufi-influenced form of Islam that has not produced a comparable insurgency, and its government, elected through competitive multiparty elections, has kept both al-

¹⁵ Abebew Sisay Alemnow, “Legality of Israel’s Recognition of Somaliland and its Implication for Peace and Security of the Horn of Africa,” *Journal of International Law and Trade Policy* 27 (2026) 1: 99–113, <https://ageconsearch.umn.edu/record/404259/files/Alemnow27-1lay.pdf>. (Alemnow is the Federal Public Prosecutor of the Federal Democratic Republic of Ethiopia – Ministry of Justice.)

¹⁶ “Diversifying Ethiopia’s Port Options: A Strategic Necessity For Trade And Economic Growth,” *The Reporter Ethiopia*, <https://www.thereporterethiopia.com/38682/>.

¹⁷ “Muslim Brotherhood in Somalia,” *Counter Extremism Project*, <https://counterextremism.com/content/muslim-brotherhood-somalia>.

Shabaab and Muslim Brotherhood-linked factions out of state institutions. For governments and organizations seeking a reliable partner against Islamist extremism and against the regional influence of Muslim Brotherhood-affiliated networks, Somaliland's track record of moderate governance, effective security cooperation, and democratic legitimacy make it a natural counterpart in the Horn of Africa — one that recognition would further strengthen and formalize.

10. Momentum toward practical recognition is building

Agreements with Ethiopia (the 2024 memorandum on port and naval access, explicitly linked by officials on both sides to eventual recognition), a major DP World/UAE investment of up to \$442 million in a 30-year port concession at Berbera¹⁸ — which has already more than tripled the port's container capacity — and — most significantly — Israel's formal recognition of Somaliland in December 2025, the first by a UN member state, all mark a shift from de facto to de jure statehood: bilateral treaties, consular relations, and functioning economic relationships are the classic building blocks of international legal recognition.

11. The controversy over Israel's recognition

Israel's move was not without controversy. At an emergency Security Council session on 29 December 2025, 14 of the Council's 15 members spoke against the recognition; only the United States defended Israel's right to make it.¹⁹ The African Union and IGAD called the step destabilizing and premature — a position addressed above (§7). A few critics also linked the move, without direct evidence, to speculation about resettling Palestinians in Somaliland, an allegation Israeli and Somaliland officials have denied.²⁰ The episode shows that formal recognition remains politically contentious even where, as argued here, it is legally sound.

¹⁸ “DP World wins 30-year concession for Port of Berbera,” Trade Arabia, <https://www.tradearabia.com/News/186944/DP-World-wins-30-year-concession-for-Port-of-Berbera>.

¹⁹ “Israel's Recognition of Somaliland Triggers Sharp Divides, as Security Council Speakers Warn Move Threatens Stability in Horn of Africa,” UN Meetings Coverage, 29 December 2025, <https://press.un.org/en/2025/sc16270.doc.htm>; “UN Security Council members condemn Israel's recognition of Somaliland,” Al Jazeera, 30 December 2025, <https://www.aljazeera.com/news/2025/12/30/un-security-council-members-condemn-israels-recognition-of-somaliland>.

²⁰ “Global outcry against Israel's recognition of Somaliland,” Peoples Dispatch, 2 January 2026, <https://peoplesdispatch.org/2026/01/02/global-outcry-against-israels-recognition-of-somaliland/>.

12. Growing political backing — in Washington and Westminster

Beyond Israel's move, there is real momentum inside the U.S. Congress. Senator Ted Cruz, who chairs the Senate Foreign Relations Subcommittee on Africa and Global Health Policy, has formally pressed the White House to recognize Somaliland,²¹ pointing to its counterterrorism cooperation, its strategic position on the Gulf of Aden, its openness to hosting a U.S. military presence, and its potential as a source of critical minerals. Representative Scott Perry has introduced a recognition bill (H.R. 10402) with growing Republican support,²² and the House Appropriations Committee has directed the State Department to report on deepening U.S.–Somaliland ties. AFRICOM's own commander has testified that closer engagement with Somaliland serves core U.S. security interests.²³ Taken together, this reflects a bipartisan-leaning strategic case, distinct from Israel's, that recognition is not merely a moral reward for good governance but a concrete opportunity to secure a reliable partner in one of the world's most contested maritime chokepoints.²⁴

The U.S. administration itself, however, has not followed this lead. Days after Israel's announcement, President Trump publicly distanced the United States from it, asking reporters, “Does anyone know what Somaliland is, really?”²⁵ and the State Department's own report to Congress five months later still described Somaliland as “included in the Federal Republic of Somalia,” even as it acknowledged a “positive, constructive relationship” with Somaliland's authorities. The Congressional push described above has, for now, not translated into a change in the executive branch's position.

Parliamentary interest is not confined to Washington. The UK House of Lords has likewise debated Somaliland's international recognition, with members including Baroness Hoey, Lord Alton, Baroness Penn, and Lord Hannay voicing support for closer engagement with Somaliland. Others urged caution: Lord Black of Brentwood questioned whether recognition would genuinely promote stability or instead encourage further fragmentation elsewhere in Africa, drawing a comparison to South Sudan, while Lord Collins of Highbury called on the UK government to coordinate closely with the African Union before any change of

²¹ “Sen. Cruz Calls for US Recognition of Somaliland,” press release, U.S. Senate, <https://www.cruz.senate.gov/newsroom/press-releases/sen-cruz-calls-for-us-recognition-of-somaliland>.

²² “US Congressman Perry Introduces Somaliland Recognition Bill,” Somaliland Chronicle, 13 June 2025, <https://somalilandchronicle.com/2025/06/13/us-congressman-perry-introduces-somaliland-recognition-bill-as-africom-admits-somalia-failure/>.

²³ Gen. Dagvin Anderson (AFRICOM), written statement to the House Armed Services Committee, 19 May 2026, <https://www.congress.gov/119/meeting/house/119289/witnesses/HMTG-119-AS00-Wstate-AndersonD-20260519.pdf>.

²⁴ U.S. Department of State, Congressional Report on Somaliland (May 2026), https://www.state.gov/wp-content/uploads/2026/05/Somaliland_Congressional_Report-Accessible-HRC1399311.pdf.

²⁵ “Trump says US won't follow Israel's lead on recognition: ‘Does anyone know what Somaliland is?’” The Jerusalem Post, 27 December 2025, <https://www.jpost.com/international/article-881499>.

policy.²⁶ That such a debate is taking place in a second major Western legislature, not only the U.S. Congress, underscores that recognition is increasingly treated as a live policy question.

²⁶ “UK House of Lords Debates Somaliland Recognition: Strategic Considerations in the Horn of Africa,” Saxafi Media, <https://saxafimedia.com/uk-house-of-lords-somaliland-recognition/>

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